

**WSR 08-20-029**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed September 22, 2008, 9:34 a.m.]

Title of Rule and Other Identifying Information: WAC 415-02-030 Definitions and chapter 415-600 WAC, Dependent care assistance salary reduction program overview.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Sarah Monaly, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail rules@drs.wa.gov, AND RECEIVED BY 5:00 p.m. on December 1, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: As of January 1, 2009, the department of retirement systems (DRS) will no longer administer the dependent care assistance program (DCAP). Because the Washington state health care authority will assume the administration of DCAP, certain DRS rules are no longer necessary. DRS will delete the definition of DCAP found in WAC 415-02-030 and will repeal chapter 415-600 WAC, the rules governing the administration of DCAP.

Reasons Supporting Proposal: As permitted by RCW 34.05.353 (1)(b), the department is amending a rule that adopts statutory language without material change. As permitted by RCW 34.05.353 (2)(c), the department is repealing rules that are no longer necessary because of changed circumstances.

Statutory Authority for Adoption: RCW 41.05.050(5).

Statute Being Implemented: RCW 41.04.600 through 41.04.645 and Title 26 I.R.C.

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

Name of Proponent: Department of retirement systems, governmental.

Name of Agency Personnel Responsible for Drafting: Sarah Monaly, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Michelle Hardesty, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7193.

September 22, 2008

Sarah Monaly  
Rules Coordinator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 415-600 WAC      Dependent care assistance salary reduction program overview.

AMENDATORY SECTION (Amending WSR 06-18-009, filed 8/24/06, effective 9/24/06)

**WAC 415-02-030 Definitions.** This section contains definitions of words and phrases commonly used in the department of retirement systems' rules. It also serves as a directory for finding definitions within the RCWs and WACs.

(1) **Accumulated contributions** means the sum of all contributions paid into a member's defined benefit account, including interest.

(2) **Appeal** means the proceeding through which a party obtains review of a department action in an adjudicative proceeding conducted under chapter 34.05 RCW (the Administrative Procedure Act) and chapter 415-08 WAC (the department's appeal rules).

(3) **Average final compensation** is defined in RCW 41.32.010(30) (TRS); RCW 41.35.010(14) (SERS); RCW 41.40.010(17) (PERS); and RCW 41.37.010(14) (PSERS).

(4) **Average final salary** for WSPRS is defined in RCW 43.43.120(15).

(5) **Cafeteria plan** means a "qualified" employee benefit program under IRC section 125, such as certain health and welfare plans.

(6) **Calendar month.**

(a) Refers to one of the twelve named months of the year, extending from the first day of the named month through the last day. For example: January 1st through January 31st is a calendar month. February 1st through February 29th is a calendar month in a leap year. March 13th through April 12th is *not* a calendar month.

(b) Exception: For the purpose of administering the break in employment required by RCW 41.32.570, 41.32.-802, 41.32.862, 41.35.060, 41.37.050 and 41.40.037 for retirees returning to work, one calendar month means thirty consecutive calendar days. For example: Kim's retirement date is August 1. August 31 would be the earliest Kim could return to work and meet the requirement for a one calendar month break in employment.

(7) **Compensation earnable or earnable compensation** definitions can be found in RCW 41.32.010(10) and 41.32.345 (TRS); RCW 41.35.010(6) (SERS); RCW 41.37.-010(6) (PSERS); and RCW 41.40.010(8) (PERS).

(8) **Contribution rate** is:

(a) For employees: The fraction (percent) of compensation a member contributes to a retirement system each month.

(b) For employers: The fraction (percent) of payroll a member's employer contributes to a retirement system each month. Contribution rates vary for the different systems and plans.

(9) **Deferred compensation** refers to the amount of the participant's compensation, which the participant voluntarily

defers from earnings before taxes to a deferred compensation program.

(10) **Defined benefit plan** is a pension plan in which a lifetime retirement allowance is available, based on the member's service credit and compensation.

(11) **Defined contribution plan** is a plan in which part of members' or participants' earnings are deferred into an investment account in which tax is deferred until funds are withdrawn. The benefit is based on the contribution rate and the amount of return from the investment of the contributions. Members or participants receive the full market rate of return minus expenses. There is no guaranteed rate of return and the value of an account will increase or decrease based upon market fluctuations.

(12) **Department** means the department of retirement systems.

(13) ~~((13))~~ **DCAP** is a plan that allows an eligible employee of the state of Washington to set aside a "before tax" portion of his or her gross salary before federal income and Social Security taxes to be used for the reimbursement of dependent care expenses.

(14) **Director** means the director of the department of retirement systems.

(15) **Employee** means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.

(16) **Employer** is defined in RCW 41.26.030(2) (LEOFF), 41.32.010(11) (TRS), 41.34.020(5) (Plan 3), 41.35.010(4) (SERS), 41.37.010(4) (PSERS) and 41.40.010(4) (PERS).

(17) **Ex-spouse** refers to a person who is a party to a "dissolution order" as defined in RCW 41.50.500(3).

(18) **Final average salary for LEOFF** is defined in RCW 41.26.030(12).

(19) **Gainsharing** is the process through which members of certain plans share in the extraordinary investment gains on earnings on retirement assets under chapters 41.31 and 41.31A RCW.

(20) **Independent contractor** means a contract worker who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3).

(21) **IRC** means the Federal Internal Revenue Code of 1986, as subsequently amended.

(22) **JRF** means the judges' retirement fund created by chapter 2.12 RCW.

(23) **JRS** means the Washington judicial retirement system created by chapter 2.10 RCW.

