

**WSR 16-12-087**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed May 31, 2016, 1: 02 p.m., effective July 1, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this proposal [adoption] is to retain general season deer hunting opportunity for 2016. In addition, the purpose of the proposal [adoption] is to balance the hunting opportunity between user groups. The proposal [adoption] also increases hunting opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change. Current proposed [adopted] changes will reduce antlerless deer hunting opportunity for archery and muzzleloader hunters in several game management units in northeastern Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-021 Importation and retention of dead nonresident wildlife, 232-12-228 Hunter education deferral, 232-12-286 Reducing the spread of hoof disease—Unlawful transport of elk hooves, 232-12-287 Possession of dead wildlife, 232-12-828 Hunting of game birds and animals by persons with a disability, 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures, 232-28-248 Special closures and firearm restriction areas, 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits, 232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations, 232-28-296 Landowner hunting permits, 232-28-297 2015-2016, 2016-2017 and 2017-2018 Cougar hunting seasons and regulations, 232-28-337 Elk area descriptions, 232-28-342 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations, 232-28-358 2015-2017 Elk general seasons and definitions, 232-28-359 2015 Deer special permits, 232-28-360 2016 Elk special permits, 232-28-436 2015-2016 Migratory waterfowl seasons and regulations, 232-28-622 2015-2017 Bighorn sheep seasons and permit quotas and 232-28-624 Deer area descriptions; and new WAC 232-12-245 Baiting for the purposes of hunting deer or elk.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, 77.32.155.

Adopted under notice filed as WSR 16-04-126 on February 3, 2016.

Changes Other than Editing from Proposed to Adopted Version: **General Note:** *Minor technical changes were made throughout the proposed rules to adjust grammar and formatting concerns.*

**WAC 232-12-021 Importation and retention of dead non-resident wildlife.**

**Purpose:** This rule making adds Michigan and Arkansas to the list of states and provinces requiring additional processing of deer, elk, and moose carcasses before they can be brought into Washington. The states and provinces listed in WAC have confirmed chronic wasting disease (CWD) in their wild, free-ranging populations of cervids. Currently CWD has not been detected in Washington.

**Changes:** Added the state of Arkansas to the list of states that have discovered CWD in their wild, free-ranging

deer populations. Under this rule the commission currently requires additional processing of deer, elk, and moose carcasses harvested in these states.

**Rationale:** Additional processing may help reduce the risk of CWD being imported into the state.

**WAC 232-12-228 Hunter education deferral.**

**Purpose:** This rule making will remove language pertaining to outdated practices, clarify language, and allow the department (hunter education and licensing divisions) to provide improved customer service.

**Changes:** None.

**WAC 232-12-286 Reducing the spread of hoof disease—Unlawful transport of elk hooves.**

**Purpose:** This rule making will allow, under certain circumstances, the legal transport of elk hooves coming from game management units (GMU) with treponeme associated hoof disease. It will also help facilitate current research on treponeme associated hoof disease in elk while also helping reduce the probability of the disease spreading and make the emergency rule permanent.

**Changes:** None.

**WAC 232-12-287 Possession of dead wildlife.**

**Purpose:** This rule-making amendment will facilitate the legal salvage of road-killed deer and elk, allowing citizens to salvage meat from a deer or elk that has been killed in a vehicle collision.

**Changes:** Under subsection (3), deleted the following language which makes up subsection (c): "(c) If the salvaged deer or elk has antlers, the antlers must be surrendered to a department regional or district office within 72 hours of being salvaged."

**Rationale:** This process would be easier for the public and would require fewer steps if antlers are retained; it would require less staff resources and storage resources if antlers are not surrendered to the department; and the intention of the rule is not to inadvertently create a violation that stems from road salvage.

**WAC 232-12-828 Hunting of game birds and animals by persons with a disability.**

**Purpose:** This rule making reinstates a rule that was deleted in 2014 related to shooting firearms from vehicles. The anticipated effects would be greater clarity for hunters and enforcement officers.

**Changes:** None.

**WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.**

**Purpose:** This rule making corrects an inaccurate boundary description for the closure on the Snake River contained in subsection (6).

**Changes:** None.

**WAC 232-28-248 Special closures and firearm restriction areas.**

**Purpose:** This rule making clarifies a restriction in Grays Harbor County that should only apply during modern firearm deer and elk seasons. The restriction is unnecessary during other times of the year. The restriction still allows hunting to be used as a management tool.

**Changes:** None.

**WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits.**

**Purpose:** This rule making amends the big game and wild turkey auction, raffle, and special incentive permits hunting for 2016: (1) A new "Three-deer auction permit," valid September 1 - December 31. (2) Allow the department to extend the areas open to the holder of the single, statewide moose auction permit beyond those open to holders of moose draw permits. (3) Remove GMU 175 from areas available to the holder of the Rocky Mountain bighorn sheep raffle permit.

**Changes:** None.

**WAC 232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations.**

**Purpose:** This rule making establishes harvest guidelines for twenty-two spring bear hunts around the state. The hunts are aimed at reducing timber damage, for public safety mitigation, and providing for hunting recreation within harvest levels described in the 2015-21 game management plan.

**Change:** Removing the year 2016.

**Rationale:** This WAC is intended to effect the 2017 and 2018 seasons only.

**Change:** Removing the notes from this WAC.

**Rationale:** The notes are information [informational] and are published in the pamphlet, but do not need to be included in the WAC.

**WAC 232-28-296 Landowner hunting permits.**

**Purpose:** This rule making modifies hunt dates on properties enrolled in Washington department of fish and wildlife's (WDFW) landowner hunting permit program for the 2016-17 hunting seasons. These sites offer special hunting opportunities to the public through permits issued by WDFW, raffles, or selection by the landowner.

**Changes:** Under the Columbia Plateau Wildlife Management Association (CPWMA) landowner hunting permits: For CPWMA, Raffle 2 hunt, the dates were changed from Feb. 1-29 to Feb. 1-28.

**Rationale:** These changes were made because 2017 is not a leap year.

**Changes:** Under CPWMA special hunting permits: For CPWMA 2 hunt, the dates were changed from Feb. 1-29 to Feb. 1-28.

**Rationale:** These changes were made because 2017 is not a leap year.

**WAC 232-28-297 2015-2016, 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.**

**Purpose:** This rule making establishes harvest guidelines for fifty cougar units around the state. Cougar guidelines are designed to provide a long season and hunting opportunity for hunters without the use of dogs (i.e., spot and stalking in snow and/or calling). The anticipated effects are harvest levels consistent with the game management plan, balancing hunting opportunity with sustainable cougar populations.

**Changes:** Removed other options from WAC.

**Rationale:** Three alternative options provided, only one adopted.

**WAC 232-28-337 Elk area descriptions.**

**Purpose:** This rule making:

- Creates one new elk area for Asotin County. The addition is intended to reduce agricultural damage.

- Changes Elk Area 6054 in Pierce County. Making the boundary more discernable and making hunts held in the elk area more effective at mitigating elk damage.

- Changes Elk Area 6064 in Grays Harbor and Jefferson counties removing some public land that was unnecessarily included. The elk area was established due to safety concerns but the original boundary included some USFS lands where this concern does not exist.

- Removes one elk area (EA 6063) in Grays Harbor and Jefferson counties that is no longer needed.

**Change:** The description of Elk Area No. 6064 was modified to read as follows:

**Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties):** That portion of GMU 638 (Quinault) (within the Quinault River watershed east of Gaton Creek and Lake Quinault excluding US Forest Service (USFS) Colonel Bob Wilderness Area) beginning at the mouth of the Quinault River; NE on the Olympic National Park boundary, which is along the Quinault River, to the intersection with USFS Colonel Bob Wilderness Area; then SW along the Colonel Bob Wilderness Area Western boundary to its intersection with Haas Creek; then downstream along Haas Creek to its intersection with USFS Olympic National Forest boundary; then SW along USFS boundary to the Lake Quinault shoreline; then N along the East shore of Lake Quinault to the mouth of Quinault River and the point of the beginning.

**Rationale:** This change corrects an error in the original recommended boundary change that mistakenly included Lake Quinault.

**WAC 232-28-342 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.**

**Purpose:** To specify legal season dates, bag limits, and open areas to hunt small game and other wildlife for the 2016-17 and 2017-18 hunting seasons. In this rule making HIP requirements are removed from WAC 232-28-342 and are included in WAC 232-28-436.

**Change:** None.

**WAC 232-28-358 2015-2017 Elk general seasons and definitions.**

**Purpose:** This rule making retains general season elk hunting opportunity for 2016. The purpose is also to balance the elk hunting opportunity between user groups. The proposal [adoption] also increases elk hunting opportunity when elk populations allow.

**Change:** Under the Late Muzzleloader General Elk Seasons, Eastern Washington, the "any bull" hunt from Oct. 29-Nov. 15 in GMU 204 was removed.

**Rationale:** The intent is to manage elk in GMUs 101 and 204 consistently and under similar strategies. This recommendation addresses the concerns expressed by a landowner in GMU 204. The recommendation also addresses the desire of muzzleloaders to hunt during a better time period (early rather than late) while maintaining a sustainable elk hunting

opportunity. The change corrects an omission in the CR-102 filing.

#### **WAC 232-28-359 2015 Deer special permits.**

**Purpose:** This rule making is to retain special permit deer hunting opportunities for 2016, balance the hunting opportunity between user groups, increase the opportunity when deer populations allow, and reduce the opportunity when declining deer numbers warrant a change.

##### **Change and Rationale:**

- Under the Quality category, the permit level for the Chiwawa, Modern, Any buck hunt from Nov. 1-20 was changed from 26 to 27 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Desert, Modern, Any buck hunt from Oct. 22-30 was changed from 16 to 14 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Teanaway, Modern, Any buck hunt from Nov. 14-22 was changed from 17 to 20 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Desert, Archery, Any buck hunt from Nov. 25-Dec. 12 was changed from 15 to 14 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Naneum, Archery, Any buck hunt from Nov. 23-Dec. 8 was changed from 8 to 7 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Quilomene, Archery, Any buck hunt from Nov. 23-Dec. 8 was changed from 5 to 6 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Chiwawa, Muzzleloader, Any buck hunt from Nov. 25-30 was changed from 2 to 3 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bucks category, the boundary designation for the Williams Creek, Modern, Any buck hunt from Nov. 1-16 was changed from GMU 658 to 673. This change corrects a typographical error.

- Under the Bucks category, the permit level for the Ritzville, Archery, Any buck hunt from Dec. 1-8 was changed from 5 to 10 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Antlerless category, the hunt dates for the Whitcomb, Muzzleloader, Antlerless [Antlerless] hunt were changed from Nov. 21-27 to Nov. 29-Dec. 5. The dates and number of hunters on these hunts are coordinated with the Umatilla National Wildlife Refuge and these changes reflect those agreements.

- Under the Antlerless category, the hunt dates for the Paterson, Muzzleloader, Antlerless [Antlerless] hunt were changed from Nov. 21-27 to Nov. 29-Dec. 5. The dates and number of hunters on these hunts are coordinated with the Umatilla National Wildlife Refuge and these changes reflect those agreements.

- Under the Antlerless category, the Whitcomb, Muzzleloader, Antlerless hunt from Aug. 31-Sept. 5 was removed. The dates and number of hunters on these hunts are coordinated with the Umatilla National Wildlife Refuge and these changes reflect those agreements.

- Under the Antlerless category, the Paterson, Muzzleloader, Antlerless hunt from Aug. 31-Sept. 5 was removed. The dates and number of hunters on these hunts are coordinated with the Umatilla National Wildlife Refuge and these changes reflect those agreements.

- Under the 2nd Deer category, the dates for the Orcas, Shaw, San Juan, Lopez, Blakely, Decatur, Cypress, Guemes, Whidbey, Camano, and Vashon-Maury modern firearm, antlerless deer hunts were changed from Oct. 15-28 and Nov. 10-13 to Oct. 15-31 and Nov. 17-20. This change makes the special permit dates consistent with the general season dates.

- Under the 2nd Deer category, the dates for the Orcas, Shaw, San Juan, Lopez, Blakely, Decatur, Cypress, Guemes, Whidbey, Camano, and Vashon-Maury archery, antlerless deer hunts were changed from Aug. 29-Sept. 23 and Nov. 23-Dec. 28 to Sept. 1-30 and Nov. 23-Dec. 31. This change makes the special permit dates consistent with the general season dates.

- Under the 2nd Deer category, the dates for the Orcas, Shaw, San Juan, Lopez, Blakely, Decatur, Cypress, Guemes, Whidbey, Camano, and Vashon-Maury muzzleloader, antlerless deer hunts were changed from Oct. 1-9 and Nov. 24-Dec. 12 to Oct. 1-9 and Nov. 23-Dec. 15. This change makes the special permit dates consistent with the general season dates.

- Under the 2nd Deer category, the dates for the Anderson, muzzleloader, antlerless deer hunt were changed from Oct. 1-9 and Nov. 24-Dec. 12 to Oct. 1-9 and Nov. 24-Dec. 11. This change reflects season dates desired by regional staff and local landowners.

- Under the Hunters with Disabilities category, a Green River, Modern, Any Buck hunt from Oct. 22-28 in GMU 485 with 5 permits was added. The change corrects an omission. The permit levels and dates result from a negotiated process between Tacoma Water, Muckleshoot Tribe, and WDFW.

- Under the Hunter Education Instructor Incentive Permits category, the permit level for the Region 5 hunt was changed from 2 back to 6 permits. Additional internal discussions will have to take place between the Regions and Hunter Education to come to an agreement on the level of permits to offer. Therefore no changes are being proposed for 2016.

- Change the season date for the Chiliwist and Entiat quality buck archery permits from November 19-27 to November 21-30. These two changes are made for safety reasons. The changes correct an overlap between special permit modern firearm and archery hunts that were discovered after the April commission meeting.

#### **WAC 232-28-360 2015 Elk special permits.**

**Purpose:** The purpose of this proposal [adoption] is to retain elk special permit hunting opportunity for 2016. The

purpose is also to balance the elk hunting opportunity between user groups. The proposal [adoption] also increases elk hunting opportunity when elk populations allow, and reduces elk hunting opportunity when declining elk numbers warrant a change. The proposal [adoption] makes minor adjustments to season dates.

These proposed [adopted] changes are the result of additional data collected after the filing of the CR-102.

**Changes and Rationale:**

- Under the Quality category, the permit level for the Ten Ten, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 5 to 4 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Tucannon, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 12 to 14 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Wenaha East, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 12 to 11 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Mountain View, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 14 to 16 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Couse, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 2 to 3 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Colockum, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 6 to 23 permits due to an increase in the harvest target and special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Teanaway, EF, any bull hunt from Sept. 23-30 was changed from 1 to 2 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Green River, WF, any bull hunt from Oct. 22-28 was changed from 6 to 8 permits. The permit levels changed through a negotiated process between Tacoma Water, Muckleshoot Tribe, and WDFW.

- Under the Quality category, the permit level for the Toutle, WF, any bull hunt from Nov. 5-16 was changed from 50 to 49 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Blue Creek, EA, any bull hunt from Sept. 5-22 was changed from 4 to 5 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Mountain View, EA, any bull hunt from Sept. 5-22 was changed from 10 to 13 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Lick Creek, EA, any bull hunt from Sept. 5-22 was changed from 12 to 13 permits due to [no further information supplied by agency].

- Under the Quality category, the permit level for the Peola, EA, any bull hunt from Sept. 5-22 was changed from 3 to 2 permits due to [no further information supplied by agency].

- Under the Quality category, the permit level for the Couse, EA, any bull hunt from Sept. 5-22 was changed from 1 to 3 permits.

- Under the Quality category, the permit level for the Colockum, EA, any bull hunt from Sept. 10-22 was changed from 8 to 17 permits due to an increase in harvest target and special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Teanaway, EA, any bull hunt from Sept. 10-22 was changed from 1 to 6 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Peaches Ridge, EA, any bull hunt from Sept. 10-22 was changed from 126 to 134 permits due to [no further information supplied by agency].

- Under the Quality category, the permit level for the Observatory, EA, any bull hunt from Sept. 10-22 was changed from 133 to 134 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Goose Prairie, EA, any bull hunt from Sept. 10-22 was changed from 68 to 93 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Bethel, EA, any bull hunt from Sept. 10-22 was changed from 38 to 46 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Rimrock, EA, any bull from Sept. 10-22 was changed from 105 to 71 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Cowiche, EA, any bull from Sept. 10-22 was changed from 31 to 21 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Toutle, WA, any bull from Sept. 10-22 and Dec. 1-15 was changed from 30 to 37 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the White River, WA, any bull hunt from Sept. 10-22 was changed from 31 to 24 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Colockum, EM, any bull hunt from Oct. 1-10 was changed from 2 to 9 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Teanaway, EM, any bull hunt from Oct. 1-10 was changed from 1 to 3 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Peaches Ridge, EM, any bull hunt from Oct. 1-10 was changed from 29 to 34 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Observatory, EM, any bull hunt from Oct. 1-10 was changed from 25 to 31 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Goose Prairie, EM, any bull hunt from Oct. 1-10 was changed from 12 to 16 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Bethel, EM, any bull hunt from Oct. 1-10 was changed from 13 to 14 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Rimrock, EM, any bull hunt from Oct. 1-10 was changed from 13 to 9 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, the permit level for the Cowiche, EM, any bull hunt from Oct. 1-10 was changed from 10 to 9 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Quality category, "and Elk Area 4941" was added to the boundary designation for the Nooksack, WM, any bull hunt from Sept. 21-Oct. 2 and Nov. 19-30. This change makes the hunt consistent with the other Quality hunts for modern firearm and archery that already have this boundary designation.

- Under the Quality category, the permit level for the Toutle, WM, any bull hunt from Oct. 1-7 was changed from 10 to 12 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the permit level for the Teanaway, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 12 to 3 due to special permit allocation formula

calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the permit level for the Peaches Ridge, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 120 to 118 due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the permit level for the Observatory, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 88 to 86 due to [no further information supplied by agency].

- Under the Bulls category, the permit level for the Goose Prairie, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 77 to 84 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the permit level for the Bethel, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 60 to 64 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the permit level for the Rimrock, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 124 to 83 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the permit level for the Cowiche, EF, any bull hunt from Oct. 24-Nov. 6 was changed from 26 to 13 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the Nooksack, WF, spike bull only hunt from Oct. 8-Nov. 18 in GMU 418 and Elk Area 4941 was changed to a Skagit River, WF, any bull hunt from Oct. 8-Nov. 18 in Elk Area 4941. The intent of the change is to focus more effort on the elk area to help address damage.

- Under the Bulls category, the permit level for the White River, WF, any bull hunt from Nov. 5-16 was changed from 33 to 34 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the Nooksack, WA, spike bull only hunt from Aug. 29-Sept. 17 and Dec. 1-31 in GMU 418 and Elk Area 4941 was changed to a Skagit River, WA, any bull hunt, from Aug. 29-Sept. 17 and Dec. 1-31 in Elk Area 4941. The intent of the change is to focus more effort on the elk area to help address damage.

- Under the Bulls category, the permit level for the Olympic, WA, 3 pt. min. hunt from Sept. 1-22 and Dec. 1-15 was changed from 4 to 6 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the Nooksack, WM, spike bull only hunt from Sept. 21-Oct. 2 and Nov. 19-30 in GMU 418 and Elk Area 4941 was changed to a Skagit River, WM, any bull hunt from Sept. 21-Oct. 2 and Nov. 19-30 in Elk Area 4941. The intent of the change is to focus more effort on the elk area to help address damage.

- Under the Bulls category, the permit level for the Skokomish, WM, 3 pt. min. hunt from Sept. 24-Oct. 7 was

changed from 3 to 2 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Bulls category, the permit level for the White River, WM, any bull hunt from Oct. 1-7 was changed from 8 to 7 permits due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under the Antlerless category, the permit level for the Colockum, EF hunt from Nov. 4-8 was changed from 590 to 510. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Taneum, EF hunt from Nov. 2-6 was changed from 340 to 350. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Manastash, EF hunt from Nov. 2-6 was changed from 340 to 300. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Umtanum, EF hunt from Nov. 2-6 was changed from 300 to 250. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Little Naches, EF hunt from Nov. 2-6 was changed from 425 to 350. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Nile, EF hunt from Nov. 2-6 was changed from 40 to 100. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Bumping, EF hunt from Nov. 2-6 was changed from 60 to 200. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Bethel, EF hunt from Nov. 2-6 was changed from 25 to 100. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Rimrock, EF hunt from Nov. 2-6 was changed from 210 to 110. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Cowiche, EF hunt from Nov. 2-6 was changed from 210 to 110. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Green River, WF hunt from Oct. 22-28 was changed from 2 to 4 permits. The permit levels changed through a negotiated process between Tacoma Water, Muckleshoot Tribe, and WDFW.

- Under the Antlerless category, the permit level for the Colockum, EM hunt from Oct. 1-7 was changed from 130 to 140. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Taneum, EM hunt from Oct. 1-7 was changed from 340 to

270. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Manastash, EM hunt from Oct. 1-7 was changed from 340 to 250. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Umtanum, EM hunt from Oct. 1-7 was changed from 340 to 215. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Nile, EM hunt from Oct. 1-7 was changed from 15 to 75. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Bumping, EM hunt from Oct. 1-7 was changed from 25 to 55. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Bethel, EM hunt from Oct. 1-7 was changed from 20 to 40. The change is a result of additional data collected after the filing of the CR-102.

- Under the Antlerless category, the permit level for the Cowiche, EM hunt from Oct. 1-7 was changed from 100 to 80. The change is a result of additional data collected after the filing of the CR-102.

- Under the Youth category, the permit level for the Colockum, EF hunt from Nov. 2-13 was changed from 70 to 60. The change is a result of additional data collected after the filing of the CR-102.

