

WSR 06-12-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 24, 2006, 1:42 p.m.]

Subject of Possible Rule Making: Coastal spot shrimp season rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will consider closing spot shrimp fishing when the shrimp are ovigerous.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by July 20, 2006. Expected proposal filing date on or after July 21, 2006.

May 24, 2006
Evan Jacoby
Rules Coordinator

WSR 06-12-024
PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY
[Filed May 30, 2006, 2:52 p.m.]

Subject of Possible Rule Making: Amend the WAC rules pertaining to transportation issues at Western Washington University: Chapter 516-12 WAC, Parking and traffic regulations, WAC 516-12-430 through 516-12-480 only; chapter 516-13 WAC, Bicycle traffic and parking regulations; chapter 516-14 WAC, Appeals from parking violations; and chapter 516-15 WAC, Skateboard and in-line skate policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To review and amend Western's transportation rules to provide better guidance for students, faculty, staff, and guests.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James Shaw, Director of Public Safety, Western Washington University, 516 High Street, Mailstop 9070, Bellingham, WA 98225-9070, phone (360) 650-3555, fax (360) 650-3367; or Suzanne Baker, Rules Coordinator, Western Washington University, 516 High Street, Mailstop

9015, Bellingham, WA 98225-9015, phone (360) 650-3117, e-mail Suzanne.Baker@wwu.edu.

May 25, 2006
Suzanne M. Baker
Rules Coordinator

WSR 06-12-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 31, 2006, 12:04 p.m.]

Subject of Possible Rule Making: Relic shells.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A technical reading of the shellfish and seaweed license rules requires a license to retain all shells, even if they are shells of shellfish that died naturally and the shells were washed ashore. A rule is needed to allow persons to pick up these "relic" shells without potentially violating the law.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by July 20, 2006. Expected proposal filing on or after July 21, 2006.

May 31, 2006
Evan Jacoby
Rules Coordinator

WSR 06-12-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
(Medical Assistance Administration)
[Filed May 31, 2006, 4:31 p.m.]

Subject of Possible Rule Making: WAC 388-438-0110 Alien emergency medical (AEM) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is making this change in order to comply with federal regulations based on a clarification received from CMS. The eligibility criteria that allows clients who meet COPES/nursing facility level of care to automatically qualify an individual for the AEM program

will be deleted. The change will clarify the long-term care services that will not be covered under AEM.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TTY 1-800-848-5429, e-mail scotsjk@dshs.wa.gov.

May 31, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-12-044
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed June 1, 2006, 9:17 a.m.]

Subject of Possible Rule Making: WAC 363-116-078 Training program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In order to clarify the criteria for a pilot trainee to earn a training stipend, the board finds it necessary to review this section of the Washington Administrative Code which deals with the training program.

The objective of this analysis is to set the qualification criteria the board intends for determining the eligibility and processing of training stipends.

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 board will begin considering written and oral comments from persons who may be interested in amending the rule as described above. Stakeholder comments are welcome. Thereafter, the board will proceed with rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written and oral comments are currently being accepted and will be discussed beginning at the June 8, 2006, regular session board meeting. A public hearing will be scheduled to consider the proposed new rule pursuant to formal notice requirements.

Contact Peggy Larson, Administrator, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

May 23, 2006
Peggy Larson
Administrator

WSR 06-12-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 1, 2006, 9:19 a.m.]

Subject of Possible Rule Making: Rules related to internal revenue code requirements, such as WAC 415-108-181, 415-108-182, 415-108-183, 415-110-050, 415-110-060, 415-110-070, 415-112-050, 415-112-060, 415-112-070, and others.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will update and rewrite these rules in plain English.

Process for Developing New Rule: The department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

June 1, 2006
Leslie Saeger
Rules Coordinator

WSR 06-12-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed June 1, 2006, 3:48 p.m.]

Subject of Possible Rule Making: Amendments will be made to chapter 308-125 WAC to limit the continuing education granted for attendance at real estate appraiser commission meetings and make corrections to qualifying education to meet the new appraiser qualifications criteria established by the appraiser qualifications board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030 (1), (7), (8), and (15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement changes and correct existing rules to come into compliance with the appraiser qualifications board's real property appraiser qualifications criteria.