(24) **LEOFF** means the Washington law enforcement officers' and fire fighters' retirement system created by chapter 41.26 RCW.

(25) **Member** means a person who is included in the membership of one of the retirement systems created by chapters 2.10, 2.12, 41.26, 41.32, 41.34, 41.35, 41.37, 41.40, or 43.43 RCW.

(26) **Participant** means an eligible employee who participates in a deferred compensation or dependent care assistance plan.

(27) **Participation agreement** means an agreement that an eligible employee signs to become a participant in a deferred compensation or dependent care assistance plan.

(28) **Pension plan** is a plan that provides a life-long post retirement payment of benefits to employees.

(29) **PERS** means the Washington public employee's retirement system created by chapter 41.40 RCW.

(30) **Petition** means the method by which a party requests a review of an administrative determination prior to an appeal to the director. The department's petitions examiner performs the review under chapter 415-04 WAC.

(31) **Plan 1** means the retirement plans in existence prior to the enactment of chapters 293, 294 and 295, Laws of 1977 ex. sess.

(32) **Plan 2** means the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess., chapter 341, Laws of 1998, and chapter 329, Laws of 2001.

(33) **Plan 3** means the retirement plans established by chapter 239, Laws of 1995, chapter 341, Laws of 1998, and chapter 247, Laws of 2000.

(34) **Portability** is the ability to use membership in more than one Washington state retirement system in order to qualify for retirement benefits. See chapters 41.54 RCW and 415-113 WAC.

(35) **PSERS** means the Washington public safety employees' retirement system created by chapter 41.37 RCW.

(36) **Public record** is defined in RCW 42.17.020(41).

(37) **Restoration** is the process of restoring a member's service credit for prior periods.

(38) **Retirement system employer - see "employer."**

(39) **Rollover** means a distribution that is paid to or from an eligible retirement plan within the statutory time limit allowed.

(40) **Separation date** is the date a member ends employment in a position eligible for retirement or disability benefit coverage.

(41) **SERS** means the Washington school employees' retirement system created by chapter 41.35 RCW.

(42) **Split account** is the account the department establishes for a member or retiree's ex-spouse.

(43) **Surviving spouse** refers to a person who was married to the member at the time of the member's death and who is receiving or is eligible to receive a survivor benefit.

(44) **Survivor beneficiary** means a person designated by the member to receive a monthly benefit allowance after the member dies.

(45) **Survivor benefit** is a feature of a retirement plan that provides continuing payments to a beneficiary after the death of a member or retiree.

(46) **TRS** means the Washington state teachers' retirement system created by chapter 41.32 RCW.

((47)) (46) **The Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA)** is the federal law that requires employers to reemploy and preserve job security, pension and welfare benefits for qualified employees who engage in military service.

((48)) (47) **WSPRS** means the Washington state patrol retirement system created by chapter 43.43 RCW.

**WSR 08-20-127**  
**EXPEDITED RULES**  
**DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed October 1, 2008, 8:51 a.m.]

Title of Rule and Other Identifying Information: WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Doreen Beebe, Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, AND RECEIVED BY December 1, 2008.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed amendment removes the 2002 edition of the Drug Topics Red Book and updates the reference to the 2008 edition. The amendment to the rule will clarify the expectation that pharmacists use current references when identifying drugs requiring a prescription as determined by the Food and Drug Administration. The rule also updates the department of health's address.

**Reasons Supporting Proposal:** The Drug Topics Red Book is identified as the resource for federally classified legend drugs. It is essential for pharmacists to have access to current product (drugs) information to assist practitioners and their patients in making informed decisions about medications.

Expedited rule making is appropriate for rules that "correct typographical errors, makes address or name changes, or clarify language of the rule without changing its effect" under RCW 34.05.352 [34.05.353] (1)(c).

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 69.41.075.

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

Name of Proponent: Washington department of health, board of pharmacy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Doreen Beebe, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4834.

August 7, 2008

Doreen E. Beebe

Program Manager

AMENDATORY SECTION (Amending WSR 02-14-049, filed 6/27/02, effective 7/28/02)

**WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW.** (1) In accordance with chapter 69.41 RCW, the board of pharmacy finds that those drugs which have been determined by the Food and Drug Administration, under the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law because of their toxicity or potential for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are only safe for use under the supervision of a practitioner.

(2) For the purposes of chapter 69.41 RCW, legend drugs are drugs which have been designated as legend drugs under federal law and are listed as such in the ((2002)) 2008 edition of the *Drug Topics Red Book*. For the period May 31, 2008, through June 1, 2009, the board adopts the 2008 edition of the Red Book. Copies of the list of legend drugs as contained in the *Drug Topics Red Book* are available for public inspection at the headquarters office of the State Board of Pharmacy, ((1300 Quince Street)) 310 Israel Road S.E., P.O. BOX 47863, Olympia, Washington 98504-7863. To obtain copies of this list, interested persons must submit a written request and payment of ((seventy-six dollars)) one hundred six dollars and fifty cents for each copy to the board.

(3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. These determinations will be made after public hearing and will be published as an amendment to this chapter.

**WSR 08-20-130**  
**EXPEDITED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Commission Docket A-081419—Filed October 1, 2008, 9:32 a.m.]

Title of Rule and Other Identifying Information: The rule making would revise adoption-by-reference dates in Title 480 WAC to incorporate the most recent versions of adopted federal rules and other adopted publications and correct reference, grammatical, and punctuation errors.

Affected chapters 480-14, 480-15, 480-30, 480-31, 480-62, 480-70, 480-73, 480-75, 480-90, 480-93, 480-100, 480-108, 480-120, and 480-123 WAC.