- Under the Youth category, the permit level for the Yakima North, EF hunt from Nov. 2-13 was changed from 165 to 145. The change is a result of additional data collected after the filing of the CR-102.

- Under the Youth category, the permit level for the Yakima Central, EF hunt from Nov. 2-13 was changed from 15 to 50. The change is a result of additional data collected after the filing of the CR-102.

- Under the Youth category, the permit level for the Yakima South, EF hunt from Nov. 2-13 was changed from 50 to 30. The change is a result of additional data collected after the filing of the CR-102.

- Under the Youth category, a new Yakima Central, EM hunt was added for Oct. 1-10 with 20 permits. The change is a result of additional data collected after the filing of the CR-102.

- Under the Youth category, the permit level for the Yakima South, EM hunt from Nov. 2-13 was changed from 20 to 10. The change is a result of additional data collected after the filing of the CR-102.

- Under the 65+ Senior category, the permit level for the Colockum, EF hunt from Nov. 2-13 was changed from 20 to 15. The change is a result of additional data collected after the filing of the CR-102.

- Under the 65+ Senior category, the permit level for the Yakima Central, EF hunt from Nov. 2-13 was changed from 5 to 10. The change is a result of additional data collected after the filing of the CR-102.

- Under the 65+ Senior category, the permit level for the Yakima South, EF hunt from Nov. 2-13 was changed from 15

to 10. The change is a result of additional data collected after the filing of the CR-102.

- Under the 65+ Senior category, a new Yakima Central, EM hunt was added for Oct. 1-10 with 15 permits. The change is a result of additional data collected after the filing of the CR-102.

- Under the 65+ Senior category, the Yakima South, EM hunt was deleted. The change is a result of additional data collected after the filing of the CR-102.

- Under the Hunters with Disabilities category, the Colockum EF, EM, EA hunt from Nov. 2-13 was changed from 20 to 15 permits. The change is a result of additional data collected after the filing of the CR-102.

- Under the Hunters with Disabilities category, the Yakima North EF, EM, EA hunt from Nov. 2-13 was changed from 65 to 40 permits. The change is a result of additional data collected after the filing of the CR-102.

- Under the Hunters with Disabilities category, the Yakima Central EF, EM, EA hunt from Nov. 2-13 was changed from 5 to 20 permits. The change is a result of additional data collected after the filing of the CR-102.

- Under the Hunters with Disabilities category, the Yakima South EF, EM, EA hunt from Nov. 2-13 was changed from 20 to 10 permits. The change is a result of additional data collected after the filing of the CR-102.

- Under the Hunter Education Instructor Incentive Permits category, the permit level for the Region 5 any elk hunt was changed from 2 back to the original 4 permits. Additional internal discussions will have to take place between the Regions and Hunter Education to come to an agreement on the level of permits to offer. Therefore no changes are being proposed for 2016.

#### **WAC 232-28-436 2015-2016 Migratory waterfowl seasons and regulations.**

**Purpose:** To specify legal season dates, bag limits, and open areas to hunt waterfowl, coot, snipe, band-tailed pigeon, and mourning dove for the 2016-17 hunting season. In this proposal [adoption] HIP requirements are removed from WAC 232-28-342 and are included in WAC 232-28-436.

**Change:** WAC title from 2015-2016 to 2016-2017.

**Rationale:** Update to current season years.

**Change:** The areas closed during the Goose Management Area 2 late goose season from "public lands" to "U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas."

**Rationale:** The late goose season in Goose Management Area 2 is intended to reduce agricultural damage concerns from increasing goose populations on private lands in southwest Washington. This change further defines the closed areas on public lands during the season in February and early March, when geese are more likely to damage agricultural crops on private lands. During the 2016 late goose season, there was confusion among some hunters regarding the definition of public lands (e.g. rivers) versus private lands, and differences in Oregon and Washington closed areas on adjacent areas of the Columbia River. The above change provides more clarity in specifying which areas are closed and more consistency with Oregon regulations.

**Change:** Possession limit for eastern Washington September Canada season from 15 to 10.

**Rationale:** Because this season is only two days, the possession limit cannot exceed ten geese under federal regulations.

#### **WAC 232-28-622 2015-2017 Bighorn sheep seasons and permit quotas.**

**Purpose:** We are recommending a few minor changes to bighorn hunting for 2016: (1) Discontinuing ewe permits for the Selah Butte herd (which is declining); (2) adding ewe permits for the Cleman Mountain herd (which is overabundant); (3) adding ram permit opportunity for the Swakane and Chelan Butte herds; (4) adding ewe permits for disabled hunters, as well as a new category of "juvenile ram" for disabled hunters, both in the Chelan Butte bighorn sheep herd; and (5) making minor adjustments to season dates.

**Change:** We are recommending changing the nomenclature and definition of the "half-curl or smaller ram" hunt in the Chelan Butte bighorn herd. The improved nomenclature is "juvenile ram." The definition for this type of animal appears below.

**Rationale:** There is no change in the number of rams to be removed in this hunt, nor in the rationale for removing these rams (to balance the herd, which we desire to reduce generally). The new name and definition was recommended by enforcement and district staff following consultation, to improve clarity of what is a legal animal for purposes of this hunt, to both hunter and enforcement.

**Change:** We are recommending increasing the number of ewe permits in the Cleman Mountain bighorn sheep herd for hunting season 2016 from 5 to 10 and to change the hunt dates from Nov. 7-30 to Nov. 12-30.

**Rationale:** This herd has considerably more animals than its management goal, so our immediate objective is to reduce herd size. We had hoped to move some female bighorn sheep from this herd to a nearby herd (Quilomene) during winter 2015-16, but were unable to accomplish that transfer. To reduce the risks associated with overabundance, we recommend increasing ewe harvests this year. The change in hunt dates is proposed to reduce the overlap between ram and ewe hunters.

**Change:** A "juvenile ram" is defined as a male bighorn sheep having at least one "unbroomed" horn that does not extend past an imaginary line beginning at the point on the animals' forehead where the front of the horn base adjoins the skull, and continuing downwards and in a posterior direction through the posterior edge of the eye. A "broomed" horn is defined as a sheep horn that has been broken, splintered, frayed or rubbed in the wild, thus shortening its length and disrupting its natural taper.

**Rationale:** Improve clarity of definition for both hunter afield and enforcement.

#### **WAC 232-28-624 Deer area descriptions.**

**Purpose:** The proposed [adopted] changes to the deer area descriptions rule will create three new deer areas: One each in Chelan, Kittitas, and Yakima counties. The proposed additions will accommodate using hunting as a management tool and are intended to reduce agricultural damage in these locations.

**Change:** None.

**WAC 232-12-245 Baiting for the purposes of hunting deer or elk.**

**Purpose:** This rule making will restrict the amount of bait that can be used and restrict how close the bait can be placed in relation to another bait pile.

**Changes:** Subsection (2) was modified by adding language that clearly identifies the hunter would need to have intent to hunt over bait.

**Rationale:** It became apparent that the burden of proof to identify and [an] "area" was too difficult and that proving intent to hunt was more appropriate.

**Change:** Subsection (3) was modified by adding language that made it illegal to hunt over or near a bait pile that is "known" or of the same license holder.

**Rationale:** Without this clarification, the rule would potentially make a hunter who is unaware of another hunter's bait site illegal. Keeping a hunter from being unknowingly in violation is a value.

**Change:** Subsection (4)(e) was modified by adding language that allowed the department to issue a permit for hunting over bait.

**Rationale:** Having a department-issued permit allows the department to utilize larger baiting operations for hunting as long as it meets a management objective.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 19, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 8, 2016.

Brad Smith, Chair  
Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending WSR 15-10-035, filed 4/28/15, effective 5/29/15)

**WAC 232-12-021 Importation and retention of dead nonresident wildlife.** (1) It is unlawful:

(a) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts.

(b) For a person who imports a dead bighorn sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored, and general information describing where and how the wildlife was obtained.

(c) To import or possess deer, elk, or moose, or parts thereof, harvested in Pennsylvania, Texas, Missouri, Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, Kansas, New York, West Virginia, Virginia, North Dakota, Alberta, Maryland, Minnesota, Iowa, Arkansas, Michigan, and Saskatchewan, with the following exceptions:

(i) Meat that has been deboned in the state or province where it was harvested and is imported as boned-out meat;

(ii) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(iii) Hides or capes without heads attached;

(iv) Tissue imported for use by a diagnostic or research laboratory; and

(v) Finished taxidermy mounts.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.290((;)) Unlawful transportation of fish or wildlife—Penalty.

(3) It is unlawful for an importer or receiver of deer or elk to fail to notify the department within twenty-four hours if a state or province alerts the importer or receiver that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160((;)) Infractions.

**AMENDATORY SECTION** (Amending WSR 07-22-100, filed 11/6/07, effective 12/7/07)

**WAC 232-12-228 Hunter education deferral.** (1) Pursuant to RCW 77.32.155, individuals may apply for a director-authorized, once in a lifetime, one-license-year deferral of hunter education training. To qualify, the applicant for deferral and his or her accompanying, licensed hunter must comply with the following requirements:

(a) The applicant for deferral must:

(i) Be at least ten years of age when applying for the deferral; and

(ii) Not have failed the hunter education training course within the previous twelve months, if he or she took the course.

(b) The accompanying, licensed hunter, as defined in RCW 77.32.155, must:

(i) Be over eighteen years of age; and

(ii) ~~((Provide proof that he or she))~~ Have had a Washington hunting license for the three years prior to being an accompanying, licensed hunter.

(c) To provide maximum supervision and to enhance safety afield, an accompanying, licensed hunter must supervise only one deferred hunter while afield.

(d) An accompanying hunter must remain close enough to the deferred hunter to have uninterrupted, unaided visual and auditory communication with the deferred hunter.

(2) Application procedures.

(a) Applicants for deferral must submit their applications to the department's hunter education division office in Olympia, Washington. Applications submitted without the required information will not be processed and will be returned to the applicant.



(b) Applicants for deferral must submit ~~((with each deferral application))~~ a twenty-dollar application fee ~~((payable via personal or cashier's check written to WDFW. Applications submitted without the required fee or information will not be processed and will be returned to the applicant))~~.

(c) Deferral applications will be on forms prescribed by the department and may be made available to the public in both printed and electronic formats.

(3) License purchases.

(a) Individuals granted a deferral under this section will ~~((receive a special WILD identification number and a special authorization card that allow the applicant))~~ be authorized to purchase hunting licenses and tags for the license year during which the applicant requested a deferral. An applicant ~~((may))~~ will not ~~((use his or her special WILD identification number and special authorization card))~~ be authorized for future hunting license purchases in Washington state without first successfully completing a hunter education training course.

(b) Individuals deferred under this administrative regulation:

(i) Must purchase hunting licenses and tags in accordance with current licensing procedures;

(ii) Must pay all hunting license and tag fees established under current law; and

(iii) Are only eligible to participate in general hunting seasons and/or youth opportunities.

(4) ~~((Possession of deferral authorization.~~

~~(a) Individuals hunting with a deferral under this administrative regulation must carry their department-issued deferral card at all times while hunting.~~

~~(b) Request for replacement of deferral cards must be made by the licensee. A duplicate deferral card may be issued at department offices.~~

~~(5))~~ If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, except for a violation of unlawful hunting of wild birds, RCW 77.15.400 (1) through (3), the department may revoke all hunting licenses and tags and order a suspension of one or both the deferred education licensee and the nondeferred accompanying person's hunting privileges for one year.

#### NEW SECTION

**WAC 232-12-245 Baiting for the purposes of hunting deer or elk.** (1) For the purposes of this section: "Bait" is any substance that could serve as a lure, food, or attraction for deer or elk.

(2) Except as otherwise provided in this section, it is unlawful to hunt for deer and elk using any type of bait placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting deer or elk with the intent to hunt them, if the volume of bait accessible to wildlife exceeds 10 gallons.

(3) Bait sites of an individual license holder cannot be placed within 200 yards from another known bait site or another bait site of the same license holder.

(4) Exceptions: Hunting on or over the following is not considered an unlawful use of bait while hunting deer or elk:

(a) Locally common agricultural and ranching practices including salt or mineral distribution, and feeding;

(b) Food that is available from undisturbed wild, volunteer, or planted vegetation; including fruit trees, orchards, vineyards, and food plots;

(c) Scents used for cover and attractant that are not consumed by animals;

(d) Naturally occurring mineral deposits;

(e) As authorized by a department permit issued to address a management objective; or

(f) Exceptions do not include accidental or intentional spills, dumping, or storage of agricultural produce, feed, or bait.

(5) A violation of this section is punishable as an infraction under RCW 77.15.160 if no animal has been shot or killed and RCW 77.15.410 Unlawful hunting of big game—Penalty, if an animal has been shot or killed.

AMENDATORY SECTION (Amending WSR 14-17-093, filed 8/19/14, effective 9/19/14)

**WAC 232-12-286 Reducing the spread of hoof disease—Unlawful transport of elk hooves.** (1) It is unlawful to transport the hooves of harvested elk beyond the site where the animal was killed in Game Management Units 501 through 564, and 642 through 699, except when specifically authorized by the department or when acting as an agent of the department in the limited capacity of cooperating with research or management actions regarding hoof disease as directed by the department.

(2) Violation of this section is an infraction under RCW 77.15.160((-)) Infractions.

AMENDATORY SECTION (Amending WSR 03-16-087, filed 8/5/03, effective 9/5/03)

**WAC 232-12-287 Possession of dead wildlife.** (1) Except as authorized by permit of the director or as otherwise provided by ((subsection (2) of)) this section, it is unlawful to possess wildlife found dead. This rule does not prohibit the possession of naturally shed antlers of deer, elk, or moose.

(2) Except as provided in subsection (4) of this section, an individual may remove and dispose of wildlife found dead on his or her property or an adjoining public roadway. Before removing the wildlife, the individual shall, by telephone, notify the department or the Washington state patrol communications office, and shall provide his or her name, address, telephone number, and the description and location of the wildlife. The individual may remove the wildlife for disposal only, and may not retain the wildlife for personal use or consumption. Other laws and rules may apply to the disposal, including rules of the department of health (WAC ~~((246-203-420))~~ 246-203-121). Wildlife removed under this ~~((section))~~ subsection remain the property of the state.

(3) Possession of wildlife in violation of subsections (1) and (2) is punishable under RCW 77.15.130, 77.15.400, 77.15.410, and 77.15.430 depending on the species involved in the violation.

(4) It is permissible to salvage and transport a deer or elk that is accidentally killed by a motor vehicle collision except for any deer killed by a motor vehicle collision in Clark, Cowlitz, and Wahkiakum counties.

(a) Big game licenses and tags cannot be used for the purpose of salvaging motor vehicle-killed deer or elk.

(b) A salvage permit must be obtained from the department within 24 hours of taking possession of the animal. Permits may be obtained on the department's web site or at department regional offices.

(c) The entire carcass, including entrails, of the animal must be removed from the road right of way.

(d) Any meat an individual deems unfit for human consumption or unusable animal parts must be disposed of pursuant to WAC 246-203-121. Individuals salvaging and consuming this meat do so at their own risk. The department makes no guarantee as to the fitness for consumption of deer or elk collected under a salvage permit.

(e) An individual may not kill an injured or wounded animal that they encounter for the purpose of salvage. Only a law enforcement officer or individuals or entities authorized by the department may euthanize an animal injured in a motor vehicle collision and that deer or elk may be taken for salvage.

(5) Possession of wildlife in violation of subsection (4) of this section is punishable under RCW 77.15.750.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

**WAC 232-12-828 Hunting of game birds and animals by persons with a disability.** (1) Definitions:

(a) "Hunter with a disability" means a person with a permanent disability who possesses a disabled hunter permit issued by the department.

(b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability.

(i) Upon approval of the application, the department will issue a vehicle identification placard.

(ii) A designated hunter companion card will be issued to the holder of a disabled hunter permit along with the issuance of a hunting license.

(c) "Designated hunter companion" means a person who assists or acts on behalf of a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to a hunter with a disability for use by another person in assisting or acting on the behalf of the hunter with a disability while engaging in hunting activities.

(e) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed a 1/4-mile separation. While stalking or shooting an animal, the hunter with a disability

and the designated hunter companion must have a form of reliable and direct communication.

(2) It is unlawful for a hunter with a disability to fail to obtain all required licenses, tags, or stamps before hunting.

(3) It is unlawful for a designated hunter companion to assist a hunter with a disability unless the designated hunter companion has the designated hunter companion card on his or her person. A designated hunter companion must have a valid hunting license issued by Washington state or another state.

(a) The designated hunter companion must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability.

(b) The designated hunter companion does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for the hunter with a disability or the designated hunter companion to fail to:

(a) Immediately cut, notch, or date any required tag upon harvesting a game bird or animal; and

(b) Affix the tag to the carcass of the game bird or animal as soon as reasonably possible after killing the game.

(5) A violation of subsection (2), (3), or (4) of this section is punishable under RCW 77.15.400, 77.15.410, 77.15.-430, or 77.15.750 or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

(6) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a hunter with a disability do not count against the designated hunter companion's bag or possession limit.

(7) It is unlawful for a hunter with a disability to possess a loaded firearm in a motor vehicle, or shoot from a motor vehicle, unless the vehicle is stopped, the vehicle is removed from the maintained portion of the roadway, and the motor is turned off. A disabled hunter vehicle identification placard must be displayed and visible.

AMENDATORY SECTION (Amending WSR 15-10-034, filed 4/28/15, effective 5/29/15)

**WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.** It is unlawful to hunt migratory waterfowl, coot, and snipe on or within the following described areas:

(1) Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia River, running north along the eastern shore of Bachelor Island to the confluence with Lake River. (Clark County)

(2) The Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the U.S. Highway 97 bridge at Maryhill (Klickitat County).

(3) The Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Paterson (river channel marker 67), except the hunting of waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area. (Benton County)

(4) The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) power line crossing in Section 24, T13N, R27E, to Vernita Bridge (Highway 24). (Benton, Franklin, and Grant counties)

(5) The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands. (Grant and Kittitas counties)

(6) The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to a line running between shoreline navigation marker ((4)) 5 at Levey Park Recreation Area and the Corps of Engineers windmill at Charbonneau Habitat Management Unit. (Franklin and Walla Walla counties)

(7) The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles). (Yakima County)

**AMENDATORY SECTION** (Amending WSR 15-10-059, filed 4/30/15, effective 5/31/15)

**WAC 232-28-248 Special closures and firearm restriction areas. (1) RESTRICTED HUNTING AREAS.**

It is unlawful to hunt in the following restricted hunting areas unless otherwise provided:

(a) Parker Lake (GMU 117, Pend Oreille County): All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389), and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to hunting wild animals and wild birds year-round except for special hunts adopted by the fish and wildlife commission. The Parker Lake closure provides a protected area for the U.S. Air Force Military Survival Training Program.

(b) Columbia River: The Columbia River, all islands except privately owned, in the river, the Benton County shoreline below the high water mark, Central Hanford Department of Energy property, and any peninsula originating on the Benton County shoreline, between Vernita Bridge on Highway 24 downstream to the Richland city limits are designated as a "CLOSED AREA" to hunting wild animals and wild birds except waterfowl hunting is open below the high water mark between the old Hanford townsite power line crossing (wooden towers) in Section 24, T 13 N, R 27 E, and the Richland city limits.

(c) Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to hunting big game year-round. During the general westside elk season and general and late deer seasons, all lands within GMU 485 year-round are also designated as a "CLOSED AREA" to hunting all wild animals, including wild birds, year-round. The city of Tacoma enforces trespass within GMU 485 year-round on lands owned or controlled by the city.

(d) McNeil Island (part of GMU 652): Closed to hunting all wild animals, including wild birds, year-round.

(e) Loo-wit (GMU 522): Closed to hunting and trapping, except for elk hunting by special permit holders during established seasons and in designated areas.

(2) A violation of subsection (1) of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

**(3) CLOSED BIG GAME HUNTING AREAS.**

It is unlawful to hunt big game in the following closed areas, unless otherwise specified:

(a) Clark, Cowlitz, Pacific, and Wahkiakum counties: Closed to hunting for Columbian whitetail deer.

(b) Cathlamet: Except for special permits issued by the department for nonendangered deer and elk, this area is closed to all deer and elk hunting to protect the Columbian whitetail deer. This area's boundaries are described as:

Beginning in the town of Skamokawa; then east along SR 4 to Risk Road; then south and east along Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning.

(c) Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to hunting all wild animals, including wild birds. The only exception is for deer or elk hunting by holders of GMU-157 special deer or elk permits during the established open season. These permit holders must have a U.S. Forest Service permit to enter the hunt area, and the area is closed to motorized vehicles. No entry into the Mill Creek Watershed is allowed at other times.

(d) Westport: Closed to hunting all big game animals on the part of Westport Peninsula lying north of State Highway 105 from the Elk River Bridge west end and the Schafer Island Road to the ocean beach.

(e) Cottonwood and Howard islands (GMU 564): Closed to all deer hunting.

(4) A violation of subsection (3) of this section is a gross misdemeanor or a class C felony punishable under RCW 77.15.410, depending on the circumstances of the violation.