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 pub-

lication by contacting Ralph C. Birkedahl, Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6504, fax (360) 570-4981, rbirkedahl@dol.wa.gov.

June 1, 2006

Ralph C. Birkedahl
Program Manager

WSR 06-12-052

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 2, 2006, 10:01 a.m.]

Subject of Possible Rule Making: Entire chapter 392-172 WAC governing the provision of special education to eligible students. The agency proposes to move the special education rules to a new chapter, due to the restructuring of the order and number of changes in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090(7), IDEA 20 U.S.C. 1400 et.seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States congress reauthorized the federal Individuals with Disabilities Education Act in December 2004. It is anticipated that the United States Department of Education will be issuing final federal rules implementing IDEA within the next several months. The state is required to adopt state regulations consistent with IDEA once federal rules are final.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Office of Special Education Programs (OSEP), United States Department of Education, approves OSPI's annual state performance plan, and requires OSPI to provide assurances that it will implement state regulations consistent with IDEA.

Process for Developing New Rule: OSPI has established stakeholder committees to provide recommendations regarding amendment, repeal and new rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Doug Gill, Director of Special Education, Office of the Superintendent of Public Instruction, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6075, TTY (360) 586-0126, fax (360) 586-0247, or e-mail DGill@ospi.wednet.edu. Committee meeting dates and summaries are posted at http://www.k12.wa.us/SpecialEd/IDEA_2004.aspx.

June 2, 2006

Dr. Mary Alice Heuschel
Deputy Superintendent

WSR 06-12-059

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed June 2, 2006, 2:51 p.m.]

Subject of Possible Rule Making: Regulating mortgage brokers and loan originators licensed under chapter 19.146 RCW, and implementing chapter 19, Laws of 2006.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 19.146.223, sections 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, and 23, chapter 19, Laws of 2006.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules must be amended and new sections developed to implement and be consistent with chapter 19.146 RCW as extensively amended by chapter 19, Laws of 2006.

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 Chuck Cross, Director, Consumer Services, (360) 902-8733, ccross@dfi.wa.gov, P.O. Box 41200, Olympia, WA 98504-1200, fax (360) 664-2258.

June 2, 2006

Chuck Cross

Division Director

WSR 06-12-065

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed June 5, 2006, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 260-16 WAC, Special types of races.

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: Many of the sections in this chapter are outdated and no longer applicable. The commission intends to repeal and amend sections in this chapter and establish new sections where applicable.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, 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.

June 2, 2006

R. M. Leichner

Executive Secretary

WSR 06-12-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 5, 2006, 10:44 a.m.]

Subject of Possible Rule Making: Commercial fishing for hagfish.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The emerging commercial fishery for hagfish has shown to have no bycatch and a stable CPUE. The fishery can, therefore, support the higher pot limit. As a result, the department is proposing to increase the pot limit from 50 to 100.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by July 20, 2006. Expected proposal filing on or after July 21, 2006.

June 5, 2006

Evan Jacoby

Rules Coordinator

WSR 06-12-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 6, 2006, 10:10 a.m.]

Subject of Possible Rule Making: Wage payment (administrative remedies).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 89, Laws of 2006 (SHB 3185).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is a result of chapter 59, Laws of 2006 (SHB 6185), which passed the 2006 legislature. The legislation sets a statutory scheme for the department to collect wages for workers at an administrative level. The legislation gives rule-making authority to the department. The proposed rules will cover the implementation of the legislation.

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 will solicit input from the employment law advisory committee (ELAC) and interested parties. The public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suchi Sharma, Department of Labor

and Industries, Specialty Compliance Services Division, P.O. Box 44510, Olympia, WA 98504-4510, phone (360) 902-6744, fax (360) 902-5300, e-mail shav235@lni.wa.gov.

June 6, 2006

Gary Weeks

Director

WSR 06-12-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 6, 2006, 10:12 a.m.]

Subject of Possible Rule Making: Chapter 296-134 WAC, Parental (family) leave.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.78 RCW and chapter 59, Laws of 2006 (SSB 6185).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is a result of chapter 59, Laws of 2006 (SSB 6185), which passed the 2006 legislature. The legislation amends the Family Leave Act (FMLA) to provide family and medical leave coverage for employees identical to the existing FMLA. The department is updating the rule to be consistent with the statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Labor, Wage and Hour Division and Human Rights Commission.