Proposed Adoption by Reference Date Changes and Other Administrative Changes Docket No. A-081419			
Action	WAC No.	Rule Title	Proposed Changes <sup>a</sup>
<b>Chapter 480-14 WAC, Motor carriers excluding household goods carriers and common brokers.</b>			
Amend	480-14-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>■ <b>North American Standard Out-of-Service Criteria (CVSA<sup>b</sup>)</b> April 1, 2008 - No significant change</li> <li>■ <b>Title 49 Code of Federal Regulations,</b> April 30, 2008 - Part 171, see Note 1 April 30, 2008 - Part 395, see Note 2</li> </ul>
<b>Chapter 480-15 WAC, Household goods carriers.</b>			
Amend	480-15-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>■ <b>North American Standard Out-of-Service Criteria</b> April 1, 2008 - No significant change</li> <li>■ <b>Title 49 Code of Federal Regulations</b> December 31, 2007 - Part 382, see Note 3 December 31, 2007 - Part 383, see Note 4 December 31, 2007 - Part 390, see Note 5 December 31, 2007 - Part 391, see Note 6 December 31, 2007 - Part 392, see Note 7 December 31, 2007 - Part 393, see Note 8 December 31, 2007 - Part 395, see Note 2 December 31, 2007 - Part 396, see Note 9</li> </ul>
<b>Chapter 480-30 WAC, Auto transportation companies.</b>			
Amend	480-30-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>■ <b>North American Standard Out-of-Service Criteria</b> April 1, 2008 - No significant change</li> <li>■ <b>Title 49 Code of Federal Regulations</b> June 30, 2008 - Part 40, see Note 11 December 31, 2007 - Part 382, see Note 3 December 31, 2007 - Part 383, see Note 4 December 31, 2007 - Part 390, see Note 5 December 31, 2007 - Part 391, see Note 6 December 31, 2007 - Part 392, see Note 7 December 31, 2007 - Part 393, see Note 8 December 31, 2007 - Part 395, see Note 2 December 31, 2007 - Part 396, see Note 9 December 31, 2007 - Part 397, see Note 10</li> </ul>
<b>Chapter 480-31 WAC, Private, nonprofit transportation providers.</b>			
Amend	480-31-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>■ <b>North American Standard Out-of-Service Criteria</b> April 1, 2008 - No significant change</li> <li>■ <b>Title 49 Code of Federal Regulations</b> December 31, 2007 - Part 382, see Note 3 December 31, 2007 - Part 383, see Note 4 December 31, 2007 - Part 391, see Note 6 December 31, 2007 - Part 392, see Note 7 December 31, 2007 - Part 393, see Note 8 December 31, 2007 - Part 395, see Note 2</li> </ul>

Action	WAC No.	Rule Title	Proposed Changes <sup>a</sup>
			<p><b>December 31, 2007</b> - Part 396, see Note 9</p> <p><b>December 31, 2007</b> - Part 397, see Note 10</p>
<b>Chapter 480-62 WAC, Railroad companies—Operations.</b>			
Amend	480-62-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>■ <b>Title 49 Code of Federal Regulations</b> <b>October 1, 2007</b> - Parts 171, 172, 173, 174, 178, and 179, see Note 12</li> <li><b>October 1, 2007</b> - Part 234, see Note 13</li> <li><b>October 1, 2007</b> - Part 213, see Note 14</li> <li><b>October 1, 2007</b> - Parts 209, 214, 217, 218, 219, 220, 221, 225, 228, 239, and 240, see Note 15</li> <li><b>October 1, 2007</b> - Part 212, see Note 16</li> <li><b>October 1, 2007</b> - Part 570.7 and 570.60, see Note 17</li> </ul>
<b>Chapter 480-70 WAC, Solid waste collection companies.</b>			
Amend	480-70-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>■ <b>North American Standard Out-of-Service Criteria</b> <b>April 1, 2008</b> - No significant change</li> <li>■ <b>Title 40 Code of Federal Regulations</b> <b>June 25, 2008</b> - See Note 11</li> <li>■ <b>Title 49 Code of Federal Regulations</b> <b>December 31, 2007</b> - Part 382, see Note 3</li> <li><b>December 31, 2007</b> - Part 383, see Note 4</li> <li><b>December 31, 2007</b> - Part 390, see Note 5</li> <li><b>December 31, 2007</b> - Part 391, see Note 6</li> <li><b>December 31, 2007</b> - Part 392, see Note 7</li> <li><b>December 31, 2007</b> - Part 393, see Note 8</li> <li><b>December 31, 2007</b> - Part 395, see Note 2</li> <li><b>December 31, 2007</b> - Part 396, see Note 9</li> <li><b>December 31, 2007</b> - Part 397, see Note 10</li> </ul>
<b>Chapter 480-73 WAC, Hazardous liquid pipeline companies.</b>			
Amend	480-73-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>■ <b>Title 18 Code of Federal Regulations</b> <b>April 1, 2008</b> - No change to current rule</li> </ul>
<b>Chapter 480-75 WAC, Hazardous liquid pipeline companies—Safety.</b>			
Amend	480-75-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>■ <b>Title 49 Code of Federal Regulations, except Sections 195.0, 195.1, 199.1, and 199.2</b> <b>September 2, 2008</b> - No significant change</li> </ul>
<b>Chapter 480-90 WAC, Gas companies—Operations.</b>			
Amend	480-90-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>■ <b>Title 18 Code of Federal Regulations</b> <b>April 1, 2008</b> - No significant change</li> <li>■ <b>NARUC<sup>c</sup>, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - as of 1985</b> No change to current rule</li> </ul>
<b>Chapter 480-93 WAC, Gas companies—Safety.</b>			
Amend	480-93-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p>