**(5) FIREARM RESTRICTION AREAS.**

(a) It is unlawful to hunt wildlife in the following firearm restriction areas with centerfire or rimfire rifles, or to fail to comply with additional firearm restrictions, except as established below:

COUNTY	AREA
Chelan	That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the

COUNTY	AREA	COUNTY	AREA
	Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.		Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.	Island	GMUs 421 (Camano) and 420 (Whidbey).
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.	Jefferson	Indian and Marrowstone islands.
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.	King	The area west of Highway 203 (Monroe-Fall City, then Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; and GMU 422 (Vashon-Maury).  This area is restricted to archery only:  The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning.
Grays Harbor	<u>The following Chehalis Valley restriction applies only during modern firearm deer and elk seasons:</u>  That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.	Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Grays Harbor	The following Chehalis Valley restriction applies only during modern firearm elk seasons:  That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to State Street in Oakville; south on State Street to its merge with Oakville Road; west on Oakville Road to its merge with South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to	Kittitas	GMU 334 (Ellensburg) Closed to centerfire rifles during deer and elk seasons except for those areas designated in writing by WDFW wildlife conflict staff.
		Klickitat	Elk Area 5062 (Trout Lake) closed to centerfire rifles, handguns, and muzzleloaders October 1 to January 30.
		Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstine Island.
		Pacific	GMU 684 (Long Beach) the following Long Beach Peninsula restriction applies only during modern firearm deer and elk seasons: Beginning at the end of Outer Harbor Way in the City of Ilwaco to U.S. Highway 101, west and north on Highway 101 to Sandridge Road; north on Sandridge Road to 95th Street; west on 95th Street to Tarlatt Slough; out Tarlatt Slough to Willapa Bay, north along the shoreline of Willapa Bay, then west to the Pacific Ocean. South along the west coast of the

COUNTY	AREA	COUNTY	AREA
	<p>peninsula to Cape Disappointment State Park; east along state park boundary to Baker Bay; east along Baker Bay to the point of beginning.</p> <p>The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge.</p> <p>GMU 681 (Chinook Valley) beginning at confluence of Wallacut River, east along the Columbia River to the Astoria-Megler bridge; west along U.S. Highway 101 to Houtchen Road, north on Houtchen Road to the Chinook River; west on the Chinook River to the Chinook Valley Road; west on the Chinook Valley Road to Highway 101 and Wallacut River bridge; southwest on Wallacut River to point of beginning.</p>	<p>Whatcom</p> <p>All mainland areas and islands of Whatcom County that are west of I-5. This restriction applies to big game hunting only.</p> <p>(b) Archery tag holders may only hunt during established archery seasons with archery equipment as defined under WAC 232-12-054.</p> <p>(c) Muzzleloader tag holders may only hunt during established muzzleloader seasons with muzzleloader equipment or archery equipment as defined by department rule.</p> <p>(d) Modern firearm tag holders may hunt during established modern firearm seasons with bows and arrows; crossbows; muzzleloaders; revolver-type handguns; semiautomatic handguns of .40 (10 mm) caliber or larger; or shotguns, so long as the equipment and ammunition complies with department rules.</p> <p>(6) A violation of subsection (5) of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.</p>	
Pierce	<p>GMU 652 (Ketron Island), GMU 655 (Anderson) limited to archery, shotgun, and muzzleloader. McNeil Island closed to hunting.</p> <p>See GMU 652 restriction area outlined for King County.</p> <p>GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.</p>	<p><u>AMENDATORY SECTION</u> (Amending WSR 15-10-048, filed 4/29/15, effective 5/30/15)</p> <p><b>WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits.</b></p> <p><b>AUCTION PERMITS</b></p> <p>(1) BLACK-TAILED DEER AUCTION PERMIT</p> <p>(a) Season dates: September 1 - December 31</p> <p>(b) Hunt Area: Those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to black-tailed deer hunting by the fish and wildlife commission.</p> <p>(c) Weapon type: Any legal weapon.</p> <p>(d) Bag limit: One additional any buck black-tailed deer.</p> <p>(e) Number of permit hunters selected: 1</p> <p>(2) MULE DEER AUCTION PERMIT</p> <p>(a) Season dates: September 1 - December 31</p> <p>(b) Hunt Area: Those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission.</p> <p>(c) Weapon type: Any legal weapon.</p> <p>(d) Bag limit: One additional any buck mule deer.</p> <p>(e) Number of permit hunters selected: 1</p> <p>(3) WHITE-TAILED DEER AUCTION PERMIT</p> <p>(a) Season dates: September 1 - December 31</p> <p>(b) Hunt Area: Those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.</p> <p>(c) Weapon type: Any legal weapon.</p> <p>(d) Bag limit: One additional any buck white-tailed deer.</p> <p>(e) Number of permit hunters selected: 1</p> <p>(4) <u>THREE-DEER AUCTION PERMIT</u></p> <p><u>(a) Bag limit: One additional any buck black-tailed deer, one additional any buck mule deer, and one additional any buck white-tailed deer; total harvest not to exceed three animals.</u></p> <p><u>(b) Hunt Area: For black-tailed deer, those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those</u></p>	
San Juan	<p>All San Juan County, including GMUs 411 (Orcas), 412 (Shaw), 413 (San Juan), 414 (Lopez), 415 (Blakely), 416 (Decatur), and those portions of GMU 410 (Islands) that occur in San Juan County.</p>		
Snohomish	<p>All areas west of Highway 9, until the intersection of Highway 9 and Highway 2, then east along Highway 2 to Highway 203, then all areas west of Highway 203 to the Snohomish/King County line.</p>		
Skagit	<p>All mainland areas and islands, including GMU 419 (Guemes), in Skagit County west of I-5 and north of the Skagit/Snohomish County line, except Cypress Island. This restriction applies to big game hunting only.</p>		
Skamania	<p>That portion of GMU 564 (Battle Ground) in Skamania County.</p>		
Thurston	<p>GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.</p>		

GMUs closed to deer hunting by the fish and wildlife commission. For mule deer, those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission. For white-tailed deer, those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

~~(5)~~ WESTSIDE ELK AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

~~((5))~~ (6) EASTSIDE ELK AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Eastern Washington EXCEPT GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

~~((6))~~ (7) CALIFORNIA BIGHORN SHEEP AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One California bighorn ram.

(e) Number of permit hunters selected: 1

~~((7))~~ (8) MOOSE AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Any open moose unit, and hunt areas identified by the department before December 1 for the following year, and posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One moose of either sex.

(e) Number of permit hunters selected: 1

~~((8))~~ (9) MOUNTAIN GOAT AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One mountain goat of either sex.

(e) Number of permit hunters selected: 1

#### RAFFLE PERMITS

~~((9))~~ (10) BLACK-TAILED DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck black-tailed deer.

(e) Number of permit hunters selected: 1

~~((10))~~ (11) MULE DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck mule deer.

(e) Number of permit hunters selected: 1

~~((11))~~ (12) WHITE-TAILED DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck white-tailed deer.

(e) Number of permit hunters selected: 1

~~((12))~~ (13) WESTSIDE ELK RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

~~((13))~~ (14) EASTSIDE ELK RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Eastern Washington EXCEPT GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

~~((14))~~ (15) CALIFORNIA BIGHORN SHEEP RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1 except that sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.

(c) Weapon: Any legal weapon.

(d) Bag limit: One California bighorn ram.

(e) Number of permit hunters selected: 1

~~((15))~~ (16) MOOSE RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Any open moose unit.

(c) Weapon: Any legal weapon.

(d) Bag limit: One moose of either sex.

(e) Number of permit hunters selected: 2

~~((16))~~ (17) MOUNTAIN GOAT RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One mountain goat of either sex.

(e) Number of permit hunters selected: 1

~~((17))~~ (18) TURKEY RAFFLE PERMIT

(a) Season dates: April 1 - May 31 and September 1 - December 31

(b) Hunt Area: Statewide.

(c) Weapon: Archery or shotgun only.

(d) Bag limit: Three additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

(e) Number of permit hunters selected: 1

~~((18))~~ (19) ROCKY MOUNTAIN BIGHORN SHEEP RAFFLE PERMIT

(a) Bag limit: One Rocky Mountain bighorn ram.

(b) Hunt Area: GMUs 113, 172~~((,175))~~.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

~~((19))~~ (20) THREE-DEER RAFFLE PERMIT

(a) Bag limit: One additional any buck black-tailed deer, one additional any buck mule deer, and one additional any buck white-tailed deer; total harvest not to exceed three animals.

(b) Hunt Area: For black-tailed deer, those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission. For mule deer, those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission. For white-tailed deer, those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

~~((20))~~ (21) NORTHEAST WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest three of six possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any bull elk, one any bull moose, one additional any legal cougar, one additional any legal black bear, and one additional any legal turkey (gobbler and turkey with visible beard ONLY); total harvest not to exceed three animals.

(b) Hunt Area: GMUs 101-124.

(c) Season dates:

(i) September 1 - December 31 for white-tailed deer, elk, and moose.

(ii) April 15 - May 31 and September 1 - December 31 for black bear.

(iii) September 1 - March 31 for cougar. April 15 - May 31 for turkey.

(d) Weapon: Any legal weapon EXCEPT archery and shotgun only for turkey.

(e) Number of permit hunters selected: 1

~~((21))~~ (22) SOUTH-CENTRAL WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: One additional any bull elk, one additional any buck deer, and one California bighorn sheep ram; total harvest not to exceed three animals.

(b) Hunt Area: For elk, any 300 or 500 series GMU EXCEPT those GMUs closed to elk hunting and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission. For deer, any 300 or 500 series GMU EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission. For California bighorn sheep, the director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1. For bighorn sheep, any bighorn herd located south of U.S. Highway 2 in Chelan County and west of the Columbia River in Kittitas and Yakima counties.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

~~((22))~~ (23) SOUTHEAST WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest four of five possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any buck mule deer, one additional any bull elk, one additional any legal cougar, and one additional any legal black bear; total harvest not to exceed four animals.

(b) Hunt Area: GMUs 139-154 and 162-186.

(c) Season dates: September 1 - December 31 for white-tailed deer, mule deer, and elk. April 15 - June 15 and September 1 - December 31 for black bear. September 1 - March 31 for cougar

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

~~((23))~~ (24) NORTH-CENTRAL WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest three of five possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any buck mule deer, one any ram California bighorn sheep, one additional any legal cougar, and one additional any legal black bear; total harvest not to exceed three animals.

(b) Hunt Area: For white-tailed deer, mule deer, cougar, and black bear, any 200 series GMU EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission. For California bighorn sheep, the director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and

will be posted on the department's web site no later than January 1 in Okanogan or Chelan counties north of US Highway 2.

(c) Season dates:

(i) September 1 - December 31 for white-tailed deer, mule deer, and California bighorn sheep.

(ii) April 15 - May 15 and September 1 - December 31 for black bear.

(iii) September 1 - March 31 for cougar.

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

#### SPECIAL INCENTIVE PERMITS

~~((24))~~ (25) WESTERN WASHINGTON ELK INCENTIVE PERMITS

(a) Hunt Area: Western Washington EXCEPT GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

(d) Bag limit: One additional elk.

(e) Number of permit hunters selected: 2

~~((25))~~ (26) EASTERN WASHINGTON ELK INCENTIVE PERMITS

(a) Hunt Area: Eastern Washington EXCEPT GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

(d) Bag limit: One additional elk.

(e) Number of permit hunters selected: 2

~~((26))~~ (27) DEER INCENTIVE PERMITS

(a) Hunt Area: Statewide, for use in any area open to general or permit hunting seasons EXCEPT GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT hunters must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

(d) Bag limit: One additional any deer.

(e) Number of permit hunters selected: 5

#### PERMIT ISSUANCE PROCEDURE

~~((27))~~ (28) Auction permits: The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

~~((28))~~ (29) Raffle permits: Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted

by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

~~((29))~~ (30) Special incentive permits: Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

~~((30))~~ (31) For permit hunts where the permittee may harvest multiple species, the permittee must select the species he/she wants to hunt within fourteen days of notification of being selected.

#### QUALIFICATIONS FOR PARTICIPATION AND REQUIREMENTS:

~~((31))~~ (32) Permittees shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

~~((32))~~ (33) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

~~((33))~~ (34) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

~~((34))~~ (35) If requested by the department, the permittee is required to direct department officials to the site of the kill.

~~((35))~~ (36) The permit is valid during the hunting season dates for the year issued.

~~((36))~~ (37) The permittee will present the head and carcass of the bighorn sheep killed to any department office within seventy-two hours of date of kill.

~~((37))~~ (38) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

~~((38))~~ (39) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

~~((39))~~ (40) Permit hunters awarded a cougar permit may only use dogs in GMUs that have a cougar season open to dog use (WAC 232-28-285).

AMENDATORY SECTION (Amending WSR 15-10-066, filed 5/1/15, effective 6/1/15)

**WAC 232-28-286 ((2016,)) 2017((,)) and 2018 Spring black bear seasons and regulations.** It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280, depending on the circumstances of the violation.

**Who May Apply:** Anyone with a valid Washington big game license, which includes black bear as a species option.



**Hunt Areas, Permit Levels, and Season Dates for Each License Year:**

Hunt Name	Hunt Area	Permits <sup>(*)</sup>	Season Dates <sup>(*)</sup>
Sherman	GMU 101	50	April 1 - June 15
Kelly Hill	GMU 105	50	April 1 - June 15
Douglas	GMU 108	40	April 1 - June 15
Aladdin	GMU 111	50	April 1 - June 15
49 Degrees North	GMU 117	100	April 1 - June 15
Huckleberry	GMU 121	100	April 1 - June 15
Blue Creek	GMU 154	15	April 15 - May 31
Dayton	GMU 162	15	April 15 - May 31
Tucannon	GMU 166	5	April 15 - May 31
Wenaha	GMU 169	45	April 15 - June 15
Mt. View	GMU 172	15	April 15 - May 31
Lick Creek	GMU 175	15	April 15 - May 31
Couse	GMU 181	4	April 15 - May 31
Grande Ronde	GMU 186	5	April 15 - May 31
<u>Kitsap</u>	<u>GMU 627</u>	<u>5</u>	<u>April 15 - May 31</u>
<u>Mason</u>	<u>GMU 633</u>	<u>5</u>	<u>April 15 - May 31</u>
Bear River <sup>(b)</sup>	GMU 681	20	April 15 - May 31
Long Beach <sup>(bd)</sup>	GMU 684	20	April 15 - May 31
North Skagit <sup>(e)</sup>	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, ( <del>Longview</del> ) Weyerhaeuser-Columbia Timber Lands, and Grandy Lake Timber company.	30	April 15 - June 15
Monroe <sup>(e)</sup>	That portion of GMU 448 that is designated as the hunt area by DNR( <del>;</del> ) <u>and</u> Campbell ( <del>Group, and Longview Timber Lands</del> ) <u>Global</u> .	25	April 15 - June 15
Copalis	( <del>That portion of GMU 642 that is designated as the hunt area by Rayonier Timber Company.</del> ) <u>GMU 642</u>	( <del>100</del> ) <u>50</u>	April 15 - June 15
Kapowsin <sup>(e)</sup>	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management and International Forestry.	150	April 15 - June 15

<sup>(\*)</sup>Permits are valid for the license year they are issued.

<sup>(b)</sup>Mostly private lands; access is extremely limited. Please secure access prior to applying for these hunts.

<sup>(e)</sup>Spring black bear hunting seasons to reduce black bear damage to trees.

<sup>(d)</sup>Firearm restriction area:))

**Bag Limit:** One black bear per black bear special permit season.

**License Required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

**Submitting Bear Teeth:** Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

AMENDATORY SECTION (Amending WSR 15-10-031, filed 4/28/15, effective 5/29/15)

**WAC 232-28-296 Landowner hunting permits.** (1) A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

(2) It is unlawful for hunters to participate in landowner-permit hunts unless the hunters possess both an access permit

from the landowner and a hunting permit from the department for the species covered under the landowner's contract. A violation of this section is punishable under RCW 77.15.410.

(3)(a) **Buckrun**

(i) Buckrun is located in Grant County, near the town of Wilson Creek.

(ii) Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one-day hunts during the permit seasons

(ii) **Deer Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tailed Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Oct. 25 - Dec. 31	Any deer	Buckrun

(c) **Buckrun special hunting permits**

(i) Hunters must apply to the Washington department of fish and wildlife for Buckrun's special hunting permits. Only hunters possessing a modern firearm deer tag are eligible for these special permits. All hunters must check in and out with the landowner or their designee. Hunts must be scheduled in advance by calling 509-345-2577.

(ii) **Deer Seasons:**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless	Buckrun

(4)(a) **Silver Dollar Association**

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between the Silver Dollar Association and the department.

(b) **Silver Dollar Association landowner hunting permits**

(i) The Silver Dollar Association's manager will distribute the association's landowner hunting permits. The association may charge an access fee for these permits.

(ii) **Elk Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

(c) **Silver Dollar Association special hunting permits**

(i) Hunters must apply to the department for the Silver Dollar Association's special hunting permits.

(ii) **Elk Seasons:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	8	EF	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	EF	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	EF	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

**(5)(a) Blackrock Ranches**

Blackrock Ranches is located in Yakima County west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Ranches and the department.

**(b) Blackrock Ranches landowner hunting permits**

(i) Blackrock Ranches' manager will distribute the ranches' landowner hunting permits. Blackrock Ranches may charge an access fee for these permits.

**(ii) Elk Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	6	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	2	Aug. 1 - March 31	Antlerless	Blackrock Ranches

**(c) Blackrock Ranches special hunting permits**

(i) Hunters must apply to the department for Blackrock Ranches' special hunting permits. To apply, hunters must have an eastside elk tag.

**(ii) Elk Seasons:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	EF	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

**(6)(a) Pine Mountain Ranch**

The Pine Mountain Ranch is located in Yakima County 14 miles west of Yakima. A legal description of the property is in the contract between the Pine Mountain Ranch and the department.

**(b) Pine Mountain Ranch landowner hunting permits**

(i) Pine Mountain Ranch's manager will distribute the ranch's landowner hunting permits. Pine Mountain Ranch may charge an access fee for these permits.

**(ii) Deer Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	3	Nov. <del>((10))</del> 7 - Dec. 31	Any Buck	Pine Mountain Ranch

**(iii) Elk Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Aug. 1 - Dec. 31	Any Bull	Pine Mountain Ranch
Pine Mountain Ranch	2	Aug. 1 - Nov. <del>((9))</del> 6	Antlerless	Pine Mountain Ranch

**(c) Pine Mountain Ranch special hunting permits**

(i) Hunters must apply to the department for Pine Mountain Ranch's special hunting permits.

(ii) **Deer Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	3	Nov. <del>((40))</del> <u>7</u> - Dec. 31	Youth Only, Any Buck	Pine Mountain Ranch

(iii) **Elk Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Aug. 1 - Dec. 31	Youth Only, Any Bull	Pine Mountain Ranch
Pine Mountain Ranch	2	Aug. 1 - Nov. <del>((9))</del> <u>6</u>	Antlerless	Pine Mountain Ranch

(7)(a) **Bennett Lumber LHP**

(i) The Bennett Lumber property is located in Asotin, Columbia, Garfield, and Walla Walla counties (GMUs 154, 162, 166, 172, and 178). A legal description of the property is in the contract between Bennett Lumber and the department.

(ii) Special hunting permits are not issued by the department for the Bennett Lumber LHP. Instead, Bennett Lumber will be enrolling in the hunt by reservation program to provide regulated public access to all of their property. The landowner and the department will develop a framework for scheduling reservation hunts on the property which will result in hunting opportunity exceeding that which otherwise would be available using the standard allocation guidelines for LHPs.

(b) **Bennett Lumber landowner hunting permits**

(i) Bennett Lumber's manager will distribute the ranch's landowner hunting permits. Bennett Lumber may charge an access fee for these permits. Holders of the 10 antlerless elk permits are eligible to purchase second elk tags that may only be used on lands included in the Bennett Lumber LHP.

(ii) **Deer Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Bennett Lumber A	2	Nov. <del>((7-19))</del> <u>14-28</u>	Mule Deer, 3 pt. min	Bennett Lumber
Bennett Lumber B	4	Nov. <del>((7-19))</del> <u>14-28</u>	White-tailed, 3 pt. min	Bennett Lumber

(iii) **Elk Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Bennett Lumber A	<del>((2))</del> <u>1</u>	Sept. 15-30	Any Bull	Bennett Lumber
Bennett Lumber B	5	Sept. 15-30	Antlerless	Bennett Lumber
Bennett Lumber C	5	<del>((Oct. 31 - Nov. 8))</del> <u>Nov. 14-28</u>	Antlerless	Bennett Lumber

(8)(a) **ZMI Ranch**

ZMI Ranch is located in northern Walla Walla County near Lyons Ferry (GMU 149).

(b) **ZMI Ranch landowner hunting permits**

(i) ZMI Ranch's manager will distribute the ranch's landowner hunting permits. ZMI Ranch may charge an access fee for these permits.

(ii) **Deer Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
ZMI A	3	<del>((Oct. 28 - Nov. 1))</del> <u>Oct. 26-30</u>	3 pt. min	ZMI
ZMI B	3	Nov. 14-30	3 pt. min	ZMI

(c) **ZMI Ranch special hunting permits**

(i) Hunters must apply to the department for ZMI Ranch's special hunting permits. Only hunters possessing a modern fire-arm deer tag are eligible for ZMI special permits. Hunters must contact ZMI Ranch's manager to schedule a hunt time. All hunters must check in and out with the landowner or their designee on the day they hunt.

(ii) **Deer Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
ZMI A	2	Nov. ((4-8)) <u>2-6</u>	3 pt. min	ZMI
ZMI B	6	Dec. ((5-13)) <u>3-11</u>	Antlerless	ZMI

(9)(a) **Columbia Plateau Wildlife Management Association**

(i) The Columbia Plateau Wildlife Management Association (CPWMA) landowner hunting permit area is located in Spokane County (GMU 130) near Turnbull National Wildlife Refuge. A legal description of the property is in the contract between the CPWMA and the department.

(ii) Landowner permit hunts are primarily damage hunts but are managed for a quality experience by keeping the number of hunters in the field low.