Process for Developing New Rule: The department will solicit input from the employment law advisory committee (ELAC) and other interested parties. The public may also participate by providing written comments or giving oral testimony during the public hearing process.

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

June 6, 2006

Gary Weeks

Director

WSR 06-12-082
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed June 6, 2006, 2:39 p.m.]

Subject of Possible Rule Making: WAC 139-25-110 Career-level certification for law enforcement and corrections personnel.

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 will define the applicable courses for certification at each position and may also eliminate the minimum requirements for executive certification.

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 Cheryl Price, Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7358, fax (206) 835-7924. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency web site.

June 6, 2006
Cheryl A. Price
Accreditation and
Performance Analysis Manager

WSR 06-12-083
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed June 6, 2006, 2:40 p.m.]

Subject of Possible Rule Making: WAC 139-15-110 Prosecutor, public defender, and municipal attorney 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: To update the WAC to current training standards for prosecutors, public defenders and municipal attorney training.

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 Cheryl Price, Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7358, fax (206) 835-7924. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency web site.

June 6, 2006
Cheryl A. Price
Accreditation and
Performance Analysis Manager

WSR 06-12-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 6, 2006, 4:26 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-408-0040 How does living in an institution affect my eligibility for Basic Food?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08-090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes proposed to this rule will be to allow persons living at certain drug and/or alcohol treatment centers to receive food stamp benefits under the Washington Basic Food program.

Currently, persons must be living at a nonprofit facility certified by the Washington state division of alcohol and substance abuse in order to be eligible for Basic Food benefits. Under new guidance provided by the United States Department of Agriculture, Food and Nutrition Service - someone residing in a nonprofit drug or alcohol addiction treatment facility may participate in the food stamp program if the facility meets one of the following three conditions:

- The facility receives funding under part B of Title XIX of the Social Security Act;
- Eligible to receive funding under part B of Title XIX of the Social Security Act even if the facility does not receive these funds; or
- Operating to further the purposes of part B of Title XIX of the Social Security Act.

The department's division of alcohol and substance abuse will determine which nonprofit facilities meet the criteria listed above.

Changes proposed to this rule will be consistent with policy information provided under Food Stamp Program Administrative Notice 06-08 dated April 10, 2006.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. Rules published in the Federal Register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

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 the 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 pub-

lication by contacting John Camp, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 493-3493, e-mail campjx@dshs.wa.gov.

June 5, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-12-092

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed June 6, 2006, 4:28 p.m.]

Subject of Possible Rule Making: WAC 388-515-1550 Medically needy in-home waiver (MNIW).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.520, 74.09.500, 74.09.530; section 206 (6)(b), chapter 276, Laws of 2004 and *Townsend vs. Quazim (DSHS)*, U.S. District Court, Western District of Washington, No. CV-00-00944 TSZ.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HRSA-medical assistance is increasing the personal needs allowance (PNA) for the medically needy in-home waiver program to match the PNA allowed for the categorically needy waiver described in WAC 388-151-1505, per order of the United States Ninth Circuit Court of Appeals (No. 01-35689). This will make services more equitable and available to the public. The department is also changing some wording to make the rule clearer.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication Lori Rolley, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1304, fax (360) 664-0910, e-mail rollej@dshs.wa.gov.

June 5, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-12-104

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket UE-060649—Filed June 7, 2006, 9:08 a.m.]

Subject of Possible Rule Making: The subject of this inquiry is to examine whether new or modified regulations are needed to govern aspects of investor-owned electric utility operations for which new federal standards are included in the Energy Policy Act of 2005. These new federal standards address: (1) Net-metering, (2) fuel sources, (3) fossil fuel generation efficiency, (4) smart metering, and (5) interconnection. Review of the interconnection standard may lead to proposed amendments to chapter 480-108 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On August 8, 2005, amendments to Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (PURPA) became effective under the federal Energy Policy Act. The amendments require the commission to consider and determine whether to establish standards for net metering, fuel sources, fossil fuel generation efficiency, smart metering, and interconnection. The commission is initiating this inquiry to determine whether adoption by rule of the new federal standards for utilities under its jurisdiction would be in the public interest and would further the objectives of PURPA to encourage: Conservation of energy supplied by electric utilities; optimal efficiency of electric utility facilities and resources; and equitable rates for electric consumers.