Action	WAC No.	Rule Title	Proposed Changes <sup>a</sup>
			<ul style="list-style-type: none"> <li>■ <b>Title 49 Code of Federal Regulations, except Sections 191.1, 192.1(a), 193.2001(a), and 199.1</b> <b>September 2, 2008</b> - No significant change</li> </ul>
<b>Chapter 480-100 WAC, Electric companies.</b>			
Amend	480-100-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>■ <b>Title 18 Code of Federal Regulations</b> <b>April 1, 2008</b> - No significant change</li> <li>■ <b>NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - as of 1985</b> No change to current rule</li> <li>■ <b>National Electrical Code<sup>d</sup> - as of 2005</b> No change to current rule</li> <li>■ <b>ANSI C12.1, Code for Electricity Metering, 2001 - as of 2001</b> No change to current rule</li> </ul>
<b>Chapter 480-108 WAC, Electric companies—Interconnection with electric generators.</b>			
Amend	480-108-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>■ <b>Title 29 Code of Federal Regulations</b> <b>July 1, 2008</b> - No significant change</li> <li>■ <b>NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - as of 1985</b> No change to current rule</li> <li>■ <b>National Electrical Code<sup>e</sup> - as of 2005</b> No change to current rule</li> <li>■ <b>ANSI C12.1, Code for Electricity Metering, 2001 - as of 2001</b> No change to current rule</li> </ul>
<b>Chapter 480-120 WAC, Telecommunications companies.</b>			
Amend	480-120-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>■ <b>American National Standards for Telecommunications - "Network Performance Parameters for Dedicated Digital Services - Specifications" - (ANSI T1.510-1999) - as of December 29, 1999 and reaffirmed 2004</b> - No change to current rule</li> <li>■ <b>The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics - as of 2005</b> No significant change - See Note 18</li> <li>■ <b>National Electrical Safety Code</b> <b>January 1, 2002</b> - No change to current rule</li> <li>■ <b>Title 47 Code of Federal Regulations, except Sections 64.2003 through 64.2009</b> <b>October 1, 1998</b> - No change to current rule - See Note 19</li> <li>■ <b>Title 47 Code of Federal Regulations, Sections 64.2003 through 64.2009</b> <b>October 1, 2008</b> - No significant change</li> </ul>

Action	WAC No.	Rule Title	Proposed Changes <sup>a</sup>
<b>Chapter 480-123 WAC, Universal service.</b>			
Amend	480-123-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>■ <b>The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service</b> February 5, 2007 - No significant change</li> </ul>

- <sup>a</sup> Substantive changes highlighted in the notes at the end of this chart are those federal rules and national standards that staff identified as having a substantive impact on industries regulated by the commission. Changes to the adopted material that have gone into effect that staff determined would have a minor impact on the regulated industries and are listed with notation of no significant change. For informational purposes, we include other referenced documents in the chart with a notation of no change to current rule, if dates have not changed or if dates have changed but staff chooses to keep current reference.
- <sup>b</sup> The North American Standard Out-of-Service Criteria adopted, published and distributed by the Commercial Vehicle Safety Administration (CVSA).
- <sup>c</sup> National Association of Regulatory Utility Commissioners (NARUC).
- <sup>d</sup> National Fire Protection Association (NFPA).
- <sup>e</sup> National Fire Protection Association (NFPA).

**Note:**

**1. 49 C.F.R. Part 171 Hazardous Materials Definitions and Abbreviations.**

**Effective: April 30, 2008:** This amendment clarifies the definitions of "administrator" and "watertight."

**Effective: January 28, 2008:** This amendment includes a definition for "household waste."

**2. 49 C.F.R. Part 395 Hours of Service of Drivers.**

**Effective December 17, 2007 (Docket No. FMCSA-2004-19608):** This docket allows commercial motor vehicle drivers up to eleven hours of driving time within a fourteen hour, nonextendable window from the start of the workday, following ten consecutive hours off duty. It also allows motor carriers and drivers to restart calculations of the weekly on-duty time limits after the driver has at least thirty-four consecutive hours off duty.

**Effective July 5, 2007 (Amendments to Implement Certain Provision of SAFETEA-LU):** This rule reflects adoption of final rules required by SAFETEA-LU governing among other issues not relevant to state operations, intrastate operations of interstate motor carriers and exemption from federal hours-of-service regulations for operation of commercial vehicles under certain circumstances.

**Effective August 25, 2005 (Docket No. FMCSA-2004-19608):** This docket reflects FMCSA publishing its final rule governing hours of service for commercial motor vehicle drivers, following its notice of proposed rule making published January 24, 2005. The rule addresses requirements for driving, duty and off-duty time, recovery period, sleeper berth and new requirements for short-term haul drivers.

**3. 49 C.F.R. Part 382 Controlled Substances and Alcohol Use and Testing.**

**Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations):** This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

**4. 49 C.F.R. Part 383 Commercial Drivers Licenses Standards, Requirements and Penalties.**

**Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations):** This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

**Effective July 5, 2007 (Amendments to Implement Certain Provision of SAFETEA-LU):** This docket reflects adoption of final rules required by SAFETEA-LU governing among other issues not relevant to state operations, intrastate operations of interstate motor carriers and exemption from federal hours-of-service regulations for operation of commercial vehicles under certain circumstances.