(b) **Columbia Plateau Wildlife Management Association landowner hunting permits**

(i) CPWMA's manager will distribute the association's landowner hunting permits. CPWMA will not charge an access fee for raffle permit winners. Only hunters possessing an elk tag are eligible for permits on CPWMA's properties. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's web site at [www.cpwma.org](http://www.cpwma.org) or contact the hunt manager at 509-263-4616. Holders of landowner permits selected through raffle, including 13 antlerless elk and 2 any elk permits, are eligible to purchase second elk tags that may only be used on lands included in the CPWMA LHP.

(ii) **Elk Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA	2	Jan. 1 - Mar. 31	Antlerless	CPWMA
CPWMA Raffle 1	4	Jan. 1-31	Antlerless	CPWMA
CPWMA Raffle 2	4	Feb. ((1-29)) <u>1-28</u>	Antlerless	CPWMA
CPWMA Raffle 3	5	Mar. 1-31	Antlerless	CPWMA
CPWMA Raffle 4	2	Jan. 1-31	Any elk	CPWMA

(c) **Columbia Plateau Wildlife Management Association special hunting permits**

(i) Hunters must apply to the department for CPWMA's special hunting permits. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of required information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's web site at [www.cpwma.org](http://www.cpwma.org) or contact the hunt manager at 509-263-4616.

(ii) **Elk Seasons:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA 1	5	Jan. 1-31	Antlerless	CPWMA
CPWMA 2	5	Feb. ((1-29)) <u>1-28</u>	Antlerless	CPWMA
CPWMA 3	5	Mar. 1-31	Antlerless	CPWMA
CPWMA 4	1	Jan. 1-31	Any elk	CPWMA

AMENDATORY SECTION (Amending WSR 15-10-066, filed 5/1/15, effective 6/1/15)

**WAC 232-28-297 ((2015-2016,)) 2016-2017((,)) and 2017-2018 Cougar hunting seasons and regulations.** (1) As used in this section and in the context of general cougar hunting seasons, "harvest guideline" means the estimated allowable harvest; the actual harvest may be less than or more than the harvest guideline.

(2) General cougar season is September 1 to April 30 of the following year.

Season dates and harvest guidelines for each season:

Hunt Area	Harvest Guideline	Early Hunting Season	Late Hunting Season	Legal Weapon
GMU 101	((10-12)) <u>7-9</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon

Hunt Area	Harvest Guideline	Early Hunting Season	Late Hunting Season	Legal Weapon
GMU 105	<del>((2-3))</del> <u>2</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 108, 111	<del>((7-8))</del> <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 113	<del>((6-8))</del> <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 117	<del>((8-10))</del> <u>6-8</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 121	<del>((6-8))</del> <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 124, 127, 130	7-9	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 133, 136, 139, 142, 248, 254, 260, 262, 266, 269, 272, 278, 284, 290, 330, 334, 371, 372, 373, 379, 381	None	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 149, 154, 162, 163	<del>((6-7))</del> <u>4-5</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 145, 166, 175, 178	<del>((5-6))</del> <u>3-4</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 169, 172, 181, 186	<del>((4-5))</del> <u>3</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 203	<del>((4-6))</del> <u>5</u>	Sept. 1 - Dec. 31	Jan. 1 - ( <del>Mar. 31</del> ) <u>Apr. 30</u>	Any Legal Weapon
GMU 204	<del>((9-11))</del> <u>6-8</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 209, 215	<del>((4-5))</del> <u>4</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 218, 231	<del>((6-7))</del> <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 224	<del>((2-3))</del> <u>2</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 233, 239	<del>((3-4))</del> <u>4</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 242, 243	<del>((6-7))</del> <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 244, 246, 247	5-6	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 245, 250	5-6	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 249, 251	<del>((7-8))</del> <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 328, 329, 335	<del>((8-10))</del> <u>6-7</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 336, 340, 342, 346	<del>((5-7))</del> <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 352, 356, 360, 364, 368	<del>((5-7))</del> <u>5-6</u>	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 382, 388	3-4	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 407	None	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon

Hunt Area	Harvest Guideline	Early Hunting Season	Late Hunting Season	Legal Weapon
GMUs 418, 426, 437	11-15	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 448, 450	<del>((9-13))</del> 10-13	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 454	None	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 460	<del>((5-7))</del> 5-6	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 466, 485, 490	<del>((2-3))</del> 3	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 501, 504, 506, 530	<del>((7-10))</del> 8-10	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 503, 505, 520, 550	6-8	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 510, 513	3-4	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 516	<del>((3-5))</del> 4	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 524, 554, 556	<del>((3-4))</del> 3	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 560	5-6	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 564	<del>((2-3))</del> 1	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 568	<del>((2-3))</del> 2	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 572	<del>((3-4))</del> 3	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 574, 578	<del>((3-5))</del> 4	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 601, 602, 603, 612	5-7	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 607, 615	<del>((4-5))</del> 4	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 618, 636, 638	4-5	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 621, 624, 627, 633	None	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 642, 648, 651	6-8	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 652, 666	None	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 653, 654	<del>((4-6))</del> 5	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMUs 658, 660, 663, 672, 673, 681, 684, 699	9-12	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon
GMU 667	3-4	Sept. 1 - Dec. 31	Jan. 1 - Apr. 30	Any Legal Weapon

(a) In hunt areas with a harvest guideline, the cougar late hunting season may close on or after January 1st in one or more GMUs if cougar harvest meets or exceeds the guideline.

(b) In hunt areas with a harvest guideline, starting January 1st, cougar hunters may hunt cougar from January 1st until the hunt area harvest guideline has been met, and the department has notified licensed cougar hunters by posting the hunt area closure on the ~~((departments))~~ department's web site and on the toll-free cougar hunting hotline, or April 30th, whichever occurs first.

(3) Harvest guideline system:

(a) All cougar killed by licensed hunters during the early and late hunting seasons, and seasons authorized under WAC 232-12-243 shall be counted toward the harvest guideline.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, land-owner kill permits, and WDFW depredation authority regardless of harvest guidelines.

(c) It is each cougar hunter's responsibility to verify if the cougar late hunting season is open or closed in hunt areas

with a harvest guideline. Cougar hunters can verify if the season is open or closed by calling the toll-free cougar hunting hotline or visiting the department's web site.

(4) Cougar hunting season requirements and special restrictions.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

(b) The statewide bag limit is one (1) cougar per license year; excluding removals authorized under WAC 232-12-243. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(c) The use of dogs to hunt cougar is prohibited; except by a commission authorized permit (WAC 232-12-243).

(d) Any person who takes a cougar must comply with the notification and sealing requirements in WAC 232-12-024.

(e) A special cougar permit is required to hunt cougar in GMU 485.

**AMENDATORY SECTION** (Amending WSR 15-10-059, filed 4/30/15, effective 5/31/15)

**WAC 232-28-337 Elk area descriptions.**

The following areas are defined as elk areas:

**Elk Area No. 1008 West Wenaha (Columbia County):** That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

**Elk Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties):** That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

**Elk Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1011 (Columbia County):** That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

**Elk Area No. 1012 (Columbia County):** That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1013 (Asotin County):** GMU 172, excluding National Forest lands and the 4-O Ranch Wildlife Area.

**Elk Area No. 1015 Turnbull (Spokane County):** Located in GMU 130, designated areas within the boundaries of Turnbull National Wildlife Refuge.

**Elk Area No. 1016 (Columbia County):** GMU-162 Dayton, excluding the Rainwater Wildlife Area.

**Elk Area No. 1040 (Asotin County):** That area within GMU 172 designated as the WDFW-owned lands managed as the 4-O Ranch Wildlife Area.

**Elk Area No. 1081 (Asotin County):** All of GMU 181 Couse, including the portion of GMU 172 starting at the intersection of Mill Road and Highway 129 in Anatone, south along Hwy 129 to Smyth Rd, west and then north on Smyth

Rd to the intersection of E Mountain Rd, west along E Mountain Rd to the intersection of W Mountain Rd, north along W Mountain Rd to Mill Road, east on Mill Rd to the starting point.

**Elk Area No. 2032 Malaga (Kittitas and Chelan counties):** Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

**Elk Area No. 2033 Peshastin (Chelan County):** Starting at the Division St bridge over the Wenatchee River in the town of Cashmere; S on Aplets Way then Division St to Pioneer St; W on Pioneer St to Mission Creek Rd; S on Mission Creek Rd to Binder Rd; W on Binder Rd to Mission Creek Rd; S on Mission Creek Rd to Tripp Canyon Rd; W on Tripp Canyon Rd to where Tripp Canyon Rd stops following Tripp Creek; W on Tripp Creek to its headwaters; W up the drainage, about 1000 feet, to US Forest Service (USFS) Rd 7200-160; W on USFS Rd 7200-160 to Camas Creek Rd (USFS Rd 7200); W on Camas Creek Rd (USFS 7200 Rd) (excluding Camas Land firearm closure\*) to US Hwy 97; N on US Hwy 97 to Mountain Home Rd (USFS 7300 Rd); N on Mountain Home Rd to the Wenatchee River in the town of Leavenworth; S on the Wenatchee River to the Division St bridge in Cashmere and the point of beginning.

**Elk Area No. 2051 Tronsen (Chelan County):** All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road



and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

**Elk Area No. 3681 Ahtanum (Yakima County):** That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Highway 12; northeast on Highway 12 to the Naches River; southeast down the Naches River to Cowiche Creek; west up Cowiche Creek and South Fork Cowiche Creek to Summitview Avenue; northwest on Summitview Avenue to Cowiche Mill Road; west on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13; southeast along the power line to Ahtanum Creek and the point of beginning.

**Elk Area No. 3721 Corral Canyon (Benton and Yakima counties):** That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

**Elk Area No. 3722 Blackrock (Benton and Yakima counties):** That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

**Elk Area No. 3911 Fairview (Kittitas County):** Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to Highway 903 (Salmon La Sac Road); northwest along High-

way 903 to Pennsylvania Avenue; northeast along Pennsylvania Avenue to No. 6 Canyon Road; northeast along No. 6 Canyon Road to Cle Elum Ridge Road; north along Cle Elum Ridge Road to Carlson Canyon Road; northeast along Carlson Canyon Road to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umtanum Road; north on Umtanum Road to South Branch Canal; west on South Branch Canal to Bradshaw/Hanson Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to Big Creek; north on Big Creek to Nelson Siding Road; west and north on Nelson Siding Road to I-90; east on I-90 to point of beginning.

**Elk Area No. 3912 Old Naches (Yakima County):** Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the big-horn sheep feeding site in T15N, R16E, Section 36; south on the feeding site access road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the intersection of the metal footbridge and the elk fence at the south end of the bridge in T14N, R16E, Section 3; south along the elk fence to the top of the cliff/rimrock line; southwest along the top of the cliff/rimrock line to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; south along the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; downstream along the South Fork Ahtanum Creek and Ahtanum Creek to the Yakima River; upstream along the Yakima River to Roza Canal and point of beginning.

**Elk Area No. 4601 North Bend (King County):** That portion of GMU 460 beginning at the interchange of State Route (SR) 18 and I-90; W on I-90 to SE 82nd St, Exit 22, at the town of Preston; N on SE 82nd Street to Preston Fall City Rd SE (Old SR 203); N on Preston Fall City Rd SE to SE Fall City Snoqualmie Rd (SR 202) at the town of Fall City; E on SE Fall City Snoqualmie Rd to the crossing of Tokul Creek; N and E up Tokul Creek to its crossing with Tokul Rd SE; S

on SE Tokul Rd to SE 53rd Way; E on SE 53rd Way where it turns into 396th Dr SE then S on 396th Dr SE to SE Reinig Rd; E on SE Reinig Rd to 428th Ave SE; N on 428th Ave SE to where it turns into North Fork Rd SE; N and E on North Fork Rd SE to Ernie's Grove Rd; E on Ernie's Grove Rd to SE 70th St; N on SE 70th St to its ends at Fantastic Falls on the North Fork Snoqualmie River; SW down the North Fork Snoqualmie River to Fantastic Falls and the Mt Si Natural Resource Conservation Area boundary then S and E along the southern boundary of the Mt Si NRCA to the "School Bus" turnaround at SE 114th St; S on 480th Ave SE to SE 130th St; S and E on SE 130th St to its end; SSE overland from the end of SE 130th St, over the Middle Fork Snoqualmie River, to the end of 486th Ave SE; S on 486th Ave SE to the intersection with SE Middle Fork Road; Due S, from said intersection, up Grouse Mountain toward its peak, to the logging road adjacent to Grouse Mountain Peak; S down the logging road to Grouse Ridge Access Rd; W on Grouse Ridge Access Road which becomes SE 146th St; W on SE 146th St to I-90 then east along I-90 to the W boundary of Olallie/Twin Falls State Park then S along the state park western boundary to its most western boundary where it intersects with the boundary of the Iron Horse State Park; W along the boundary of Iron Horse State Park to the boundary of the Rattlesnake Lake Recreation Area; W along the boundary of the Rattlesnake Lake Recreation Area to Cedar Falls Rd SE; N along the Cedar Falls Rd to SE 174th Way; W on SE 174th Way to SE 174th St; W on SE 174th St to SE 173rd St; W on SE 173rd St to SE 170th Pl; W on SE 170th Pl to SE 169th St; W on SE 169th St to 424th Ave SE; N on 424th Ave SE to SE 168th St; W on SE 168th St to 422 Ave SE; N on 422 Ave SE to 426th Way SE; S on 426th Way SE to SE 164th St; E on SE 164th St to Uplands Way SE; W on Uplands Way SE to the crossing with the Power Transmission Lines; W along the Power Transmission Lines to the Winery Rd; NW on the Winery Rd to SE 99th Rd; W and N on SE 99th Rd to the I-90 interchange, at Exit 27; SW on I-90 to the interchange with SR 18 and the point of beginning.

**Elk Area No. 4941 Skagit River (Skagit County):** That portion of GMU 437 beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Concrete-Sauk Valley Road; south on Concrete-Sauk Valley Road over The Dalles Bridge (Skagit River) to the intersection with the South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 and the point of beginning.

**Elk Area No. 5029 Toledo (Lewis and Cowlitz counties):** Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

**Elk Area No. 5049 Ethel (Lewis County):** That part of GMU 505 beginning at the intersection of Jackson Highway and Highway 12; south along Jackson Highway to Buckley Road; south on Buckley Road to Spencer Road; east on Spencer Road to Fuller Road; north on Fuller Road to Highway 12; east on Highway 12 to Stowell Road; north on Stowell Road to Gore Road; west on Gore Road to Larmon Road; west on Larmon Road to Highway 12; west on Highway 12 to Jackson Highway and point of beginning.

**Elk Area No. 5050 Newaukum (Lewis County):** That part of GMU 505 beginning at the intersection of Interstate 5 and Highway 12; east on Highway 12 to Larmon Road; east on Larmon Road to Leonard Road; north on Leonard Road through the town of Onalaska to Degler Road; north on Degler Road to Middle Fork Road; east on Middle Fork Road to Beck Road; north on Beck Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Logan Hill Road; south then west on Logan Hill Road to Jackson Highway; south on Jackson Highway to the Newaukum River; west along the Newaukum River to Interstate 5; south on Interstate 5 to Highway 12 and point of beginning.

**Elk Area No. 5051 Green Mountain (Cowlitz County):** Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

**Elk Area No. 5052 Mossyrock (Lewis County):** Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5053 Randle (Lewis County):** Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5054 Boistfort (Lewis County):** Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

**Elk Area No. 5056 Grays River Valley (Wahkiakum County):** That area in GMU 506 on or within 1.5 miles of agricultural land in the Grays River Valley and Eden Valley within the following sections: T11N, R08W, Section 36; T11N, R07W, Sections 31, 32, 33; T10N, R7W, Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32; T10N, R8W, Sections 1, 2, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36; T09N, R08W, Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15; T09N, R07W, Sections 5, 6, 7, 8.

**Elk Area No. 5057 Carlton (Lewis County):** That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

**Elk Area No. 5058 West Goat Rocks (Lewis County):** Goat Rocks Wilderness west of the Pacific Crest Trail.

**Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties):** The Mt. Adams Wilderness.

**Elk Area No. 5060 Merwin (Cowlitz County):** Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

**Elk Area No. 5061 Wildwood (Lewis County):** Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N

R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

**Elk Area No. 5062 Trout Lake (Klickitat County):** Those portions of GMU 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; (including agricultural land on the Trout Lake Valley floor north of Sunnyside Road within T06N R10E in Sections 13 and 14); south on Mount Adams Recreational Area Road to the intersection of SR 141 and south on SR 141 and Sunnyside Road to the point of beginning.

**Elk Area No. 5063 Pumice Plain (Cowlitz and Skamania counties):** That part of GMU 522 beginning at the confluence of the N. Fork Toutle River and Castle Creek; East along the N. Fork Toutle River to USFS trail 207; south along USFS trail 207 to USFS trail 216E; southwest along USFS trail 216E to USFS trail 216; west along USGS trail 216 to USGS 216G; northwest along USFS trail 216G to USGS trail 221; north along USFS 221 to Castle Creek; northwest along Castle Creek to N. Fork Toutle River and point of beginning.

**Elk Area No. 5064 Upper Smith Creek (Skamania County):** That part of GMU 522 beginning at the U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 (Smith Creek Trail) junction; south on Trail 225 to Ape Canyon Creek; south and west up Ape Canyon Creek to U.S. Forest Service Trail 216 (Loowit Trail); north on Trail 216 to U.S. Forest Service Trail 216D (Abraham Trail); north on Trail 216D to U.S. Forest Service Trail 207 (Truman Trail); north and east on Trail 207 to U.S. Forest Service Rd. 99; north and east on U.S. Forest Service Rd. 99 to the junction of U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 and the point of beginning.

**Elk Area No. 5065 Mount Whittier (Skamania County):** That part of GMU 522 beginning at the U.S. Forest Service Trail 1 (Boundary Trail) and U.S. Forest Service Trail 214 (Whittier Ridge Trail) junction; west on the U.S. Forest Service Trail 1 to U.S. Forest Service Trail 230 (Coldwater Trail); north on U.S. Forest Service Trail 230 to U.S. Forest Service Trail 211 (Lakes Trail); east on Trail 211 to U.S. Forest Service Trail 214; south on U.S. Forest Service Trail 214 to the junction of U.S. Forest Service Trail 214 and U.S. Forest Service Trail 1 and the point of beginning.

**Elk Area No. 5066 Norway Pass (Lewis and Skamania counties):** That part of GMU 524 beginning at the U.S. Forest Service (USFS) Trail 211 (Lakes Trail) and USFS Trail 230 (Coldwater Trail) junction; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; N along the USFS property boundary to the Green River; E up the Green River to the USFS Rd 2612; E on the USFS Rd 2612 to USFS Rd 26; S on USFS Rd 26 to USFS Trail 1 (Boundary Trail); W on USFS Trail 1 to USFS Trail 214 (Whittier Trail); N on USFS Trail 214 to USFS Trail 211 (Lakes Trail); W on USFS Trail 211 to the USFS Trail 211, Trail 230 junction and point of beginning.

**Elk Area No. 5090 JBH (Wahkiakum County):** The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

**Elk Area No. 5099 Mudflow (Cowlitz County):** That part of GMU 522 beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser (Weyco) 3020 line; NW along Weyco 3020 line to Weyco 3000 line; E along Weyco 3000 line to Weyco 3000P line; E on the 3000P line to Weyco 5600 Line to the Mount Saint Helens National Volcanic Monument Boundary; N on the Mount Saint Helens National Volcanic Monument Boundary to SR 504; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

**Elk Area No. 6010 Mallis (Pacific County):** That part of GMUs 506, 672, and 673 within one and one-half mile either side of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd, and all lands within a half mile of Elk Creek Rd bounded on the south by Monohon Landing Rd.

**Elk Area No. 6011 Centralia Mine (Lewis County):** That portion of GMU 667 within Centralia Mine property boundary.

**Elk Area No. 6012 Tri Valley (Grays Harbor and Mason counties):** Those portions of GMUs 648 (Wynoochee) and 651 (Satsop) within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to mile post 16 and all lands within 2 miles north of SR 12 between the Satsop River and Schouweiler and Hurd roads and then a line north from the end of Hurd Road to a point 2 miles north of SR 12.

**Elk Area No. 6013 (Pierce County):** That part of GMU 652 beginning at the intersection of Highway 167 and Highway 410; north on Highway 167 to Highway 18; east on Highway 18 to Highway 164; southeasterly on Highway 164 to intersection with power transmission line in T20 R6 Section 18.

West along power transmission line to intersection with 226th Ave E. South on 226th Ave East to intersection with 40th St E, east on 40th St E to 230th Ave E, South on 230th Ave E to Radke Road. Southwest on Radke to Barkubine Road, South on Barkubine Road to Connells Prairie; West on Connells Prairie Rd to 214th Ave E, South on 214th Ave E to Highway 410; westerly on Highway 410 to Highway 167 and the point of beginning.

**Elk Area No. 6014 (Pierce County):** Starting at Highway 164 intersection with power transmission line in T20 R6 Section 18; W along power transmission line to intersection with 226th Ave E; S on 226th Ave East to intersection with 40th St E; E on 40th St E to 230th Ave E; S on 230th Ave E to Radke Rd; SW on Radke to Barkubine Rd; S on Barkubine Rd to Connells Prairie; W on Connells Prairie Rd to 214th Ave E; S on 214th Ave E to South Prairie Road; SE on South Prairie Road to Highway 162; E on Hwy 162 to Hwy 165; NE on Hwy 165 to Hwy 410; NE on Hwy 410 to White River; SE along White River to intersection with power transmission lines in T19N R7E S; NE on power transmission lines to intersection with Hwy 410 West on SR 410 to Hwy 164; NW on Highway 164 to starting point.