Section 1251(a) of the Energy Policy Act establishes three of the new utility standards: Net metering, fuel source diversity, and fossil fuel generation efficiency. State regulatory authorities are required to begin consideration of these three standards by August 8, 2007, and to make a determination of whether to adopt the standards by August 8, 2008. The requirement for regulatory authorities to consider the three standards established in Section 1251(a) does not apply if a state has taken "prior action" to adopt or consider the standard or a comparable standard, or if the state's legislature has voted on the standard or a comparable standard.

Section 1252(a) establishes a standard to require that utilities make available to retail customers time-based metering and a time-of-use rate schedule by February 8, 2007. State regulatory authorities are required to consider this standard and make a determination of whether it should be adopted for each utility by February 8, 2007. The requirement to consider the standard established in Section 1252(a) does not apply if a state has taken "prior action" to adopt or consider the standard [(or a comparable standard) within the three years prior to August 8, 2005, or the state's legislature has voted on the standard or a comparable standard during that same three year period.

Section 1254(a) establishes a standard to require that utilities make available to utility customers with on-site generation facilities interconnection service to the utility's local distribution system. State regulatory authorities are required to begin consideration of this standard by August 8, 2006, and make a determination of whether to adopt the standard by

August 8, 2008. The requirement for regulatory authorities to consider the interconnection standard established in Section 1254(a) does not apply if a state has taken "prior action" to adopt or consider the standard [(]or a comparable standard), or the state's legislature has voted on the standard or a comparable standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Public utilities not jurisdictional to the commission are also required by the Energy Policy Act to examine and consider adopting the five new PURPA standards. If practical and convenient, workshops on certain subjects pertinent to these standards may be jointly held. The Federal Energy Regulatory Commission (FERC) regulates interconnection of generation facilities to transmission facilities used to transmit power in interstate commerce. FERC is finalizing regulations governing interconnection to FERC-jurisdictional facilities. These regulations may provide a model for regulations in Washington state.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and may provide the opportunity for participation in workshop-style sessions as well as opportunities 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, fax (360) 586-1150, by 5:00 p.m., Friday, August 11, 2006.

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 **August 11, 2006**.

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 e-mail to the commission's records center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (UE-060649).
- 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 www.wutc.wa.gov/060649. 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 fur-

ther 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@wutc.wa.gov, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket UE-060649 to ensure that you are placed on the appropriate service list. Questions may be addressed to Dick Byers, (360) 664-1209, or e-mail at dbyers@wutc.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 telephone and fax numbers referencing Docket No. UE-060649, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. UE-060649, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.wutc.wa.gov/060649>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

June 7, 2006

Carole J. Washburn
Executive Secretary

WSR 06-12-105

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 7, 2006, 9:18 a.m.]

Subject of Possible Rule Making: New section to Title 392 WAC related to assessment administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule will set forth the process for appeals to the scoring process of the high school statewide testing as mandated by SB 6475.

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 Dr. Joe Willhoft, Assistant Superintendent for Assessment and Research, Office of the Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA

98504-7200, phone (360) 725-6336, fax (360) 664-0494, e-mail jwillhoft@ospi.wednet.edu.

May 31, 2006
Joe Willhoft
Assistant Superintendent
Assessment and Research

WSR 06-12-107

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed June 7, 2006, 9:26 a.m.]

Subject of Possible Rule Making: SB 6558 created the motion picture competitiveness program with the purpose of revitalizing the state's standing in the national market of motion picture production. A motion picture competitiveness fund is created, and capped at total assistance of \$3.5 million. Oversight of the fund is by an eight member board appointed by the governor. Maximum funding assistance is 20% of actual investment in the state by a production company. No one production may receive more than one million dollars. Thresholds of spending are established for feature films, television and commercials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 247, Laws of 2006.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules adopted by the department shall allow the program within the established criteria, to provide funding assistance when it captures economic opportunities for Washington's communities and businesses, and shall only be provided under contractual arrangement with a private entity. Section 3(1) states that the department of community, trade and economic development (CTED) shall adopt criteria or rules, which will be used by the motion picture competitiveness program board to provide funding assistance to companies who have demonstrated an investment as described in (2). This section describes the types of activities the department should consider when developing the criteria. The rules must be developed by June 30, 2006.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Under a new section to chapter 82.04 RCW - effective June 7, 2006, 2SSB 6558 establishes a business and occupation (B&O) tax credit for persons who make cash contributions to an improved motion picture competitiveness program. The department of revenue will have oversight to this part of the legislation.