**Effective January 18, 2006 (Docket No. FMCSA-2005-21503):** This docket adopts without change interim rules implementing section 4140 of SAFETEA-LU regarding CLD school bus endorsements and expiration date for allowing states to waive driving skills tests.

**Effective April 29, 2005 (Docket No. FMCSA-2001-11117):** This docket sets limitations on states to issue hazardous materials commercial drivers licenses.

**5. 49 C.F.R. Part 390 General.**

**Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations):** This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

**Effective July 5, 2007 (Amendments to Implement Certain Provision of SAFETEA-LU):** This rule reflects adoption of final rules required by SAFETEA-LU governing among other issues not relevant to state operations, intrastate operations of interstate motor carriers and exemption from federal hours-of-service regulations for operation of commercial vehicles under certain circumstances.

**Effective August 28, 2006 (Docket No. FMCSA-2002-13015):** This docket adopts without only minor changes interim rules regarding regulatory requirements for obtaining FMCSA authority.

**Effective August 25, 2005 (Docket No. FMCSA-2004-19608):** This docket reflects FMCSA publishing its final rule governing hours of service for commercial motor vehicle drivers, following its notice of proposed rule making pub-

lished January 24, 2005. The rule addresses requirements for driving, duty and off-duty time, recovery period, sleeper berth and new requirements for short-term haul drivers.

**Effective August 15, 2005 (Docket No. FMCSA 1997-2364):** This docket amends the rules to remove obsolete and redundant regulations, provide improved definitions of vehicle types and vehicle systems and components, resolve inconsistencies between this rule and 49 C.F.R. Part 571 and codify certain FMCSA regulatory guidance. The amendments do not involve new or more stringent requirements, but a clarification of existing requirements.

**6. 49 C.F.R. Part 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors.**

No changes since the prior adoption.

**7. 49 C.F.R. Part 392 Driving of Motor Vehicles.**

**Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations):** This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

**Effective August 28, 2006 (Docket No. FMCSA-2002-13015):** This docket adopts without only minor changes interim rules regarding regulatory requirements for obtaining FMCSA authority.

**Effective August 15, 2005 (Docket No. FMCSA 1997-2364):** This docket amends the rules to remove obsolete and redundant regulations, provide improved definitions of vehicle types and vehicle systems and components, resolve inconsistencies between this rule and 49 C.F.R. Part 571 and codify certain FMCSA regulatory guidance. The amendments do not involve new or more stringent requirements, but a clarification of existing requirements.

**8. 49 C.F.R. Part 393 Parts and Accessories Necessary for Safe Operations.**

**Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations):** This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

**Effective August 7, 2007 (Docket No. FMCSA 1997-2364):** This docket corrects an inadvertent omission to the rules adopted in this same docket effective June 11, 2007.

**Effective June 18, 2007 (Docket No. FMCSA 1997-2364):** This docket makes a minor correction to the rules adopted in this same docket effective June 11, 2007.

**Effective June 11, 2007 (Docket No. FMCSA-1997-2364):** This docket resolves inconsistency between FMCSA rules and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards.

**Effective March 6, 2007 (Docket No. FMCSA-2005-21323):** This docket allows use of automatic hydraulic inertia brake systems on trailers within the ratios of gross vehicle weight for the towing vehicle and trailer are within certain limits.

**Effective June 22, 2006 (Docket No. FMCSA-2006-21259):** This docket amends rules concerning protection against shifting and falling cargo for commercial motor vehicles. The amendments adopt the North American Cargo

Securement Standard Model Regulations. This rule also includes editorial revisions.

**Effective August 15, 2005 (Docket No. FMCSA 1997-2364):** This docket amends the rules to remove obsolete and redundant regulations, provide improved definitions of vehicle types and vehicle systems and components, resolve inconsistencies between this rule and 49 C.F.R. Part 571 and codify certain FMCSA regulatory guidance. The amendments do not involve new or more stringent requirements, but a clarification of existing requirements.

**9. 49 C.F.R. Part 396 Inspection, Repair and Maintenance.**

No changes since the prior adoption.

**10. 49 C.F.R. Part 397 Transportation of Hazardous Materials, Driving and Parking Rules.**

**Effective: October 1, 2007 (Technical Amendments to FMCSA Regulations):** This rule makes technical corrections, but no substantive changes. It corrects the address of the FMCSA, makes minor editorial changes to correct errors and omissions and to improve clarity.

**11. 49 C.F.R. Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs.**

**Effective: November 9, 2004 (Docket OST-2003-15245):** This docket changes instructions to laboratories and medical review officers with respect to adulterated, substituted and diluted specimen results. This change is intended to avoid inconsistency with new requirements established by the United States Department of Health and Human Services effective November 1, 2004.

**Effective August 23, 2006 (Docket OST-2006-24112):** This docket adds state-licensed or certified marriage and family therapists to the list of credentialed professionals eligible to service as substance abuse professionals. This docket also makes a series of technical amendments to clarify certain provisions and correct omissions and typographical errors.

**Effective September 22, 2006 (Docket OST-2006-24112):** This docket corrects a misspelling that occurred in the August 23, 2006, Docket OST-2006-24112.

**Effective January 11, 2007 (Docket OST-2007-26828):** This docket publishes an interim rule allowing a new breath tube alcohol screening device for use in DOT agency regulated testing.

**Effective June 13, 2008 (Docket OST-2008-0184):** This docket authorized employers to disclose to state commercial driver licensing (CDL) authorities the drug and alcohol violations of CDL-licensed drivers.