**Elk Area No. 6054 Puyallup River (Pierce County):** That portion of GMU 654 beginning at the intersection of Mount Rainier National Park's western boundary and State Route (SR) 706; W on SR 706 ((to 278th Ave E; N on 278th Ave E to WA Dept of Natural Resources' (DNR) 1300 Rd; NW on DNR 1300 Rd)) to intersection with Highway 7 at Elbe; NW on Highway 7 to Alder Cutoff Rd; N on Alder Cutoff Rd to Scott Turner Rd; NW on Scott Turner Rd to Alder Cutoff Rd; W and NE on Alder Cutoff Rd to Center St SE in the town of Eatonville; NW on Center St SE to SR 161; N and W on SR 161 to Orville Rd E; N on Orville Rd E, past Lake Ohop and Lake Kapowsin, to the bridge crossing the Puyallup River; SE up the Puyallup River to Mount Rainier National Park's western boundary; S on Mount Rainier National Park's western boundary to SR 706 and the point of beginning.

**Elk Area No. 6061 Twin Satsop Farms (Mason County):** That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

**Elk Area No. 6062 South Bank (Grays Harbor County):** That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

~~((Elk Area No. 6063 (Grays Harbor and Jefferson counties): Private lands within Elk Area 6064 east of Highway 101.))~~

**Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties):** That portion of GMU 638 (Quinault) within the Quinault River watershed east of Gatton Creek and Lake Quinault excluding US Forest Service (USFS) Colonel Bob Wilderness Area beginning at the mouth of the Quinault River; NE on the Olympic National Park boundary, which is along the Quinault River, to the intersection with USFS Colonel Bob Wilderness Area; then SW along the Colonel Bob Wilderness Area Western boundary to its intersection with Haas Creek; then downstream along Haas Creek to its intersection with USFS Olympic National Forest boundary; then SW along USFS boundary to the Lake Quinault shoreline; then N along the East shore of Lake Quinault to the mouth of Quinault River and the point of the beginning.

**Elk Area No. 6066 Chehalis Valley (Grays Harbor County):** That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

**Elk Area No. 6068 Willapa (Grays Harbor County):** That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

**Elk Area No. 6069 Hanaford (Lewis and Thurston counties):** That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Rd and S Pearl St (Centralia); N on S Pearl St to N Pearl St; N on N Pearl St to State Hwy 507; W and N on State Hwy 507 to Skookumchuck Rd; E on Skookumchuck Rd to the first bridge over the Skookumchuck River; E along the Skookumchuck River to the Skookumchuck Rd bridge; E on Skookumchuck Rd to the steel tower power line; SW along the power line to Big Hanaford Rd; E and S along Big Hanaford Rd to the intersection with the main stem of Hanaford Creek; SE along Hanaford Creek to the range line between Range 1W and Range 1E of Township 14N; S on the range line between Range 1W and Range 1E of Township 14N to Mitchell Creek; SW on Mitchell Creek to the North Fork of the Newaukum River; SW on the North Fork of the Newaukum River to North Fork Rd; W on North Fork Rd to Centralia-Alpha Rd; W on Centralia-Alpha Rd to Salzer Valley Rd and the point of beginning.

**Elk Area No. 6071 Dungeness (Clallam County):** Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan de Fuca to the mouth of Dean Creek on Sequim Bay; south and west up Dean Creek to the power

transmission line; west on the power transmission line to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

**Elk Area No. 6072 Sol Duc Valley (Clallam County):** That portion of GMU 607 (Sol Duc) between the Sol Duc River and Hwy 101 from a point at the Sol Duc River bridge over Hwy 101 approximately 2 miles north of Forks to the westernmost Sol Duc River bridge over Hwy 101 at a point approximately 1 mile east of Lake Pleasant.

**Elk Area No. 6073 Clearwater Valley (Jefferson County):** That portion of GMU 615 (Clearwater) within one mile of the Clearwater Road from the Quinault Indian Reservation boundary to a point 4 miles to the north.

**AMENDATORY SECTION** (Amending WSR 15-10-033, filed 4/28/15, effective 5/29/15)

**WAC 232-28-342 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.** Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

**STATEWIDE SEASONS:**

**(1) FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)**

(a) DAILY BAG LIMIT: 4 grouse per day, to include not more than 3 Blue Grouse, 3 Spruce Grouse, and 3 Ruffed Grouse.

(b) POSSESSION LIMIT: 12 grouse, to include not more than 9 Blue Grouse, 9 Spruce Grouse, and 9 Ruffed Grouse.

(c) SEASON DATES: Sept. 1 - Dec. 31 during the current license year.

**(2) BOBCAT**

(a) BAG AND POSSESSION LIMITS: No limit.

(b) SEASON DATES: Sept. 1 - Mar. 15 during the current license year.

(c) RESTRICTION: It is unlawful to hunt bobcat with dogs.

**(3) RACCOON**

(a) BAG AND POSSESSION LIMITS: No limit.

(b) OPEN AREA: Statewide, EXCEPT closed on Long Island within Willapa National Wildlife Refuge.

(c) SEASON DATES: Sept. 1 - Mar. 15 during the current license year.

**(4) FOX**

(a) BAG AND POSSESSION LIMITS: No limit.

(b) OPEN AREA: Statewide, EXCEPT closed within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests.

(c) SEASON DATES: Sept. 1 - Mar. 15 during the current license year.

**(5) COYOTE**

(a) BAG AND POSSESSION LIMITS: No limit.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Year-round.

(d) RESTRICTION: It is unlawful to hunt coyote with dogs.

**(6) COTTONTAIL RABBIT AND SNOWSHOE HARE (OR WASHINGTON HARE)**

(a) BAG AND POSSESSION LIMITS: 5 cottontails or snowshoe hares per day, with a total of 15 in possession at any time, straight or mixed bag.

(b) SEASON DATES: Sept. 1 - Mar. 15 during the current license year.

**(7) CROWS**

(a) BAG AND POSSESSION LIMITS: No limit.

(b) SEASON DATES: Sept. 1 - Dec. 31 during the current license year.

**(8) JACKRABBIT:**

Closed statewide.

**(9) PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE:**

Closed statewide.

**(10) WILD TURKEY:**

(a) **YOUTH SEASON:** Open only to youth hunters accompanied by an adult 18 years of age or older.

(i) **LEGAL BIRD:** Male turkeys and turkeys with visible beards only.

(ii) SEASON DATES:

(A) April 4-5, 2015;

(B) April 2-3, 2016;

(C) April 1-2, 2017; and

(D) April 7-8, 2018.

**(b) SPRING SEASON**

(i) **LEGAL BIRD:** Male turkeys and turkeys with visible beards only.

(ii) SEASON DATES: April 15 - May 31 during the current license year.

(iii) **BAG LIMIT:** The combined spring/youth season limit is 3 birds. Only 2 turkeys may be killed in Eastern Washing-

ton, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties. One (1) turkey may be killed per year in Western Washington outside of Klickitat County. Two (2) turkeys may be killed in Klickitat County.

**(c) EARLY FALL GENERAL SEASON**

(i) **LEGAL HUNTER:** Open to all hunters with a valid turkey tag.

(ii) **OPEN AREA:** GMUs 101-154 and 162-186.

(iii) SEASON DATES:

(A) Sept. 19 - Oct. 16, 2015;

(B) Sept. 17 - Oct. 14, 2016(~~and~~

~~(C)~~), (GMUs 145-154, 162-186);

(C) Sept. 17 - Oct. 31, 2016, (GMUs 101-142);

(D) Sept. 23 - Oct. 13, 2017, (GMUs 145-154, 162-186);

(E) Sept. 23 - Oct. 31, 2017, (GMUs 101-142).

(iv) **BAG LIMIT:** Three (3) turkeys during the early fall general season with the following area restrictions:

Game Management Units (GMUs)	Legal Bird and Limit
105-121	Two (2) beardless turkeys
101, 145-154, 162-186	One (1) either sex turkey
124-142	Two (2) beardless plus one (1) either sex turkey

**(d) FALL PERMIT SEASONS**

(i) **LEGAL BIRD:** Either sex.

(ii) **LEGAL HUNTER:** All hunters who are selected in the fall turkey special permit drawing and who also possess a valid turkey tag.

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits	Bag Limit*
Klickitat	Sept. 19 - Oct. 16, 2015, Sept. 17 - Oct. 14, 2016, Sept. 23 - Oct. 13, 2017	Either sex	GMUs 382, 388, 568-578	150	1
Methow	Nov. 15 - Dec. 15, 2015, 2016, 2017	Either sex	GMUs 218-231 and 242	50	1
Teanaway	Nov. 15 - Dec. 15, 2015, 2016, 2017	Either sex	GMU 335	50	1

\*BAG LIMIT: During the fall permit hunting seasons.

**(e) LATE FALL SEASON**

(i) **LEGAL BIRD:** Either sex.

(ii) **LEGAL HUNTER:** Open to all hunters with a valid turkey tag.

(iii) **OPEN AREA:** GMUs 105-154, 162-186.

(iv) SEASON DATES: Nov. 20 - Dec. 15 during the current license year.

(v) **BAG LIMIT:** One (1) turkey.

**(f) HUNTER EDUCATION INSTRUCTOR INCENTIVE PERMITS**

(i) **LEGAL BIRD:** Male turkeys and turkeys with visible beards only.

(ii) **LEGAL HUNTER:** Qualified hunter education instructors who are selected through a random drawing. Hunter edu-

cation instructors qualify if the instructor is certified and has been in active status for a minimum of 3 consecutive years, inclusive of the year prior to the permit drawing.

(iii) **OPEN AREA:** Statewide.

(iv) SEASON DATES: April 1 - May 31 during the current license year.

(v) **PERMITS:** 2 individuals will be drawn for this permit per year.

(vi) **BAG LIMIT:** 1 male turkey or turkey with visible beard in addition to other spring season turkey harvest.

**(g) OFFICIAL HUNTING HOURS FOR WILD TURKEY:**

1/2 hour before sunrise to sunset during spring and fall seasons.

**(h) SPECIAL RULES FOR WILD TURKEY:**

- (i) It is unlawful to hunt turkey unless the hunter possesses a turkey tag.
- (ii) It is unlawful to hunt turkeys with dogs.
- (iii) It is unlawful to bait game birds.

**EASTERN WASHINGTON SEASONS:****(11) RING-NECKED PHEASANT**

(a) BAG AND POSSESSION LIMITS: Three (3) cock pheasants per day. Hunters may possess up to 15 cock pheasants at any one time.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

- (i) Sept. 19-20, 2015;
- (ii) Sept. 17-18, 2016; and
- (iii) Sept. 23-24, 2017.

(c) HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER AND HUNTERS WITH DISABILITIES SEASON DATES:

- (i) Sept. 21-25, 2015;
- (ii) Sept. 19-23, 2016; and
- (iii) Sept. 25-29, 2017.

**(d) REGULAR SEASON DATES:**

- (i) Oct. 24, 2015 - Jan. 18, 2016;
- (ii) Oct. 22, 2016 - Jan. 16, 2017; and
- (iii) Oct. 21, 2017 - Jan. 15, 2018.

**(12) CHUKAR**

(a) BAG AND POSSESSION LIMITS: 6 chukar per day. Hunters may possess up to 18 chukar at any one time.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

- (i) Sept. 19-20, 2015;
- (ii) Sept. 17-18, 2016; and
- (iii) Sept. 23-24, 2017.

**(c) REGULAR SEASON DATES:**

- (i) Oct. 3, 2015 - Jan. 18, 2016;
- (ii) Oct. 1, 2016 - Jan. 16, 2017; and
- (iii) Oct. 7, 2017 - Jan. 15, 2018.

**(13) GRAY (HUNGARIAN) PARTRIDGE**

(a) BAG AND POSSESSION LIMITS: 6 gray partridges per day. Hunters may possess up to 18 gray partridges at any one time.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

- (i) Sept. 19-20, 2015;
- (ii) Sept. 17-18, 2016; and
- (iii) Sept. 23-24, 2017.

**(c) REGULAR SEASON DATES:**

- (i) Oct. 3, 2015 - Jan. 18, 2016;
- (ii) Oct. 1, 2016 - Jan. 16, 2017; and
- (iii) Oct. 7, 2017 - Jan. 15, 2018.

**(14) MOUNTAIN QUAIL**

Closed throughout Eastern Washington.

**(15) CALIFORNIA (VALLEY) QUAIL AND NORTHERN****BOBWHITE**

(a) BAG AND POSSESSION LIMITS: 10 quail per day. Hunters may possess up to 30 quail at any one time, straight or mixed bag.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

- (i) Sept. 19-20, 2015;
- (ii) Sept. 17-18, 2016; and

(iii) Sept. 23-24, 2017.

**(c) REGULAR SEASON DATES:**

- (i) Oct. 3, 2015 - Jan. 18, 2016;
- (ii) Oct. 1, 2016 - Jan. 16, 2017; and
- (iii) Oct. 7, 2017 - Jan. 15, 2018.

**WESTERN WASHINGTON SEASONS:****(16) RING-NECKED PHEASANT**

(a) BAG AND POSSESSION LIMITS: 2 pheasants of either sex per day. Hunters may possess up to 15 pheasants at any one time.

(b) YOUTH SEASON DATES: Open only to youth hunters accompanied by an adult 18 years of age or older.

- (i) Sept. 19-20, 2015;
- (ii) Sept. 17-18, 2016; and
- (iii) Sept. 23-24, 2017.

(c) HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER AND HUNTERS WITH DISABILITIES SEASON DATES:

- (i) Sept. 21-25, 2015;
- (ii) Sept. 19-23, 2016; and
- (iii) Sept. 25-29, 2017.

(d) REGULAR SEASON DATES: 8:00 a.m. to 4:00 p.m.

- (i) Sept. 26 - Nov. 30, 2015;
- (ii) Sept. 24 - Nov. 30, 2016; and
- (iii) Sept. 30 - Nov. 30, 2017.

**(e) EXTENDED SEASON DATES:**

(i) Dec. 1-15, during the current license year.

(ii) 8 a.m. to 4 p.m. only at the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, Skookumchuck, and all Whidbey Island release sites EXCEPT Bayview.

(iii) The department will not release pheasants during the extended season.

(f) SPECIAL RESTRICTION: Western Washington pheasant hunters must choose to hunt only on odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and all hunting sites on Whidbey Island. Hunters must indicate their choice of odd-numbered or even-numbered weekend days on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters possessing a valid disabled hunter permit, hunters 65 years of age or older, and youth hunters may hunt in the morning on both odd-numbered and even-numbered weekend days. Youth hunters must be accompanied by an adult 18 years of age or older, and the adult must have an appropriately marked pheasant permit if hunting.

**(17) MOUNTAIN QUAIL**

(a) BAG AND POSSESSION LIMITS: 2 mountain quail per day. Hunters may possess up to 4 mountain quail at any one time.

**(b) SEASON DATES:**

- (i) Sept. 26 - Nov. 30, 2015;
- (ii) Sept. 24 - Nov. 30, 2016; and
- (iii) Sept. 30 - Nov. 30, 2017.

**(18) CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE**

(a) BAG AND POSSESSION LIMITS: 10 California (valley) quail or northern bobwhite per day. Hunters may possess up

to 30 California (valley) quail or northern bobwhite at any one time, straight or mixed bag.

(b) SEASON DATES:

- (i) Sept. 26 - Nov. 30, 2015;
- (ii) Sept. 24 - Nov. 30, 2016; and
- (iii) Sept. 30 - Nov. 30, 2017.

**FALCONRY SEASONS:**

**(19) UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

(a) BAG AND POSSESSION LIMITS:

- (i) 2 pheasants (either sex);
- (ii) 6 partridge;
- (iii) 5 California (valley) quail or northern bobwhite;
- (iv) 2 mountain quail (in Western Washington only);
- (v) 3 forest grouse (blue, ruffed, spruce) per day; and
- (vi) Possession limit is twice the daily bag limit.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Aug. 1 - Mar. 15 during the current license year.

**(20) TURKEY - FALCONRY**

(a) A turkey tag is required to hunt turkey during the turkey falconry season.

(b) BAG AND POSSESSION LIMITS: One (1) turkey (either sex) per turkey tag, with a maximum of 2 turkeys. Hunters may possess up to 2 turkeys at any one time.

(c) OPEN AREA: Eastern Washington.

(d) SEASON DATES: Sept. 1 - Feb. 15 during the current license year.

**(21) (~~MOURNING DOVE - FALCONRY~~)**

~~(a) BAG AND POSSESSION LIMITS: 3 mourning doves per day, straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons. The possession limit is three times the daily limit.~~

~~(b) OPEN AREA: Statewide.~~

~~(c) SEASON DATES: Sept. 1 - Dec. 16 during the current license year.~~

**(22)) COTTONTAIL RABBIT AND SNOWSHOE HARE - FALCONRY**

(a) BAG AND POSSESSION LIMITS: 5 cottontails or snowshoe hares per day, straight or mixed bag. Hunters may possess up to 15 cottontails or snowshoe hares at any one time, straight or mixed bag.

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Aug. 1 - Mar. 15 during the current license year.

**OTHER SEASONS:**

**(~~(23) CANADA GOOSE SEPTEMBER SEASON~~)**

~~(a) WESTERN WASHINGTON:~~

~~(i) BAG AND POSSESSION LIMITS:~~

~~(A) 5 Canada geese per day; hunters may possess up to 15 Canada geese at any time, EXCEPT as otherwise provided below.~~

~~(B) In Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: 3 Canada geese per day; hunters may possess up to 9 at any one time.~~

~~(C) In Pacific County: 15 Canada geese per day; hunters may possess up to 45 at any one time.~~

~~(ii) SEASON DATES: Sept. 10-15 during the current license year, EXCEPT Pacific County: Sept. 1-15 during the current license year.~~

~~(b) EASTERN WASHINGTON:~~

~~(i) BAG AND POSSESSION LIMITS: 3 Canada geese per day; hunters may possess up to 6 at any one time.~~

~~(ii) SEASON DATES: Sept. 12-13, 2015; Sept. 10-11, 2016; Sept. 9-10, 2017.~~

**(24) MOURNING DOVE**

~~(a) BAG AND POSSESSION LIMITS: 15 mourning doves per day. Hunters may possess up to 45 mourning doves at any one time.~~

~~(b) OPEN AREA: Statewide.~~

~~(c) SEASON DATES: Sept. 1 - Oct. 30 during the current license year.~~

**(25) BAND-TAILED PIGEON**

~~(a) BAG AND POSSESSION LIMITS: 2 band-tailed pigeons per day. Hunters may possess up to 6 band-tailed pigeons at any one time.~~

~~(b) OPEN AREA: Statewide.~~

~~(c) SEASON DATES: Sept. 15-23 during the current license year.~~

**(26)) (22) BIRD DOG TRAINING SEASON**

(a) Wild upland game birds may be pursued during the dog-training season but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if the hunter has proof of lawful acquisition (invoices) and the birds are appropriately marked (WAC 232-12-271 and 232-12-044).

(b) OPEN AREA: Statewide.

(c) SEASON DATES: Aug. 1 - Mar. 31 during the current license year.

(d) Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

(e) Bird dog training may be conducted year round on areas posted for bird dog training on portions of:

(i) Region One - Espanola (T24N, R40E, E 1/2 of section 16);

(ii) Region Three - South L. T. Murray Wildlife Area;

(iii) Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area;

(iv) Region Five - Shillapoo/Vancouver Lake Wildlife Area;

(v) Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

**(~~(27)) (23) YAKAMA INDIAN RESERVATION:~~**

The 2015-16, 2016-17, and 2017-18 upland bird seasons within the Yakama Indian Reservation are the same as the season established by the Yakama Indian Nation.

**(~~(28)) (24) COLVILLE INDIAN RESERVATION:~~**

The 2015-16, 2016-17, and 2017-18 upland bird seasons within the Colville Indian Reservation are the same as the season established by the Colville Indian Tribe.

**(~~HIP REQUIREMENTS:~~)**

~~(29) All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16~~



~~and over are required to complete a Harvest Information Program (HIP) survey at a license dealer and possess a Washington Migratory Bird permit as evidence of compliance with this requirement when hunting migratory game birds.~~

~~(30) Youth hunters are required to complete a HIP survey and possess a free Washington Youth Migratory Bird permit as evidence of compliance with this requirement when hunting migratory game birds.))~~

AMENDATORY SECTION (Amending WSR 15-10-059, filed 4/30/15, effective 5/31/15)

**WAC 232-28-358 2015-2017 Elk general seasons and definitions.** It is unlawful to fail to comply with bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410(7) Unlawful hunting of big game—Penalty.

**Bag Limit:** One (1) elk per hunter during the license year, except where otherwise permitted by department rule. Any combination of seasons, tags, and permits set by the department will not exceed a maximum of two (2) elk per hunter during the license year.

**Hunting Method:** Elk hunters must select only one of the hunting methods: Modern firearm, archery, or muzzleloader.

**Elk Tag Areas:** Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

**Any Bull Elk Seasons:** Open only to the taking of elk with visible antlers; bull calves are illegal.

**Antler Point:** To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

**Branch:** A branch is defined as any projection off the main antler beam that is at least one inch long, measured on the longest side, and longer than it is wide.

**Spike Bull Antler Restrictions:** Bull elk taken in spike-only game management units (GMUs) must have at least one antler with no branches originating more than 4 inches above where the antler attaches to the skull.

**Spike-only GMUs:** 145-154, 162-186, 249, and 336-368.

**True Spike - Bull Antler Restrictions:** Neither antler of bull elk taken in GMUs 251, and 328-335 can have branching originating more than 4 inches above where the antlers attach to the skull. Under the true-spike restriction, taking an elk that has two points on one side or antler points within one

inch of the definitions regarding length of point, or point of origination, is an infraction under RCW 77.15.160. All other types of violations of the true-spike restriction are subject to current penalties and assessments under RCW 77.15.410 and 77.15.420.