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 Marie Sullivan, 128 10th Avenue S.W., 5th Floor, Olympia, WA 98504-2525, phone (360) 725-4010, fax (360) 586-8440, maries@cted.wa.gov.

June 7, 2006
Marie Sullivan
Director of Government Relations

WSR 06-12-108

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed June 7, 2006, 9:54 a.m.]

Subject of Possible Rule Making: Chapter 246-272A WAC, On-site sewage systems, this rule making will explore creation of a process for the approval and state registration of drainfield remediation technologies. The state board of health does not currently regulate remediation technologies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Failing drainfields are a public health concern. The department of health, in conjunction with the technical advisory committee, will explore potential criteria for approval and use of remediation technologies that could create new options for addressing failed drainfields. In order to assist local agency implementation, the state board of health will consider adopting these criteria into rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Local health jurisdictions use the state board of health regulations as minimum standards for issuing on-site sewage system permits. The department of ecology regulates on-site sewage systems with a capacity greater than 14,500 gallons per day. Both local health jurisdictions and the department of ecology are represented on the technical advisory committee.

Process for Developing New Rule: The department of health working as staff for the state board of health will consult with the technical advisory committee in considering these rules. Interested parties can attend these meetings and will also be provided with drafts to provide input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Avy, Department of Health, brad.avy@doh.wa.gov, (360) 236-3040, or Ned Therien, State Board of Health, ned.therien@doh.wa.gov, (360) 236-4103.

June 5, 2006
Craig McLaughlin
Executive Director

WSR 06-12-109

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Filed June 7, 2006, 9:56 a.m.]

Subject of Possible Rule Making: WAC 246-843-010, 246-843-070, 246-843-071, 246-843-073, 246-843-090, 246-843-093, 246-843-095, 246-843-230 and 246-843-231, application for initial license and endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061 and 18.52.071.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering rule changes to streamline credentialing language and remove unnecessary barriers to licensure. One option being consid-

ered is adopting the interstate endorsement agreement proposed by the National Association of Boards of Examiners of Long Term Care Administrators (NAB). In addition, the board wishes to review all language pertaining to licensure and examination to ensure that it is easy to understand and is consistent with national standards.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public meetings will be held in both Eastern and Western Washington in the month of August 2006. Written comments may be sent for Kendra Pitzler, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4723, fax (360) 236-4738, or e-mail kendra.pitzler@doh.wa.gov.

June 5, 2006

Susan Quigley, Chair

Board of Nursing Home Administrators

WSR 06-12-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 06-09—Filed June 7, 2006, 10:31 a.m.]

Subject of Possible Rule Making: This rule making proposes to adopt requirements for mercury emissions from coal-fired power plants into chapter 173-406 WAC. A new federal rule establishes a national cap on mercury emissions and gives each state a mercury budget. States may adopt the federal rules or they may adopt rules that are more stringent. The rule will establish Washington state requirements in lieu of the federal rule, opting out of mercury trading and establishing emission standards through a phased approach. A major part of this rule making will be developing a methodology to distribute allocated mercury emission credits in Washington state. Requirements for new units under the NSPS program will be adopted by reference, and adopting more stringent requirements may be considered. This action will also change the name of the rule from the acid rain rule to the electric generating unit rule, adopt the federal requirements for the acid rain program by reference, and delete the existing duplicative state rule language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79.94.331 and 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will implement the federal clean air mercury rules adopted by EPA in May 2005. The federal rules have state air agency requirements that begin in 2006 and source specific requirements that begin in 2009. EPA's scheme will apply in Washington state if we fail to adopt our own rules by November 2006. We intend to submit the rules developed in this process to EPA for approval by mid-February 2007. The state rules will substitute for the federal rules once EPA approves the submittal. The Washington state rules will establish our procedure to

distribute allocated mercury emissions to coal-fired power plants and determine when emissions trading will and will not be allowed in Washington. Establishing a stringent emission limit would be part of the mercury emissions distribution plan and will require Trans Alta, currently the sole coal-fired power plant in Washington, to install controls to meet the limit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA Region 10, energy facility site evaluation council, as the agency responsible for permitting new energy facilities in Washington, and to a lesser degree, community, trade and economic development, will be involved in this effort. They will be part of the stakeholder group assisting with the rule development effort.