**Effective June 25, 2008 (Docket OST-2003-15245):** This docket changes instructions to collectors, laboratories, medical review officers and employers regarding adulterated, substituted, diluted and invalid urine specimen results.

**12. 49 C.F.R. Parts 171, 172, 173, 174, 178, and 179 Federal Railroad Administration: Hazardous Materials Regulation.**

In WAC 480-62-215, the commission has adopted rules governing hazardous materials regulations as prescribed by these parts. On October 10, 2005, the commission adopted the C.F.R. version in effect on October 1, 2004. Between



October 1, 2004, and October 1, 2007, numerous changes have occurred. Since all violations of these incorporated rules must be submitted to the Federal Railroad Administration for enforcement pursuant to the State Safety Participation Program, 49 C.F.R. Part 212, the effected railroads are already aware of and subject to the rule revisions. The adoption by reference here is for administrative purposes only.

**13. 49 C.F.R. Part 234 Federal Railroad Administration: Grade Crossing Signal System Safety.**

In WAC 480-62-210, the commission has adopted Grade Crossing Signal System as prescribed by these parts. On October 10, 2005, the commission adopted the C.F.R. version in effect on October 1, 2004. Between October 1, 2004, and October 1, 2007, changes have occurred. Generally all violations of these incorporated rules must be submitted to the Federal Railroad Administration for enforcement pursuant to the State Safety Participation Program, 49 C.F.R. Part 212. We have at least one railroad that does not fall under Federal Railroad Administration jurisdiction. Any violations by this company are subject to state level enforcement. Of the changes that have occurred since the last adoption, only one is substantive. In 70 F.R. 111052, 49 C.F.R. Part 234.275, dated July 6, 2005, the Federal Railroad Administration issued a performance standard for the development and use of processor-based signal and train control systems. The rule also covers systems, which interact with highway railroad grade crossing systems. The rule requires Federal Railroad Administration be notified prior to installation of these systems.

**14. 49 C.F.R. Part 213 Federal Railroad Administration: Track Safety Standards.**

In WAC 480-62-205, the commission has adopted rules governing track safety regulations as prescribed by these parts. On October 10, 2005, the commission adopted the C.F.R. version in effect on October 1, 2004. Between October 1, 2004, and October 1, 2007, numerous changes have occurred. Since all violations of these incorporated rules must be submitted to the Federal Railroad Administration for enforcement pursuant to the State Safety Participation Program, 49 C.F.R. Part 212, the effected railroads are already aware of and subject to the rule revisions. The adoption by reference here is for administrative purposes only.

**15. 49 C.F.R. Parts 209, 214, 217, 218, 219, 220, 221, 225, 228, 239, and 240 Federal Railroad Administration: Railroad Safety Enforcement Procedures; Railroad Workplace Safety; Railroad Operating Rules; Railroad Operating Practices; Control of Alcohol and Drug Use; Railroad Communications; Rear End Marking Device Passenger, Commuter and Freight Trains; Railroad Accidents/Incidents; Hours of Service; Passenger Train Emergency Preparedness; Qualification and Certification of Locomotive Engineers.**

In WAC 480-62-200, the commission has adopted rules governing roadway worker safety and operating regulations as proscribed by these parts. On October 10, 2005, the commission adopted the C.F.R. version in effect on October 1, 2004. Between October 1, 2004, and October 1, 2007, numerous changes have occurred. Since all violations of these incorporated rules must be submitted to the Federal

Railroad Administration for enforcement pursuant to the State Safety Participation Program, 49 C.F.R. Part 212, the effected railroads are already aware of and subject to the rule revisions. The adoption by reference here is for administrative purposes only.

**16. 49 C.F.R. Part 212 Federal Railroad Administration: State Safety Participation Regulations.**

No changes since the prior adoption.

**17. 49 C.F.R. Parts 570.7 and 570.60 Federal Railroad Administration: Passenger Carrying Vehicles.**

No changes since the prior adoption.

**18. The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics as published in 2005.**

This standard covers the general parameters and characteristics associated with telephone loops from the subscriber signaling and analog voice frequency interface to the local Class 5 switch interface. It includes only those business and residential lines in the North American public switched network where no special performance requirements are involved. This standard provides common denominators for subscriber line performance, independent of facility types, construction processes or equipment, and circuit provisioning methods. IEEE 820-2005 is the latest version for loop performance. It was updated to bring technology from analog to digital standards.

**19. 47 C.F.R., except Sections 64.2003 through 64.2009, as of October 1, 1998.**

At this time, staff will continue using the 1998 FCC Part 32 because it contains the required level of detail that fills its needs. Updated versions of Part 32 do not include some accounts and has combined other accounts. Also, the FCC has opened a rule making regarding accounting rules. Staff would prefer to maintain the current accounting requirements until the FCC's accounting rule changes are solidified, and until the potential effect of changes to intercarrier compensation on accounting needs can be determined, before making changes to the UTC's accounting rules. If the FCC decides to change the accounting rules in a significant way, then the UTC would be able to carefully analyze how its needs can be met through maintaining the federally-required uniform system of accounts, whatever it might turn out to be, and then can decide what additional accounting requirements it may have.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Executive Director and Secretary, Docket A-081419, Washington Utilities and

Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY December 2, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would revise the adoption-by-reference dates to reflect the current version of adopted material and make other minor administrative changes in Title 480 WAC.

Reasons Supporting Proposal: The commission adopts by reference several parts in Title 18; Title 29; Title 40; Title 47; and Title 49 of the Code of Federal Regulations and other state rules and national standards. Commission rules need to reflect the most current versions of the adopted material.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

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

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Christopher T. Mickelson, Regulatory Analyst, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1267; Implementation and Enforcement: David W. Danner, Executive Director and Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1208.