**True-spike GMUs:** 251, 328-335.

**3-point Antler Restrictions:** Legal bull elk must have at least 3 antler points on one side, with at least 2 antler points above the ear. Eye guards are antler points when they are at least one inch long. Antler restrictions apply to all hunters during any open season.

**3-point GMUs:** All of Western Washington, except for GMUs 448, 454, 564, 652 for archers, 666, 684, and Elk Area 4941.

**Permit-only Units:** The following GMUs are closed to elk hunting during general elk seasons: 157, 371, 418, 485, 522, 556, 621, 636, and 653.

**GMUs Closed to Elk Hunting:** 437 (except for Elk Area 4941) and 490.

**Areas with Special Restrictions:** There are modern firearm restrictions in GMU 334 and portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6064 in GMU 638 (Quinalt) is open to master hunters only.

**Elk Tag Areas**

**Eastern Washington:** All 100, 200, and 300 GMUs.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

**Western Washington:** All 400, 500, and 600 GMUs.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

**Modern Firearm General Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid modern firearm elk tag as listed below for the area hunted.

**Hunting Method:** May use modern firearm, bow and arrow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2015 Dates	2016 Dates	2017 Dates	Legal Elk
Eastern Washington	EF	101, 105, 108, 111, 113, 117, 121, 204	Oct. 31 - Nov. 8	Oct. 29 - Nov. 6	Oct. 28 - Nov. 5	Any bull
		145 through 154, 162 through 169, 172 (except Elk Area 1040), 175 through 186, 249, 336 through 368	Oct. 31 - Nov. 8	Oct. 29 - Nov. 6	Oct. 28 - Nov. 5	Spike bull
		251, 328, 329, 334, 335	Oct. 31 - Nov. 8	Oct. 29 - Nov. 6	Oct. 28 - Nov. 5	True spike bull
		Elk Area 3722*	Sept. 8-23	Sept. 7-22	Sept. 6-21	Antlerless only

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2015 Dates	2016 Dates	2017 Dates	Legal Elk
		124 through 142, 372, 382, 388	Oct. 31 - Nov. 8	Oct. 29 - Nov. 6	Oct. 28 - Nov. 5	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381	Oct. 31 - Nov. 15	Oct. 29 - Nov. 15	Oct. 28 - Nov. 15	Any elk
		Master Hunters Only: 371, Elk Area 3912	Aug. 1 - Jan. 20, 2016	Aug. 1 - Jan. 20, 2017	Aug. 1 - Jan. 20, 2018	Antlerless only
		Master Hunters Only: Elk Area 3911**	Nov. 14 - Dec. 15	Nov. 12 - Dec. 15	Nov. 11 - Dec. 15	Antlerless only
		Master Hunters Only: Elk Area 3911** 2nd tag.	Aug. 1 - Oct. 30	Aug. 1 - Oct. 28	Aug. 1 - Oct. 27	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
<p>*GMU 372 and Elk Area 3722 are mainly private property. Hunters are not advised to try hunting these areas without making prior arrangements for access.</p> <p>**Master hunters who hunt in Elk Area 3911 during the August to October early master hunter season must purchase a master hunter, Elk Area 3911, second elk transport tag. Only master hunters with an eastside elk tag can purchase this tag. Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 30, 2015, August 1 - October 28, 2016, and August 1 - October 27, 2017. Only one antlerless elk may be taken from Elk Area 3911, unless drawn for an antlerless elk special permit. Master hunters who hunt in Elk Area 3911 during the November to December late master hunter season may use their unused general season elk tag, but are not eligible to use an Elk Area 3911, master hunter, second elk transport tag. Any legal weapon may be used during either master hunter Elk Area 3911 hunt. All master hunters participating in an Elk Area 3911 hunt must wear hunter orange.</p>						
Western Washington	WF	460, 466, 503, 505 through 520, 524 (except Elk Area 5066), 530, 550, 560, 568, 572, 574, 578, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 through 651, 652 (except for Elk Area 6014), 654 through 684. Except master hunters only in Elk Area 6064 portion of GMU 638.	Nov. 7-18	Nov. 5-16	Nov. 4-15	3 pt. min.
		501, 504, Elk Area 6014	Nov. 7-18	Nov. 5-16	Nov. 4-15	3 pt. min. or antlerless
		407, 448, 564, 666	Nov. 7-18	Nov. 5-16	Nov. 4-15	Any elk
		454	Nov. 7-18	Nov. 5-16	Nov. 4-15	Any bull

**Archery General Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid archery elk tag as listed below for the area hunted.

**Hunting Method:** Bow and arrow only, as defined under WAC 232-12-054.

**Special Notes:** Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2015 Dates	2016 Dates	2017 Dates	Legal Elk
<b>Early Archery General Elk Seasons</b>						
Eastern Washington	EA	101 through 142, 204, 243, 247, 249, 250, 373, 379, 381, 388	Sept. 12-24	Sept. 10-22	Sept. 9-21	Any elk
		162, 166, 169, 172 (except Elk Area 1040), 186	Sept. 12-24	Sept. 10-22	Sept. 9-21	Spike bull
		328, 329, 335	Sept. 12-24	Sept. 10-22	Sept. 9-21	True spike bull or antlerless

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2015 Dates	2016 Dates	2017 Dates	Legal Elk
		145, 149, 154, Elk Area 1010, Elk Area 1013, 163, 175, 178, 181, 334, 336, 340, 352, 356, 364	Sept. 12-24	Sept. 10-22	Sept. 9-21	Spike bull or antlerless
<b>Western Washington</b>	WA	448, 454, 564, 652 (except Elk area 6013), 666, 684	Sept. 12-24	Sept. 10-22	Sept. 9-21	Any elk
		407	Sept. 12-24	Sept. 10-22	Sept. 9-21	Any elk
		501 through 505, 520, 550, 554, 560, 568, 572, 574, 578, 624 (except for Elk Area 6071), Elk Area 6061, 654, 660, 667 through 673, 681, 699	Sept. 12-24	Sept. 10-22	Sept. 9-21	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 524 (except Elk Area 5066), 530, 601 through 618, 627, 633, 638 (except Master Hunters only in Elk Area 6064), 642 through 651, 658, 663	Sept. 12-24	Sept. 10-22	Sept. 9-21	3 pt. min.
<b>Late Archery General Elk Seasons</b>						
<b>Eastern Washington</b>	EA	101, 105, 108, 117, 121, 204	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any bull
		124, 127, 373, 388	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		178	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		Elk Area 1010, 163	Dec. 9 - Jan. 30, 2016	Dec. 9 - Jan. 30, 2017	Dec. 9 - Jan. 30, 2018	Antlerless only
		203, 209 through 248, 250, 254 through 290, 379, 381. Must wear hunter orange.	Oct. 31 - Nov. 15	Oct. 29 - Nov. 15	Oct. 28 - Nov. 15	Any elk
		Master Hunters Only: 371, Elk Area 3912. Must wear hunter orange.	Aug. 1 - Jan. 20, 2016	Aug. 1 - Jan. 20, 2017	Aug. 1 - Jan. 20, 2018	Antlerless only
		Master Hunters Only: Elk Area 3911**. Must wear hunter orange.	Nov. 14 - Dec. 15	Nov. 12 - Dec. 15	Nov. 11 - Dec. 15	Antlerless only
		Master Hunters Only: Elk Area 3911** 2nd tag. Must wear hunter orange.	Aug. 1 - Oct. 30	Aug. 1 - Oct. 28	Aug. 1 - Oct. 27	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
		328, 334, 335	Nov. 25 - Dec. 8	Nov. 23 - Dec. 8	Nov. 22 - Dec. 8	True spike bull or antlerless
336, 342, 346, 352, 364, Elk Area 3681	Nov. 25 - Dec. 8	Nov. 23 - Dec. 8	Nov. 22 - Dec. 8	Spike bull or antlerless		
<b>Western Washington</b>	WA	Elk Area 4601, 503, 505, 652 (except Elk Area 6013), 667, 672, 681, and 699. Master hunters only in Elk Area 6064 portion of GMU 638.	Nov. 25 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	3 pt. min. or antlerless
		407, 448, 454, 564, 666	Nov. 25 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	Any elk
		603, 612, 615, 638 (except for Elk Area 6064), 648	Nov. 25 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	3 pt. min.
		506, 520, 530	Nov. 25 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	Antlerless only
		*GMU 372 and Elk Area 3722 are mainly private property. Hunters are not advised to try hunting these areas without making prior arrangements for access.				

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2015 Dates	2016 Dates	2017 Dates	Legal Elk
		**Master hunters who hunt in Elk Area 3911 during the August to October early master hunter season must purchase a master hunter, Elk Area 3911, second elk transport tag. Only master hunters with an eastside elk tag can purchase this tag. Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 30, 2015, August 1 - October 28, 2016, and August 1 - October 27, 2017. Only one antlerless elk may be taken from Elk Area 3911, unless drawn for an antlerless elk special permit. Master hunters who hunt in Elk Area 3911 during the November to December late master hunter season may use their unused general season elk tag, but are not eligible to use an Elk Area 3911, master hunter, second elk transport tag. Any legal weapon may be used during either master hunter Elk Area 3911 hunt. All master hunters participating in an Elk Area 3911 hunt must wear hunter orange.				

**Muzzleloader General Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid muzzleloader elk tag as listed below for the area hunted.

**Hunting Method:** Muzzleloader, as defined under WAC 232-12-051, or bow and arrow, as defined under WAC 232-12-054.

**Special Notes:** Muzzleloader tag holders can only hunt during the muzzleloader seasons. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2015 Dates	2016 Dates	2017 Dates	Legal Elk
<b>Early Muzzleloader General Elk Seasons</b>						
<b>Eastern Washington</b>	EM	101 through 121, 204, 247	Oct. 3-9	Oct. 1-7	Oct. 7-13	Any bull
		124 through 142, 245, 250	Oct. 3-9	Oct. 1-7	Oct. 7-13	Any elk
		145, 149, 154, 162, 163, 166, 172 (except Elk Area 1040), 175, 178, 181, 336 through 342, 352 through 368	Oct. 3-9	Oct. 1-7	Oct. 7-13	Spike bull
		328, 329, 335, Elk Area 2051	Oct. 3-9	Oct. 1-7	Oct. 7-13	True spike bull
<b>Western Washington</b>	WM	407	Oct. 3-9	Oct. 1-7	Oct. 7-13	Any elk
		Elk Area 4601	Oct. 3-9	Oct. 1-7	Oct. 7-13	3 pt. min. or antlerless
		448, 454, 564, 666, 684	Oct. 3-9	Oct. 1-7	Oct. 7-13	Any elk
		460, 466, 505, 506, 510, 513, 516, 520, 524 (except Elk Area 5066), 530, 550, 554, 560, 568, 572, 574, 578, 602, 603, 607, 612, 615, 624 (except for Elk Area 6071), 627, 633, 638 (except for Elk Area 6064), 642, 648, 660, 663, 672, 673, 681	Oct. 3-9	Oct. 1-7	Oct. 7-13	3 pt. min.
		501, 503, 504, 652 (except Elk Area 6013 closed to antlerless), 654, 667	Oct. 3-9	Oct. 1-7	Oct. 7-13	3 pt. min. or antlerless
<b>Late Muzzleloader General Elk Seasons</b>						
<b>Eastern Washington</b>	EM	130 through 142	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		<del>((204. Must wear hunter orange.</del>	<del>Oct. 31 - Nov. 15</del>	<del>Oct. 29 - Nov. 15</del>	<del>Oct. 28 - Nov. 15</del>	<del>Any bull))</del>
		203, 209 through 248, 250, 254 through 290, 373, 379, 381. Must wear hunter orange.	Oct. 31 - Nov. 15	Oct. 29 - Nov. 15	Oct. 28 - Nov. 15	Any elk
		Master Hunters Only: 371, Elk Area 3912. Must wear hunter orange.	Aug. 1 - Jan. 20, 2016	Aug. 1 - Jan. 20, 2017	Aug. 1 - Jan. 20, 2018	Antlerless only
		Master Hunters Only: Elk Area 3911**. Must wear hunter orange.	Nov. 14 - Dec. 15	Nov. 12 - Dec. 15	Nov. 11 - Dec. 15	Antlerless only

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2015 Dates	2016 Dates	2017 Dates	Legal Elk
		Master Hunters Only: Elk Area 3911** 2nd tag. Must wear hunter orange.	Aug. 1 - Oct. 30	Aug. 1 - Oct. 28	Aug. 1 - Oct. 27	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
Western Washington	WM	407	Nov. 25 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	3 pt. min. or antlerless
		501, 503, 504, 505, 652 (except Elk Area 6013 closed to antlerless).	Nov. 25 - Dec. 8	Nov. 23 - Dec. 8	Nov. 22 - Dec. 8	3 pt. min. or antlerless
		448, 454, 564, 666, 684	Nov. 25 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	Any elk
		568, 574, 578	Nov. 25-30	Nov. 23-30	Nov. 22-30	3 pt. min.
		601, 618, 651, 658, 667	Nov. 25 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	3 pt. min.
		**Master hunters who hunt in Elk Area 3911 during the August to October early master hunter season must purchase a master hunter, Elk Area 3911, second elk transport tag. Only master hunters with an eastside elk tag can purchase this tag. Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 30, 2015, August 1 - October 28, 2016, and August 1 - October 27, 2017. Only one antlerless elk may be taken from Elk Area 3911, unless drawn for an antlerless elk special permit. Master hunters who hunt in Elk Area 3911 during the November to December late master hunter season may use their unused general season elk tag, but are not eligible to use an Elk Area 3911, master hunter, second elk transport tag. Any legal weapon may be used during either master hunter Elk Area 3911 hunt. All master hunters participating in an Elk Area 3911 hunt must wear hunter orange.				

AMENDATORY SECTION (Amending WSR 15-10-059, filed 4/30/15, effective 5/31/15)

**WAC 232-28-359 ((2015)) 2016 Deer special permits.** It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410(3) Unlawful hunting of big game—Penalty.

**Deer Special Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase a deer hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Kelly Hill White-tailed Buck	Modern	Any	Oct. ((24)) 22 - Nov. 22	White-tailed, Any buck	GMU 105	5
Kelly Hill Mule Deer Buck	Modern	Any	Nov. ((7-22)) 5-22	Mule deer, 3 pt. min.	GMU 105	1
Douglas White-tailed Buck	Modern	Any	Oct. ((24)) 22 - Nov. 22	White-tailed, Any buck	GMU 108	5
Douglas Mule Deer Buck	Modern	Any	Nov. ((7-22)) 5-22	Mule deer, 3 pt. min.	GMU 108	1
Aladdin White-tailed Buck	Modern	Any	Oct. ((24)) 22 - Nov. 22	White-tailed, Any buck	GMU 111	5
Aladdin Mule Deer Buck	Modern	Any	Nov. ((7-22)) 5-22	Mule deer, 3 pt. min.	GMU 111	1
Selkirk Mule Deer Buck	Modern	Any	Nov. ((7-22)) 5-22	Mule deer, 3 pt. min.	GMU 113	1
49 Degrees North White-tailed Buck	Modern	Any	Oct. ((24)) 22 - Nov. 22	White-tailed, Any buck	GMU 117	5
49 Degrees North Mule Deer Buck	Modern	Any	Nov. ((7-22)) 5-22	Mule deer, 3 pt. min.	GMU 117	1
Huckleberry White-tailed Buck	Modern	Any	Oct. ((24)) 22 - Nov. 22	White-tailed, Any buck	GMU 121	5
Huckleberry Mule Deer Buck	Modern	Any	Nov. ((7-22)) 5-22	Mule deer, 3 pt. min.	GMU 121	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mt. Spokane	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 124	5
Mica Peak	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 127	5
Cheney	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 130	5
Roosevelt	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 133	5
Steptoe	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 139	5
Almota	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 142	5
Dayton	Modern	Any	Nov. 20-24	3 pt. min.	GMU 162	5
Tucannon	Modern	Any	Nov. 20-24	3 pt. min.	GMU 166	2
Wenaha West	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1008	2
Wenaha East	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1009	5
Lick Creek	Modern	Any	Nov. 20-24	3 pt. min.	GMU 175	1
<u>Ten-Forty</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 7-14</u>	<u>3 pt. min.</u>	<u>Deer Area 1040</u>	<u>1</u>
Grande Ronde	Modern	Any	Nov. 20-24	3 pt. min.	GMU 186	1
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	10
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	10
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	((20)) 15
Pearrygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	((20)) 15
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	15
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	((15)) 10
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	((15)) 10
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	10
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	((26)) 27
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	10
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	25
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	15
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	10
Desert	Modern	Any	Oct. ((24--Nov. 1)) <u>22-30</u>	Any buck	GMU 290	((16)) 14
Desert	Modern	Any	Nov. ((14-22)) <u>12-20</u>	Any buck	GMU 290	5
Naneum	Modern	Any	Nov. ((16-24)) <u>14-22</u>	Any buck	GMU 328	14
Quilomene	Modern	Any	Nov. ((9-24)) <u>7-22</u>	Any buck	GMU 329	14
Teanaway	Modern	Any	Nov. ((16-24)) <u>14-22</u>	Any buck	GMU 335	((17)) 20
L. T. Murray	Modern	Any	Nov. ((16-24)) <u>14-22</u>	Any buck	GMUs 336, 340	5
Bethel	Modern	Any	Nov. ((9-24)) <u>7-22</u>	Any buck	GMU 360	5
Cowiche	Modern	Any	Nov. ((9-24)) <u>7-22</u>	Any buck	GMU 368	10
Alkali	Modern	Any	((Nov. 1-16)) <u>Oct. 15-31</u>	Any buck	GMU 371	4
Kahlotus	Modern	Any	Nov. 8-17	Any buck	GMU 381	10
Grayback	Modern	Any	Nov. ((9-24)) <u>7-22</u>	3 pt. min.	GMU 388	40
Nooksack	Modern	Any	Nov. 14-19	Any buck	GMU 418	25
Skagit	Modern	Any	Nov. 14-19	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. 14-19	Any buck	GMU 437	25
Stillaguamish	Modern	Any	Nov. 14-19	Any buck	GMU 448	10
Snoqualmie	Modern	Any	Nov. ((14-19)) <u>12-17</u>	Any buck	GMU 460	10
Green River	Any tag	Any	((Nov. 7-13)) <u>Oct. 22-28</u>	Any buck	GMU 485	5

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Lincoln	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck.	GMU 501	4
Mossyrock	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 505	4
Willapa Hills	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 506	4
Stormking	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 510	1
South Rainier	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 513	1
Packwood	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 516	1
Winston	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 520	4
Ryderwood	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 530	4
Coweeman	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 550	4
Toutle	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 556	1
Lewis River	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 560	1
Washougal	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 568	2
Siouxon	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 572	1
Wind River	Modern	Any	Nov. ((19-24)) <u>17-22</u>	Any buck	GMU 574	40
West Klickitat	Modern	Any	Nov. ((19-25)) <u>17-23</u>	3 pt. min.	GMU 578	40
Mason	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 633	10
Wynoochee	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 648	10
Satsop	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 651	10
White River	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 653	10
Mashel	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 654	10
((North River	Modern	Any	Nov. 1-18	Any buck	GMU 658	(10))
Capitol Peak	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 663	10
Skookumchuck	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 667	10
((Williams Creek	Modern	Any	Nov. 1-18	Any buck	GMU 673	(10))
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	15
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	10
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	3
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	50
Desert	Archery	Any	Sept. 1 - Oct. 7	Any buck	GMU 290	15
Desert	Archery	Any	Nov. 25 - Dec. 12	Any buck	GMU 290	((15)) 14
Naneum	Archery	Any	Nov. ((25)) <u>23</u> - Dec. 8	Any buck	GMU 328	((8)) 7
Quilomene	Archery	Any	Nov. ((25)) <u>23</u> - Dec. 8	Any buck	GMU 329	((5)) 6
Teanaway	Archery	Any	Nov. ((25)) <u>23</u> - Dec. 8	Any buck	GMU 335	8
West Klickitat	Archery	Any	Nov. ((26 - Dec. 2)) <u>24-30</u>	3 pt. min.	GMU 578	75
Kitsap	Archery	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 627	10
Skokomish	Archery	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 636	10
Blue Mtns. Foothills	Muzzleloader	Any	Nov. ((25)) <u>20</u> - Dec. 8	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 166	70
Alta	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 242	((20)) 15
Chiwawa	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 245	((2)) 3
Slide Ridge	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 246	1
Mission	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 251	15
Desert	Muzzleloader	Any	Oct. ((10-18)) <u>8-16</u>	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	Nov. ((9-15)) <u>7-13</u>	Any buck	GMU 335	2
L. T. Murray	Muzzleloader	Any	Nov. ((9-15)) <u>7-13</u>	Any buck	GMUs 336, 340	1

<b>Quality</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Bald Mountain	Muzzleloader	Any	Nov. ((9-24)) <u>7-22</u>	Any buck	GMUs 342, 346	2
Naneum	Muzzleloader	Any	Nov. ((9-15)) <u>7-13</u>	Any buck	GMU 328	1
Quilomene	Muzzleloader	Any	Oct. ((3-11)) <u>1-10</u>	Any buck	GMU 329	2
West Klickitat	Muzzleloader	Any	Dec. ((3-9)) <u>1-7</u>	3 pt. min.	GMU 578	75
Olympic	Muzzleloader	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 621	10