Process for Developing New Rule: This rule making is to amend an existing rule. Amendments to the rule will be drafted and reviewed internally and by an advisory group. The public will be provided with the opportunity to comment on the proposed rule. At least one public hearing will be held. The proposed amendments will be posted on the agency web site and provided to parties that have identified themselves as interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can access more information on this rule making by contacting Elena Guilfoil, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6855, fax (360) 407-7534, e-mail EGUI461@ecy.wa.gov, or accessing the ecology web site <http://www.ecy.wa.gov/law/rules/index.html>.

June 5, 2006

Stuart Clark

Air Quality Program Manager

WSR 06-12-122

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 06-10—Filed June 7, 2006, 10:32 a.m.]

Subject of Possible Rule Making: Ecology is initiating rule making to amend the Model Toxics Control Act (MTCA) cleanup regulation (chapter 173-340 WAC). The purpose of the rule making is to clarify the policies and procedures for establishing cleanup levels for mixtures of polychlorinated dibenzo-p-dioxins/polychlorinated dibenzofurans (dioxins/furans), polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.105D.030(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology has concluded that rule revisions are necessary to clarify previous rule interpretations and policy decisions. As background, the Environmental Protection Agency (EPA) has established a methodology for evaluating dioxin and furans using toxicity equivalency factors (TEFs). The current MTCA cleanup regulation specifies that cleanup proponents may use the EPA method-

ology when establishing cleanup levels for mixtures of dioxin/furans. After publishing the rule amendments, ecology prepared guidance materials describing how the EPA methodology should be used to establish cleanup levels. In November 2005, the Rayonier Corporation filed a lawsuit challenging ecology's application of the guidance to the cleanup of a former pulp mill site in Port Angeles. The lawsuit identified an ambiguity in the state's cleanup standards in terms of their application to mixtures of dioxins and furans and the use of the TEF methodology. Similar interpretation issues may exist for PAH and PCB mixtures. Ecology has concluded that amending the rule to clarify policy decisions is preferable to repeatedly resolving this issue on a site-specific basis.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Establishing state cleanup levels is a unique responsibility assigned to the department of ecology in chapter 70.105D RCW. The Environmental Protection Agency is responsible for overseeing cleanup actions conducted under the federal Superfund program and will be consulted during the rule-making process. The Washington department of health and the agency for toxics substances and disease registry (ATSDR) are responsible for evaluating human health hazards at contaminated sites and will be consulted during the rule-making process.

Process for Developing New Rule: This rule-making process will result in an amendment to an existing rule. The public will have an opportunity to comment on the proposed rule. At least two public hearings will be conducted. Additionally, the proposed amendments will be posted on the ecology web site and provided to parties that have previously identified themselves as interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information on the planned rule making and the public review and comment opportunities will be maintained on ecology's web site at <http://www.ecy.wa.gov/programs/tcp/cleanup.html>. Information can also be obtained by contacting Dan Koroma, Department of Ecology, Toxics Cleanup Program, P.O. Box 47600, Olympia, WA 98504-7600, e-mail dkor461@ecy.wa.gov, phone (360) 407-7187, fax (360) 407-6426.

June 5, 2006

James J. Pendowski
Program Manager
Toxics Cleanup Program

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An agency study is being conducted to determine the current rule's impact on public safety. Issues being considered include visual acuity necessary for safe driving, and testing procedures necessary to determine safe vision standards.

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 Peter Teets, LSO Projects, Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, phone (360) 902-3845, e-mail pteets@dol.wa.gov, fax (360) 586-8351.

June 6, 2006

Clark J. Holloway
Legislative Liaison

WSR 06-12-127

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 7, 2006, 11:28 a.m.]

Subject of Possible Rule Making: Amendments to WAC 308-104-010 Vision test for driver's license issuance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.20.130, 46.01.110.