October 1, 2008  
David W. Danner  
Executive Director and Secretary

**AMENDATORY SECTION** (Amending Docket A-060475, General Order No. R-537, filed 8/14/06, effective 9/14/06)

**WAC 480-14-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2006.

(b) This publication is referenced in WAC 480-14-360 (Equipment—Inspection—Ordered out-of-service for repairs), WAC 480-14-370 (Equipment—Drivers—Safety), and WAC 480-14-390 (Hazardous materials regulations).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((October 1, 2005))~~ April 30, 2008, for 49 CFR Parts 171, 172 and 395.

(b) This publication is referenced in ~~((WAC 480-14-040 (Definitions), WAC 480-14-070 (Federal regulations, 49 CFR, Part 390—General applicability and definitions);))~~

WAC 480-14-250 (Insurance requirements; cause for suspension or cancellation) ~~((, WAC 480-14-370 (Equipment—Drivers—Safety);))~~ and WAC 480-14-380 (Hours of service—On duty—Federal safety regulations) ~~((, WAC 480-14-390 (Hazardous materials regulations), and WAC 480-14-400 (Transportation of radioactive materials—Driving and parking rules))~~.

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket A-060475, General Order No. R-537, filed 8/14/06, effective 9/14/06)

**WAC 480-15-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2006))~~ 2008.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((October 1, 2005))~~ December 31, 2007.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending General Order No. R-533, Docket No. TC-020497, filed 6/8/06, effective 7/9/06)

**WAC 480-30-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2005))~~ 2008.

(b) This publication is referenced in WAC 480-30-121 (Certificates, applications, charter and excursion) and WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~October 1, 2004~~) December 31, 2007.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket T-051915, General Order No. R-532, filed 5/4/06, effective 6/4/06)

**WAC 480-31-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2005~~) 2008.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~October 1, 2004~~) December 31, 2007.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket No. A-050271, General Order No. R-521, filed 10/10/05, effective 11/10/05)

**WAC 480-62-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington

state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, (~~2004~~) 2007.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect in November 2004.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices), WAC 480-62-235 (Flaggers), and WAC 480-62-245 (Passenger carrying vehicles—Operation).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Washington state department of transportation rules**, cited as chapter 468-95 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on March 25, 2004.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices).

(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the internet web site for the office of the code reviser ([slc.leg.wa.gov](http://slc.leg.wa.gov)).

(4) **ANSI Z308.1 - 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on April 29, 2003.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from Global Engineering Documents in Englewood, Colorado.

(5) **ANSI/ISEA 107-2004 - American National Standard for High-Visibility Safety Apparel** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on September 15, 2004.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from Global Engineering Documents in Englewood, Colorado.

(6) **Title 49 United States Code**, cited as 49 U.S.C., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 2, 2002.

(b) This publication is referenced in WAC 480-62-200 (Roadway worker safety and operating rules and statutes).

(c) Copies of Title 49 United States Code are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket A-060475, General Order No. R-537, filed 8/14/06, effective 9/14/06)

**WAC 480-70-999 Adoption by reference.** In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Standard Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2006~~) 2008.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, 2006.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

(c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~October 1, 2005~~) December 31, 2007.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket A-060475, General Order No. R-537, filed 8/14/06, effective 9/14/06)

**WAC 480-73-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, is published by the United States Government Printing Office.

(2) The commission adopts the version in effect on April 1, (~~2006~~) 2008.

(3) This publication is referenced in WAC 480-73-130 (Accounting system requirements), WAC 480-73-150 (Retaining and preserving records and reports), and WAC 480-73-160 (Annual reports).

(4) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending Docket PL-070974, General Order R-548, filed 5/30/08, effective 6/30/08)

**WAC 480-75-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 49 CFR Sections 195.0 and 195.1, and 49 CFR Sections 199.1 and 199.2, published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~October 1, 2007~~) September 2, 2008.

(b) This publication is referenced in WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-630 (Incident reporting), and WAC 480-75-660 (Operations safety plan requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **The American Society of Mechanical Engineers (ASME) B31.4, 1998 edition.**

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(3) The 2001 edition of **Section IX of the ASME Boiler and Pressure Vessel Code**.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** 19th edition.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 19th edition are available from the Office of API Publishing Services in Washington DC.

(5) The commission adopts **API RP standard 1117** Second Edition, August 1996.

(a) This publication is referenced in WAC 480-75-500 (Moving and lowering hazardous liquid pipelines).

(b) Copies of API standard 1117 Second Edition are available from Global Engineering Documents in Englewood, Colorado.

**AMENDATORY SECTION** (Amending Docket A-060475, General Order No. R-537, filed 8/14/06, effective 9/14/06)

**WAC 480-90-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, (~~2006~~) 2008.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copy-

righted document. Copies are available from NARUC, in Washington, D.C.

**AMENDATORY SECTION** (Amending Docket PG-070975, General Order R-549, filed 5/30/08, effective 6/30/08)

**WAC 480-93-999 Adoption by reference.** In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 191, 192, 193, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on (~~October 1, 2007~~) September 2, 2008, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 CFR § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) The Code of Federal Regulations is published by the federal government. Copies of Title 49 Code of Federal Regulations are available from most Government Printing Offices, including the Seattle office of the Government Printing Office, as well as from various third-party vendors and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(2) Section IX of the ASME Boiler and Pressure Vessel Code.

(a) The commission adopts the 2001 edition of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2001 edition) are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (19th edition).

(a) The commission adopts the 19th edition of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (19th edition) are available from the Office of API Publishing Services in Washington DC, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

AMENDATORY SECTION (Amending Docket A-060475, General Order No. R-537, filed 8/14/06, effective 9/14/06)

**WAC 480-100-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, (~~2006~~) 2008.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC in Washington, D.C.

(3) **The National Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA in Quincy, Massachusetts.

(4) **The American National Standard for Electric Meters: Code for Electricity Metering**, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2001.

(b) This publication is referenced in WAC 480-100-318 (Meter readings, multipliers, and test constants), WAC 480-100-338 (Accuracy requirements for electric meters), and WAC 480-100-343 (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending Docket UE-060649, General Order 545, filed 9/27/07, effective 10/28/07)

**WAC 480-108-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library or as otherwise indicated. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-108-020.

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address <http://www.nfpa.org>.

(2) National Electric Safety Code (NESC).

(a) The commission adopts the version published in 2002.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of the National Electric Safety Code are available from the Institute of Electrical and Electronics Engineers at <http://standards.ieee.org/nesc>.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

(a) The commission adopts the version published in 2003.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(4) Institute of Electrical and Electronics Engineers (IEEE) Standard 929, Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.

(a) The commission adopts the version published in 2000.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 929 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(5) American National Standards Institute (ANSI) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published in 1992.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published in 1994 and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(8) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 1991.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org/web/standards/home>.

(9) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, and Controllers for Use in Independent Power Systems.

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-108-020.

(c) UL Standard 1741 is available from Underwriters Laboratory at <http://www.ul.com>.

(10) Occupational Safety and Health Administration (OSHA) Standard at 29 CFR 1910.269.

(a) The commission adopts the version published in 1994.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(11) Washington Industrial Safety and Health Administration (WISHA) Standard, chapter 296-155 WAC.

(a) The commission adopts the version in effect on ~~((March 1, 2006))~~ July 1, 2008.

(b) This publication is referenced in WAC 480-108-020.

(c) The WISHA Standard is available from the Washington Department of Labor and Industries at P.O. Box 44000, Olympia, WA 98504-4000, or at internet address <http://www.lni.wa.gov>.

**AMENDATORY SECTION** (Amending Docket A-060475, General Order No. R-537, filed 8/14/06, effective 9/14/06)

**WAC 480-120-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **American National Standards for Telecommunications** - "*Network Performance Parameters for Dedicated*

*Digital Services - Specifications*" (ANSI T1.510-1999) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999, and reaffirmed 2004.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services - Specifications*" is a copyrighted document. Copies are available from ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics** (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect ~~((on March 22, 1984, and reaffirmed October 26, 1999))~~ as published in 2005.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the version in effect on January 1, 2002.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations**, cited as 47 CFR, is published by the United States Government Printing Office, except sections 64.2003 through 64.2009.

(a) The commission adopts the version in effect on October 1, 1998.

(b) This publication is referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports).

(c) Copies of Title 47 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(5) Sections 64.2003 through 64.2009 of **Title 47 of the Code of Federal Regulations**, cited as 47 CFR §§ 64.2003 through 64.2009, are published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2005))~~ 2008.

(b) This publication is referenced in WAC 480-120-202 (Customer Proprietary Network Information).

(c) Copies of Sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from third-party vendors.

AMENDATORY SECTION (Amending Docket No. UT-053021, General Order No. R-534, filed 6/28/06, effective 7/29/06)

**WAC 480-123-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

(2) The commission adopts the version in effect on ~~(September 9, 2003)~~ February 5, 2007.

(3) This publication is referenced in WAC ~~((480-123-020))~~ 480-123-030 (contents of petition for eligible telecommunications carriers).

(4) Copies of the CTIA Consumer Code for Wireless Service are available at (~~(http://www.ctia.org/wireless-consumers/consumer\_code/)~~) <http://www.ctia.org>.

#### WSR 08-20-137

#### EXPEDITED RULES

#### DEPARTMENT OF REVENUE

[Filed October 1, 2008, 11:22 a.m.]

Title of Rule and Other Identifying Information: WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation, provides the rates of inflation discussed in WAC 458-30-550.

#### NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marilou Rickert, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, fax (360) 586-0127, e-mail MarilouR@DOR.WA.GOV, AND RECEIVED BY December 1, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Special benefit assessments for certain local improvements to farm and agricultural or timber land classified under chapter 84.34 RCW, the open space program, may be deferred by the land owner. If a land owner has chosen to defer these assessments, when the land is subsequently removed or withdrawn from classification the deferred special benefit assessments become due and payable with interest.

WAC 458-30-590 provides information about the rate of inflation that is used by county officials to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from classi-

fication under chapter 84.34 RCW. This rule is being amended to provide the rate of inflation for 2009 as required by RCW 84.34.310.

Copies of draft rules are available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>.

Reasons Supporting Proposal: RCW 84.34.310(6) authorizes the department to determine the rate of inflation and to publish this rate no later than January 1 each year for use in that assessment year.

Statutory Authority for Adoption: RCW 84.34.360.

Statute Being Implemented: RCW 84.34.360 and 84.34.310.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Marilou Rickert, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6115; Implementation and Enforcement: Brad Flaherty, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

October 1, 2008

Alan R. Lynn

Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-04-050, filed 1/31/08, effective 3/2/08)

**WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.** (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.



(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) Example. A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
2006	3.42	2007	2.08
<u>2008</u>	<u>4.527</u>		