<b>Bucks</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Palouse	Modern	Any	Nov. ((7-19)) <u>5-19</u>	White-tailed, 3 pt. min.	GMUs 127-142	750
Blue Mtns. Foothills West	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162-166	110
Blue Mtns. Foothills East	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 145, 172 (except Deer Area 1040)-181	50
Mayview	Any tag	Any	Nov. 16-19	3 pt. min.	GMU 145	25
((Watershed	Any tag	Any	Oct. 3-14	3 pt. min.	GMU 157	5))
Ten Forty	Modern	Any	Oct. ((17-25)) <u>15-23</u>	3 pt. min.	Deer Area 1040	2
East Okanogan	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 204	((50)) 40
Sinlahekin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 215	((50)) 40
Chewuch	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 218	15
Pearygin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 231	15
Pogue	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 233	15
Chiliwist	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 239	15
Alta	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 242	15
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	9
Hoko	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 601	5
Sol Duc	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 607	5
Goodman	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 612	5
Clearwater	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 615	5
Quinault Ridge	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 638	5
North River	Modern	Any	Nov. 1-16	Any buck	GMU 658	10
Williams Creek	Modern	Any	Nov. 1-16	Any buck	GMU 673	10
Bear River-Long Beach	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMUs 681, 684	5
((Long Beach	Modern	Any	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 684	5))
Parker Lake	Archery	Any	Sept. 1-30 and Nov. 25 - Dec. 15	White-tailed, 4 pt. min. or antlerless	Deer Area 1031	5
Ten Forty	Archery	Any	Sept. 1-14	3 pt. min.	Deer Area 1040	2
Big Bend	Archery	Any	Dec. 1-8	Any buck	GMU 248	10
Ritzville	Archery	Any	Dec. 1-8	Any buck	GMU 284	((5)) 10



<b>Bucks</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Alkali	Archery	Any	Sept. ((1-24)) 1-23	Any buck	GMU 371	3
Whitcomb	Archery	Any	Oct. 1-10	Any buck	Deer Area 3071	10
Paterson	Archery	Any	Oct. 1-10	Any buck	Deer Area 3072	10
Whitcomb	Muzzleloader	Any	Nov. 19-27	Any buck	Deer Area 3071	5
Paterson	Muzzleloader	Any	Nov. 19-27	Any buck	Deer Area 3072	5
Parker Lake	Muzzleloader	Any	Oct. 3-11	White-tailed, 4 pt. min. or antlerless	Deer Area 1031	5
Roosevelt	Muzzleloader	Any	Oct. ((3-16)) 1-14	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 133	25
Harrington	Muzzleloader	Any	Oct. ((3-16)) 1-14	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 136	25
Steptoe	Muzzleloader	Any	Oct. ((3-16)) 1-14	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 139	25
Almota	Muzzleloader	Any	Oct. ((3-16)) 1-14	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 142	25
Dayton	Muzzleloader	Any	Oct. ((3-11)) 1-9	3 pt. min.	GMU 162	25
Tucannon	Muzzleloader	Any	Oct. ((3-11)) 1-9	3 pt. min.	GMU 166	10
Wenaha	Muzzleloader	Any	Oct. ((3-11)) 1-9	3 pt. min.	GMU 169	15
Mountain View	Muzzleloader	Any	Oct. ((3-11)) 1-9	3 pt. min.	GMU 172 (except Deer Area 1040)	15
Ten Forty	Muzzleloader	Any	Sept. ((26)) 24 - Oct. ((4)) 2	3 pt. min.	Deer Area 1040	2
Ritzville	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 284	1
Alkali	Muzzleloader	Any	Sept. ((25)) 24 - Oct. ((11)) 9	Any buck	GMU 371	1
Kahlotus	Muzzleloader	Any	Oct. ((3-11)) 1-9	Any buck	GMU 381	20
Dickey	Muzzleloader	Any	Nov. ((1-18)) 1-16	Any buck	GMU 602	5
((Matheny	Muzzleloader	Any	Nov. 1-18	Any buck	GMU 618	5))
Copolis-Matheny	Muzzleloader	Any	Nov. ((1-18)) 1-16	Any buck	GMUs 618, 642	5

<b>Antlerless</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	65
Mayview	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 145	25
Prescott	Modern	Any	Nov. 1-12	Antlerless	GMU 149	100
Prescott	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 149	20
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	((30)) 50
Dayton	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 162	((80)) 100
Ten Ten	Modern	Any	Nov. 8-19	Antlerless	Deer Area 1010	30
Marengo	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 163	50
Marengo	Modern	Any	Nov. 1-12	Antlerless	GMU 163	40
Peola	Modern	Any	Nov. 1-12	Antlerless	GMU 178	50
East Klickitat	Modern	Any	Oct. ((17-27)) 15-25	Antlerless	GMU 382	5
Grayback	Modern	Any	Oct. ((17-27)) 15-25	Antlerless	GMU 388	5
Lincoln	Modern	Any	Oct. ((17-31)) 15-31	Antlerless	GMU 501	15

<b>Antlerless</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Stella	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 504	15
Mossyrock	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 505	30
South Rainier	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 513	10
Winston	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 520	20
Lewis River	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 560	3
Siouxon	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 572	3
Wind River	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 574	3
West Klickitat	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 578	5
Olympic	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 621	((35)) 45
Coyle	Modern	Any	Oct. 15-31	Antlerless	GMU 624	20
Kitsap	Modern	Any	Oct. 15-31	Antlerless	GMU 627	15
Mason	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 633	((45)) 35
Skokomish	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 636	((40)) 15
Wynoochee	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 648	((40)) 20
Satsop	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 651	((30)) 20
Mashel	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 654	30
North River	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 658	((20)) 15
Minot Peak	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 660	20
Capitol Peak	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 663	((40)) 15
Skookumchuck	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 667	30
Williams Creek	Modern	Any	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 673	((40)) 5
Entiat	Archery	Any	Nov. 21-30	Antlerless	GMU 247	40
Swakane	Archery	Any	Nov. 21-30	Antlerless	GMU 250	50
Whitcomb	Archery	Any	((Sept. 14-18)) Oct. 20-30	Antlerless	Deer Area 3071	10
((Whiteomb	Archery	Any	Sept. 21-28	Antlerless	Deer Area 3071	40
Paterson	Archery	Any	Sept. 14-18	Antlerless	Deer Area 3072	40))
Paterson	Archery	Any	((Sept. 21-28)) Oct. 20-30	Antlerless	Deer Area 3072	10
Grayback	Archery	Any	Nov. ((25)) 23 - Dec. 8	Antlerless	GMU 388	75
Whitcomb	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3071	10
Paterson	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3072	10
Selkirk	Muzzleloader	Any	Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 113	15
Prescott	Muzzleloader	Any	Oct. ((3-11)) 1-9	Antlerless	GMU 149	((25)) 35
((Whiteomb	Muzzleloader	Any	Aug. 31 - Sept. 5	Antlerless	Deer Area 3071	40
Paterson	Muzzleloader	Any	Aug. 31 - Sept. 5	Antlerless	Deer Area 3072	40))
Blue Creek	Muzzleloader	Any	Oct. 1-9	Antlerless	GMU 154	20
Mossyrock	Muzzleloader	Any	Oct. ((3-11)) 1-9	Antlerless	GMU 505	10
Stormking	Muzzleloader	Any	Oct. ((3-11)) 1-9	Antlerless	GMU 510	5
South Rainier	Muzzleloader	Any	Oct. ((3-11)) 1-9	Antlerless	GMU 513	5
Packwood	Muzzleloader	Any	Oct. ((3-11)) 1-9	Antlerless	GMU 516	5
Winston	Muzzleloader	Any	Oct. ((3-11)) 1-9	Antlerless	GMU 520	5
Coweman	Muzzleloader	Any	Oct. ((3-11)) 1-9	Antlerless	GMU 550	10

<b>Antlerless</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Yale	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 554	2
<del>((Toutle</del>	<del>Muzzleloader</del>	<del>Any</del>	<del>Oct. 3-11</del>	<del>Antlerless</del>	<del>GMU 556</del>	<del>3))</del>
West Klickitat	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 578	5
Olympic	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 621	40
Coyle	Muzzleloader	Any	Oct. <u>1-9</u>	Antlerless	GMU 624	<u>20</u>
Kitsap	Muzzleloader	Any	Oct. <u>1-9</u>	Antlerless	GMU 627	<u>15</u>
Mason	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 633	<del>((20))</del> <u>30</u>
Skokomish	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 636	<del>((40))</del> <u>15</u>
Wynoochee	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 648	<del>((40))</del> <u>15</u>
Satsop	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 651	<del>((30))</del> <u>20</u>
Mashel	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 654	35
North River	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 658	<del>((20))</del> <u>15</u>
Minot Peak	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 660	5
Capitol Peak	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 663	20
Williams Creek	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u>	Antlerless	GMU 673	<del>((40))</del> <u>5</u>

<b>2nd Deer</b>						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Colville River	Any	Any	Sept. 1 - Dec. 31	White-tailed, antlerless	Deer Area 1035	25
Benge	Any	Any	Dec. 9-31	Antlerless	Deer Area 2010	30
Lakeview	Any	Any	Jan. 1-30, <del>((2016))</del> <u>2017</u>	Antlerless	Deer Area 2011	15
Methow	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2012	20
North Okanogan	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2013	30
Central Okanogan	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2014	30
Omak	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2015	25
Conconully	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2016	25
Lake Chelan North	<u>Any</u>	<u>Any</u>	<u>Aug. 1-31</u>	<u>Antlerless</u>	<u>Deer Area 2017</u>	<u>45</u>
Mt. Spokane	Modern	Any	Oct. <del>((17-30))</del> <u>15-</u> <u>28</u> and Nov. <del>((7-</del> <del>19))</del> <u>5-19</u>	Antlerless	GMU 124	50
Spokane North	Modern	Any	Oct. <del>((17-30))</del> <u>15-</u> <u>28</u> and Nov. <del>((7-</del> <del>19))</del> <u>5-19</u>	Antlerless	Deer Area 1050	350
Mica Peak	Modern	Any	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 127	25
Spokane South	Modern	Any	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	Deer Area 1060	75
Cheney	Modern	Any	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 130	100
Spokane West	Modern	Any	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	Deer Area 1070	100
Roosevelt	Modern	Any	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 133	150
Harrington	Modern	Any	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 136	150

<b>2nd Deer</b>						
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Steptoe	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 139	200
Colfax	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	Deer Area 1080	150
Almota	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 142	150
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	35
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	30
Ten Ten	Modern	Any	Nov. 9-19	Antlerless	Deer Area 1010	30
East Okanogan	Modern	Any	Oct. ((17-27)) <u>15-25</u>	White-tailed, antlerless	GMU 204	((75)) <u>100</u>
Sinlahekin	Modern	Any	Oct. ((17-27)) <u>15-25</u>	White-tailed, antlerless	GMU 215	((40)) <u>60</u>
Chewuch	Modern	Any	Oct. ((17-27)) <u>15-25</u>	White-tailed, antlerless	GMU 218	10
Pearrygin	Modern	Any	Oct. ((17-27)) <u>15-25</u>	White-tailed, antlerless	GMU 224	((40)) <u>20</u>
Gardner	Modern	Any	Oct. ((17-27)) <u>15-25</u>	White-tailed, antlerless	GMU 231	10
Pogue	Modern	Any	Oct. ((17-27)) <u>15-25</u>	White-tailed, antlerless	GMU 233	((10)) <u>30</u>
Chiliwist	Modern	Any	Oct. ((17-27)) <u>15-25</u>	White-tailed, antlerless	GMU 239	((40)) <u>20</u>
Alta	Modern	Any	Oct. ((17-27)) <u>15-25</u>	White-tailed, antlerless	GMU 242	((40)) <u>20</u>
Big Bend	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 248	35
Mission	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 251	10
St. Andrews	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 254	20
Foster Creek	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 260	20
Withrow	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 262	20
Badger	Modern	Any	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 266	15
Desert	Modern	Any	Dec. ((13-28)) <u>10-25</u>	Antlerless	GMU 290	25
Kahlotus	Modern	Any	Dec. 1-9	Antlerless	GMU 381	20
Orcas	Modern	Any	Oct. ((17-30)) <u>15-31</u> and Nov. ((12-15)) <u>17-20</u>	Antlerless	GMU 411	40
Shaw	Modern	Any	Oct. ((17-30)) <u>15-31</u> and Nov. ((12-15)) <u>17-20</u>	Antlerless	GMU 412	20
San Juan	Modern	Any	Oct. ((17-30)) <u>15-31</u> and Nov. ((12-15)) <u>17-20</u>	Antlerless	GMU 413	40
Lopez	Modern	Any	Oct. ((17-30)) <u>15-31</u> and Nov. ((12-15)) <u>17-20</u>	Antlerless	GMU 414	40
Blakely	Modern	Any	Oct. ((17-30)) <u>15-31</u> and Nov. ((12-15)) <u>17-20</u>	Antlerless	GMU 415	30

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Decatur	Modern	Any	Oct. ((17-30)) 15-31 and Nov. ((12-15)) 17-20	Antlerless	GMU 416	((30)) 5
Cypress	Modern	Any	Oct. ((17-30)) 15-31 and Nov. ((12-15)) 17-20	Antlerless	GMU 417	30
Guemes	Modern	Any	Oct. ((17-30)) 15-31 and Nov. ((12-15)) 17-20	Antlerless	GMU 419	((30)) 20
Whidbey	Modern	Any	Oct. ((17-30)) 15-31 and Nov. ((12-15)) 17-20	Antlerless	GMU 420	100
Camano	Modern	Any	Oct. ((17-30)) 15-31 and Nov. ((12-15)) 17-20	Antlerless	GMU 421	30
Vashon-Maury	Modern	Any	Oct. ((17-30)) 15-31 and Nov. ((12-15)) 17-20	Antlerless	GMU 422	100
Anderson	Modern	Any	Oct. ((17-31)) 15-31 and Nov. ((19-22)) 17-20	Antlerless	GMU 655	40
Deschutes	Modern	Any	Oct. ((17-31)) 15-31	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	Sept. 1-30 and Nov. 25 - Dec. 15	Antlerless	GMU 124	25
Spokane North	Archery	Any	Sept. 1-30 and Nov. 25 - Dec. 15	Antlerless	Deer Area 1050	75
Mica Peak	Archery	Any	Sept. 1-30 and Nov. 25 - Dec. 15	Antlerless	GMU 127	25
Spokane South	Archery	Any	Sept. 1-30 and Nov. 25 - Dec. 15	Antlerless	Deer Area 1060	75
Clarkston	Archery	Any	Nov. 20 - Dec. 31	Antlerless	Deer Area 1021	30
Orcas	Archery	Any	((Aug. 31 - Sept. 25)) Sept. 1-30 and Nov. ((25)) 23 - Dec. ((30)) 31	Antlerless	GMU 411	25
Shaw	Archery	Any	((Aug. 31 - Sept. 25)) Sept. 1-30 and Nov. ((25)) 23 - Dec. ((30)) 31	Antlerless	GMU 412	20
San Juan	Archery	Any	((Aug. 31 - Sept. 25)) Sept. 1-30 and Nov. ((25)) 23 - Dec. ((30)) 31	Antlerless	GMU 413	20
Lopez	Archery	Any	((Aug. 31 - Sept. 25)) Sept. 1-30 and Nov. ((25)) 23 - Dec. ((30)) 31	Antlerless	GMU 414	20
Blakely	Archery	Any	((Aug. 31 - Sept. 25)) Sept. 1-30 and Nov. ((25)) 23 - Dec. ((30)) 31	Antlerless	GMU 415	((20)) 10
Decatur	Archery	Any	((Aug. 31 - Sept. 25)) Sept. 1-30 and Nov. ((25)) 23 - Dec. ((30)) 31	Antlerless	GMU 416	((20)) 5

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<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Cypress	Archery	Any	<del>((Aug. 31 – Sept. 25))</del> Sept. 1-30 and Nov. <del>((25))</del> 23 - Dec. <del>((30))</del> 31	Antlerless	GMU 417	20
Guemes	Archery	Any	<del>((Aug. 31 – Sept. 25))</del> Sept. 1-30 and Nov. <del>((25))</del> 23 - Dec. <del>((30))</del> 31	Antlerless	GMU 419	<del>((20))</del> 10
Whidbey	Archery	Any	<del>((Aug. 31 – Sept. 25))</del> Sept. 1-30 and Nov. <del>((25))</del> 23 - Dec. <del>((30))</del> 31	Antlerless	GMU 420	30
Camano	Archery	Any	<del>((Aug. 31 – Sept. 25))</del> Sept. 1-30 and Nov. <del>((25))</del> 23 - Dec. <del>((30))</del> 31	Antlerless	GMU 421	25
Vashon-Maury	Archery	Any	<del>((Aug. 31 – Sept. 25))</del> Sept. 1-30 and Nov. <del>((25))</del> 23 - Dec. <del>((30))</del> 31	Antlerless	GMU 422	30
Miller	Archery	Any	Dec. <del>((15-30))</del> 15-31	Antlerless	Deer Area 6020	40
Anderson	Archery	Any	Sept. 1-30 and Dec. <del>((21-31))</del> 19-31	Antlerless	GMU 655	10
Mt. Spokane	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9	Antlerless	GMU 124	25
Spokane North	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9 and Dec. 9-31	Antlerless	Deer Area 1050	100
Cheney	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9 and Nov. 25 - Dec. 8	Antlerless	GMU 130	25
Roosevelt	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9 and Nov. 25 - Dec. 8	Antlerless	GMU 133	25
Harrington	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9 and Nov. 25 - Dec. 8	Antlerless	GMU 136	25
Colfax	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9 and Nov. 25 - Dec. 8	Antlerless	Deer Area 1080	50
Mayview	Muzzleloader	Any	Oct. 3-11	Antlerless	GMU 145	30
Chiwawa	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9	Antlerless	GMU 245	10
Swakane	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9	Antlerless	GMU 250	5
Mission	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9	Antlerless	GMU 251	5
Foster Creek	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9	Antlerless	GMU 260	10
Moses Coulee	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9	Antlerless	GMU 269	10
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	5
Orcas	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9 and Nov. <del>((26))</del> 23 - Dec. <del>((14))</del> 15	Antlerless	GMU 411	20
Shaw	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9 and Nov. <del>((26))</del> 23 - Dec. <del>((14))</del> 15	Antlerless	GMU 412	20
San Juan	Muzzleloader	Any	Oct. <del>((3-11))</del> 1-9 and Nov. <del>((26))</del> 23 - Dec. <del>((14))</del> 15	Antlerless	GMU 413	20

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Lopez	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>23</u> - Dec. <del>((14))</del> <u>15</u>	Antlerless	GMU 414	20
Blakely	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>23</u> - Dec. <del>((14))</del> <u>15</u>	Antlerless	GMU 415	<del>((20))</del> <u>5</u>
Decatur	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>23</u> - Dec. <del>((14))</del> <u>15</u>	Antlerless	GMU 416	<del>((20))</del> <u>5</u>
Cypress	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>23</u> - Dec. <del>((14))</del> <u>15</u>	Antlerless	GMU 417	20
Guemes	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>23</u> - Dec. <del>((14))</del> <u>15</u>	Antlerless	GMU 419	<del>((20))</del> <u>10</u>
Whidbey	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>23</u> - Dec. <del>((14))</del> <u>15</u>	Antlerless	GMU 420	20
Camano	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>23</u> - Dec. <del>((14))</del> <u>15</u>	Antlerless	GMU 421	20
Vashon-Maury	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>23</u> - Dec. <del>((14))</del> <u>15</u>	Antlerless	GMU 422	20
Anderson	Muzzleloader	Any	Oct. <del>((3-11))</del> <u>1-9</u> and Nov. <del>((26))</del> <u>24</u> - Dec. <del>((14))</del> <u>11</u>	Antlerless	GMU 655	5

<b>Youth</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Blue Mtns. Foothills West	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMUs 149, 154, 163, Deer Area 1010	<del>((40))</del> <u>60</u>
Blue Mtns. Foothills East	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMUs 145, 172 (except Deer Area 1040)-181	<del>((30))</del> <u>40</u>
Tucannon	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	White-tailed, antlerless	GMU 166	10
Ten Forty	Modern	Youth	Oct. <del>((10-18))</del> <u>15-23</u>	Antlerless	Deer Area 1040	5
Couse	Modern	Youth	Oct. <u>15-25</u>	Antlerless	GMU 181	<u>20</u>
East Okanogan	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 204	<del>((30))</del> <u>60</u>
Wannacut	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 209	10
Sinlahekin	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 215	<del>((40))</del> <u>30</u>
Chewuch	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 218	10
Pearygin	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 224	<del>((50))</del> <u>30</u>
Gardner	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 231	10
Pogue	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 233	<del>((40))</del> <u>30</u>
Chiliwist	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 239	<del>((50))</del> <u>20</u>
Alta	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 242	<del>((50))</del> <u>30</u>
Chiwawa	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 245	10
Entiat	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 247	10
Swakane	Modern	Youth	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 250	5

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mission	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 251	15
Bridgeport	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMUs 248, 260	20
Palisades	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMUs 266, 269	20
Beezley	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 272	((30)) <u>50</u>
Ritzville	Modern	Youth	Oct. <u>15-25</u>	Antlerless	GMU 284	<u>50</u>
Benge	Modern	Youth	Oct. 30 - Nov. 7	Antlerless	Deer Area 2010	30
Desert	Modern	Youth	Dec. ((13-28)) <u>10-25</u>	Antlerless	GMU 290	5
Horse Heaven Hills	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 373	10
Ringold	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 379	10
Kahlotus	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 381	10
East Klickitat	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Any buck	GMU 382	5
East Klickitat	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 382	10
East Klickitat	Modern	Youth	Dec. ((21)) 17 - Jan. 1, ((2016)) 2017	Antlerless	GMU 382	10
East Klickitat	Modern	Youth	Jan. 16-31, ((2016)) 2017	Antlerless	GMU 382	10
Grayback	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Any buck	GMU 388	5
Grayback	Modern	Youth	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 388	10
((Oreas	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 411	5
Shaw	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 412	2
San Juan	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 413	5
Lopez	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 414	3
Blakely	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 415	2
Deeatur	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 416	4
Cypress	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 417	4
Guemes	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 419	4
Whidbey	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 420	40
Camano	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 421	3
Vashon-Maury	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 422	40
Green River	Modern	Youth	Nov. 7-13	Any buck	GMU 485	5))
Lincoln	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 501	10
Randle	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 503	5
Stella	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 504	10
Mossyrock	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 505	10
Stormking	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 510	10
South Rainier	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 513	10
Packwood	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 516	10
Winston	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 520	10
Coweeman	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 550	10
Yale	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 554	10
Toutle	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 556	10



Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Lewis River	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 560	5
Washougal	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 568	10
Siouxon	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 572	5
Wind River	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 574	10
West Klickitat	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Any buck	GMU 578	5
West Klickitat	Modern	Youth	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 578	10
Pysht	Modern	Youth	Nov. ((1-18)) <u>1-16</u>	Any buck	GMU 603	5
((Minot Peak	Modern	Youth	Nov. 1-18	Any buck	GMU 660	10))
Olympic	Modern	Youth	Oct. <u>8-31</u>	Any deer	GMU 621	25
Coyle	Modern	Youth	Oct. <u>10-31</u>	Antlerless	GMU 624	10
Kitsap	Modern	Youth	Oct. <u>10-31</u>	Any deer	GMU 627	10
Mason	Modern	Youth	((Oct. 10-31)) Nov. 1-16	Antlerless	GMU 633	((10)) 20
Skokomish	Modern	Youth	Oct. ((10-31)) <u>8-31</u>	Antlerless	GMU 636	((5)) 10
Wynoochee	Modern	Youth	Oct. <u>8-31</u>	Antlerless	GMU 648	15
Satsop	Modern	Youth	Oct. ((10-31)) <u>8-31</u>	Antlerless	GMU 651	((15)) 10
Mashel	Modern	Youth	Oct. ((10-31)) <u>8-31</u>	Antlerless	GMU 654	15
North River	Modern	Youth	Oct. ((10-31)) <u>8-31</u>	Antlerless	GMU 658	10
Minot Peak	Modern	Youth	Oct. ((10-31)) <u>8-31</u>	Antlerless	GMU 660	10
Minot Peak	Modern	Youth	Nov. 1-16	Any buck	GMU 660	10
Capitol Peak	Modern	Youth	Oct. ((10-31)) <u>8-31</u>	Antlerless	GMU 663	((5)) 10
Skookumchuck	Modern	Youth	Oct. ((10-31)) <u>8-31</u>	Antlerless	GMU 667	15
Skookumchuck	Modern	Youth	Oct. ((10-31)) <u>8-31</u>	Any buck	GMU 667	20
((Olympic	Modern	Youth	Nov. 17-23	Any deer	GMU 621	20
Coyle	Modern	Youth	Oct. 10-31	Antlerless	GMU 624	10
Kitsap	Modern	Youth	Nov. 17-23	Any deer	GMU 627	10
Oreas	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 411	4
Shaw	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 412	2
San Juan	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 413	4
Lopez	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 414	3
Blakely	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 415	2
Deeatur	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 416	1
Cypress	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 417	1
Guemes	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 419	1
Camano	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 421	3
Whidbey	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 420	10
Vashon-Maury	Archery	Youth	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 422	10))
East Okanogan	Muzzleloader	Youth	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMU 204	((5)) 10

<b>Youth</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Wannacut	Muzzleloader	Youth	Oct. ((3-11)) 1-9	Antlerless	GMU 209	5
Pogue	Muzzleloader	Youth	Oct. ((3-11)) 1-9	Antlerless	GMU 233	((5)) 10
Chiliwist	Muzzleloader	Youth	Oct. ((3-11)) 1-9	Antlerless	GMU 239	((15)) 10
Alta	Muzzleloader	Youth	Oct. ((3-11)) 1-9	Antlerless	GMU 242	((15)) 10
Mission	Muzzleloader	Youth	Oct. ((3-11)) 1-9	Antlerless	GMU 251	5
Whitcomb	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3071	5
Paterson	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3072	5
Region 5	Modern	Youth with mentor	Aug. 1, 2016 - Mar. 31, 2017	Antlerless	Designated Areas in Region 5	10 <sup>HC</sup>

<b>Senior 65+</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Mtns. Foothills	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010	30
East Okanogan	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 204	((5)) 30
Wannacut	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 209	5
Sinlahekin	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 215	((5)) 30
Chewuch	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 218	5
Pearygin	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 224	((50)) 20
Gardner	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 231	5
Pogue	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 233	((5)) 20
Chiliwist	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 239	((50)) 20
Alta	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 242	((50)) 20
Chiwawa	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 245	10
Entiat	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 247	10
Swakane	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 250	10
Mission	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 251	10
Bridgeport	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMUs 248, 260	10
Palisades	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMUs 266, 269	10
((Sunnyside)) Rattlesnake Hills	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 373	10
Kahlotus	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 381	10
East Klickitat	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 382	5
Grayback	Modern	65+	Oct. ((17-27)) 15-25	Antlerless	GMU 388	5
((Oreas	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 411	4
Shaw	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 412	2
San Juan	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 413	4
Lopez	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 414	3

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blakely	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 415	2
Deeatur	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 416	1
Cypress	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 417	1
Guemes	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 419	1
Whidbey	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 420	5
Camano	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 421	3
Vashon-Maury	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 422	5))
Lincoln	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 501	5
Stella	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 504	5
Mossyrock	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 505	15
Stormking	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 510	5
South Rainier	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 513	5
Packwood	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 516	5
Winston	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 520	5
Yale	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 554	5
Toutle	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 556	10
Lewis River	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 560	5
Washougal	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 568	5
Siouxon	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 572	5
Wind River	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 574	5
West Klickitat	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 578	5
Olympic	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 621	((20)) <u>30</u>
Coyle	Modern	65+	Oct. 15-31	Antlerless	GMU 624	<u>15</u>
Kitsap	Modern	65+	Oct. 15-31	Antlerless	GMU 627	<u>15</u>
Mason	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 633	((10)) <u>25</u>
Skokomish	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 636	((5)) <u>10</u>
Wynoochee	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 648	((5)) <u>10</u>
Satsop	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 651	15
Mashel	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 654	15
North River	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 658	10
Minot Peak	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 660	10
Capitol Peak	Modern	65+	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 663	((5)) <u>15</u>
((Oreas	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 411	4
Shaw	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 412	2
San Juan	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 413	4
Lopez	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 414	3
Blakely	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 415	2

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Deeatur	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 416	4
Cypress	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 417	4
Guemes	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 419	4
Whidbey	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 420	5
Camano	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 421	3
Vashon-Maury	Archery	65+	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 422	5
Whidbey	Muzzleloader	65+	Oct. 3-11 and Nov. 26 – Dec. 14	Antlerless	GMU 420	2
Vashon-Maury	Muzzleloader	65+	Oct. 3-11 and Nov. 26 – Dec. 14	Antlerless	GMU 422	2))

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Mtns. Foothills	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010	20
East Okanogan	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 204	<del>((5))</del> <u>30</u>
Wannacut	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 209	5
Sinlahekin	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 215	<del>((5))</del> <u>30</u>
Chewuch	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 218	5
Pearrygin	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 224	<del>((50))</del> <u>20</u>
Gardner	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 231	5
Pogue	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 233	<del>((5))</del> <u>20</u>
Chiliwist	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 239	<del>((50))</del> <u>20</u>
Alta	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 242	<del>((50))</del> <u>20</u>
Chiwawa	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 245	5
Entiat	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 247	5
Mission	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 251	5
Saint Andrews	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 254	5
Bridgeport	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMUs 248, 260	5
Palisades	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMUs 266, 269	5
Beezley	Modern	Hunter with Disability	Oct. <del>((17-27))</del> <u>15-25</u>	Antlerless	GMU 272	<del>((5))</del> <u>10</u>
Ritzville	Modern	Hunter with Disability	Oct. <u>15-25</u>	Antlerless	GMU 284	<u>10</u>

<b>Hunters with Disabilities</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Horse Heaven Hills	Modern	Hunter with Disability	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	((Nov. 1-9)) <u>Oct. 28 - Nov. 5</u>	Antlerless	GMU 381	10
East Klickitat	Modern	Hunter with Disability	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 382	5
Grayback	Modern	Hunter with Disability	Oct. ((17-27)) <u>15-25</u>	Antlerless	GMU 388	5
<u>Green River</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. 22-28</u>	<u>Any Buck</u>	<u>GMU 485</u>	<u>5</u>
Lincoln	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 501	2
Stella	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 504	2
Mossyrock	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 505	3
Stormking	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 510	2
South Rainier	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 513	2
Packwood	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 516	2
Winston	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 520	2
Yale	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 554	2
Toutle	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 556	3
Lewis River	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 560	1
Washougal	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 568	5
Siouxon	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 572	2
Wind River	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 574	1
West Klickitat	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 578	2
Olympic	Modern	Hunter with Disability	Oct. ((17-31)) <u>15-31</u>	Antlerless	GMU 621	((40)) <u>15</u>
<u>Kitsap</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. 15-31</u>	<u>Antlerless</u>	<u>GMU 627</u>	<u>5</u>
Mason	Modern	Hunter with Disability	Oct ((17-31)) <u>15-31</u>	Antlerless	GMU 633	((5)) <u>10</u>
<u>Skokomish</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. 15-31</u>	<u>Antlerless</u>	<u>GMU 636</u>	<u>5</u>
Satsop	Modern	Hunter with Disability	Oct ((17-31)) <u>15-31</u>	Antlerless	GMU 651	((40)) <u>5</u>
Mashel	Modern	Hunter with Disability	Oct ((17-31)) <u>15-31</u>	Antlerless	GMU 654	10
North River	Modern	Hunter with Disability	Oct ((17-31)) <u>15-31</u>	Antlerless	GMU 658	5
Minot Peak	Modern	Hunter with Disability	Oct ((17-31)) <u>15-31</u>	Antlerless	GMU 660	5
<u>Capitol Peak</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. 15-31</u>	<u>Antlerless</u>	<u>GMU 663</u>	<u>5</u>

<b>Hunters with Disabilities</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Skookumchuck	Modern	Hunter with Disability	Oct. ((47-34)) <u>15-31</u>	Antlerless	GMU 667	10
Fall River	Modern	Hunter with Disability	Nov. ((4-18)) <u>1-16</u>	Any buck	GMU 672	10
((Oreas	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 411	4
Shaw	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 412	2
San Juan	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 413	4
Lopez	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 414	3
Blakely	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 415	2
Decatur	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 416	1
Cypress	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 417	1
Guemes	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 419	1
Whidbey	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 420	5
Camano	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 421	3
Vashon-Maury	Archery	Hunter with Disability	Aug. 31 – Sept. 25 and Nov. 25 – Dec. 30	Antlerless	GMU 422	5))
Wind River	Archery	Hunter with Disability	Sept. 1-30	Antlerless	GMU 574	1
West Klickitat	Archery	Hunter with Disability	Sept. 1-30	Antlerless	GMU 578	1
East Okanogan	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMU 204	5
Sinlahekin	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMU 215	5
Gardner	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMU 231	5
Chiwawa	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMU 245	5
Entiat	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMU 247	5
Mission	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMU 251	5
Saint Andrews	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMU 254	5
Bridgeport	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMUs 248, 260	5
Palisades	Muzzleloader	Hunter with Disability	Oct. ((3-11)) <u>1-9</u>	Antlerless	GMUs 266, 269	5
((Oreas	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26 – Dec. 14	Antlerless	GMU 411	2
Shaw	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26 – Dec. 14	Antlerless	GMU 412	2
San Juan	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26 – Dec. 14	Antlerless	GMU 413	2
Lopez	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26 – Dec. 14	Antlerless	GMU 414	2

<b>Hunters with Disabilities</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Blakely	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26- -Dec. 14	Antlerless	GMU 415	2
Deeatur	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26- -Dec. 14	Antlerless	GMU 416	1
Cypress	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26- -Dec. 14	Antlerless	GMU 417	1
Guemes	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26- -Dec. 14	Antlerless	GMU 419	1
Whidbey	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26- -Dec. 14	Antlerless	GMU 420	2
Camano	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26- -Dec. 14	Antlerless	GMU 421	2
Vashon-Maury	Muzzleloader	Hunter with Disability	Oct. 3-11 and Nov. 26- -Dec. 14	Antlerless	GMU 422	2))
Olympic	Muzzleloader	Hunter with Disability	Oct. ((3-11)) 1-9	Antlerless	GMU 621	((15)) 5
Mason	Muzzleloader	Hunter with Disability	Oct. ((3-11)) 1-9	Antlerless	GMU 633	5
Wynoochee	Muzzleloader	Hunter with Disability	Oct. ((3-11)) 1-9	Antlerless	GMU 648	5
((Satsop	Muzzleloader	Hunter with Disability	Oct. 3-11	Antlerless	GMU 651	10))
Mashel	Muzzleloader	Hunter with Disability	Oct. ((3-11)) 1-9	Antlerless	GMU 654	10
North River	Muzzleloader	Hunter with Disability	Oct. ((3-11)) 1-9	Antlerless	GMU 658	((10)) 5
Capitol Peak	Muzzleloader	Hunter with Disability	Oct. ((3-11)) 1-9	Antlerless	GMU 663	10
Skookumchuck	Muzzleloader	Hunter with Disability	Oct. ((3-11)) 1-9	Antlerless	GMU 667	10

**Master Hunter** - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one deer may be killed in the unit under the authorization of the special permit.

<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Requirements</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Republic	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Sept. 1 - Dec. 31	Any deer	Designated properties within Deer Area 1030	25 <sup>HC</sup>
Region 1	((Any/2nd)) Archery/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2015)) 2016 - March 31, ((2016)) 2017	Antlerless	Designated Areas in Region 1	50 <sup>HC</sup>
Region 2	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2015)) 2016 - March 31, ((2016)) 2017	Antlerless	Designated Areas in Region 2	30 <sup>HC</sup>
Region 3	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2015)) 2016 - March 31, ((2016)) 2017	Antlerless	Designated Areas in Region 3	40 <sup>HC</sup>
Region 5	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2015)) 2016 - March 31, ((2016)) 2017	Antlerless	Designated Areas in ((Klickitat, Skamania, and Clark counties)) Region 5	10 <sup>HC</sup>
Region 6	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	((Aug. 1, 2015)) July 1, 2016 - March 31, ((2016)) 2017	Antlerless	Designated Areas in Region 6	20 <sup>HC</sup>

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> <li>- Special deer permits will be allocated through a random drawing to those hunter education instructors who qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange is required during modern firearm seasons.</li> <li>- Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> </ul> <p>Qualified hunter education instructors may only receive one incentive permit each year.</p>				
Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any white-tailed deer	Any 100 series GMU EXCEPT GMU 157	2
Region 2		Any white-tailed deer	GMUs 204-215	2
Region 2		Any deer	GMUs 215-251	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368, 382, 388	1
Region 4		Any deer	Any 400 series GMU EXCEPT GMUs 485 and 490	2
Region 5		Legal buck for 500 series GMU of choice or antlerless	Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season	6
Region 6		Legal buck for GMU of choice	GMUs 654, 660, 672, 673, 681	1

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 15-10-059, filed 4/30/15, effective 5/31/15)

**WAC 232-28-360 ((2015)) 2016 Elk special permits.**

It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410((;)) Unlawful hunting of big game—Penalty.

**Special Elk Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase an elk hunting license prior to purchasing a permit application. Hunters may only apply for per-

mits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzleloader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "Any tag" under the "Weapon/Tag" restriction must use equipment consistent with the requirements of their transport tag and license.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EA, EF, EM	Any	Oct. ((20)) 17 - Nov. 24	Any bull	Elk Area 1015	1
Prescott	EF	Any	Sept. ((28 - Oct. 2)) 26-30	Any bull	GMU 149	1
Prescott	EF	Any	Oct. ((26)) 24 - Nov. ((8)) 6	Any bull	GMU 149	2
Blue Creek	EF	Any	Sept. ((28 - Oct. 2)) 26-30	Any bull	GMU 154	((2)) 1
Blue Creek	EF	Any	Oct. ((26)) 24 - Nov. ((8)) 6	Any bull	GMU 154	6
Watershed	EA, EF, EM	Any	Oct. ((31)) 29 - Nov. ((8)) 6	3 pt. min.	GMU 157	((35)) 40
Dayton	EF	Any	Oct. ((26)) 24 - Nov. ((8)) 6	Any bull	GMU 162	14
Ten Ten	EF	Any	Sept. ((28 - Oct. 2)) 26-30	Any bull	Elk Area 1010, GMU 163	1
Ten Ten	EF	Any	Oct. ((26)) 24 - Nov. ((8)) 6	Any bull	Elk Area 1010, GMU 163	((5)) 4
Tucannon	EF	Any	Oct. ((26)) 24 - Nov. ((8)) 6	Any bull	GMU 166	((12)) 14
Wenaha West	EF	Any	Oct. ((26)) 24 - Nov. ((8)) 6	Any bull	Elk Area 1008	10



Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Wenaha East	EF	Any	Oct. ((26)) <u>24</u> - Nov. ((8)) <u>6</u>	Any bull	Elk Area 1009	((42)) <u>11</u>
Mountain View	EF	Any	Oct. ((26)) <u>24</u> - Nov. ((8)) <u>6</u>	Any bull	GMU 172, EXCEPT Elk Area 1040	((44)) <u>16</u>
Ten Forty	EF	Any	Oct. ((26)) <u>24</u> - Nov. ((8)) <u>6</u>	Any bull	Elk Area 1040	2
Lick Creek	EF	Any	Oct. ((26)) <u>24</u> - Nov. ((8)) <u>6</u>	Any bull	GMU 175	7
Peola	EF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMU 178	1
Peola	EF	Any	Oct. ((26)) <u>24</u> - Nov. ((8)) <u>6</u>	Any bull	GMU 178	1
Couse	EF	Any	Oct. ((26)) <u>24</u> - Nov. ((8)) <u>6</u>	Any bull	GMU 181	((2)) <u>3</u>
Mission	EF	Any	Sept. ((16-20)) <u>23-30</u>	Any bull	GMU 251	1
Colockum	EF	Any	Sept. ((25 - Oct. 2)) <u>23-30</u>	Any bull	GMUs 328, 329((,-335))	1
Colockum	EF	Any	Oct. ((26)) <u>24</u> - Nov. ((8)) <u>6</u>	Any bull	GMUs 328, 329((,-335))	((6)) <u>23</u>
Teanaway	EF	Any	Sept. ((25 - Oct. 2)) <u>23-30</u>	Any bull	GMU 335	((3)) <u>2</u>
Peaches Ridge	EF	Any	Sept. ((25 - Oct. 2)) <u>23-30</u>	Any bull	GMUs 336, 346	3
Observatory	EF	Any	Sept. ((25 - Oct. 2)) <u>23-30</u>	Any bull	GMUs 340, 342	5
Little Naches	EF	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 346	15
Goose Prairie	EF	Any	Sept. ((25 - Oct. 2)) <u>23-30</u>	Any bull	GMUs 352, 356	5
Bethel	EF	Any	Sept. ((25 - Oct. 2)) <u>23-30</u>	Any bull	GMU 360	3
Rimrock	EF	Any	Sept. ((25 - Oct. 2)) <u>23-30</u>	Any bull	GMU 364	3
Cowiche	EF	Any	Sept. ((25 - Oct. 2)) <u>23-30</u>	Any bull	GMU 368	3
Nooksack	WF	Any	Oct. ((10)) <u>8</u> - Nov. ((15)) <u>18</u>	Any bull	GMU 418 and Elk Area 4941	((5)) <u>10</u>
Green River	WF	Any	((Nov. 7-13)) Oct. <u>22-28</u>	Any bull	GMU 485	((6)) <u>8</u>
Wahkiakum	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMUs 506, 530	1
South Rainier	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMUs 510, 513	1
Packwood	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMU 516	1
Winston	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMU 520	1
Coweeman	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMU 550	1
Toutle	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u> and Nov. ((7-18)) <u>5-16</u>	Any bull	GMU 556	3
Toutle	WF	Any	Nov. ((7-18)) <u>5-16</u>	Any bull	GMU 556	((66)) <u>49</u>
Lewis River	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMU 560	2
Siouxon	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMU 572	2
Carlton	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	Elk Area 5057	5
West Goat Rocks	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	Elk Area 5058	5
Mt. Adams	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	Elk Area 5059	5
Mudflow	WF	Any	Nov. ((7-18)) <u>5-16</u>	Any bull	Elk Area 5099	5
Peninsula	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	3 pt. min.	GMUs 602, 607, 612	1
Clearwater	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	3 pt. min.	GMU 615	2
Matheny	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	3 pt. min.	GMU 618	3
Quinalt	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	3 pt. min.	GMU 638	5
Wynoochee	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	3 pt. min.	GMU 648	1
White River	WF	Any	Sept. ((28 - Oct. 2)) <u>26-30</u>	Any bull	GMU 653	2
Prescott	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	GMU 149	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Creek	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	GMU 154	((4)) <u>5</u>
Dayton	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	GMU 162	7
Ten Ten	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	Elk Area 1010, GMU 163	3
Tucannon	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	GMU 166	7
Wenaha West	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	Elk Area 1008	3
Wenaha East	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	Elk Area 1009	6
Mountain View	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	GMU 172, EXCEPT Elk Area 1040	((10)) <u>13</u>
Ten Forty	EA	Any	Sept. ((12-25)) <u>10-23</u>	Any bull	Elk Area 1040	((1)) <u>2</u>
Lick Creek	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	GMU 175	((12)) <u>13</u>
Peola	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	GMU 178	((3)) <u>2</u>
Couse	EA	Any	Sept. ((5-24)) <u>5-22</u>	Any bull	GMU 181	((1)) <u>3</u>
Colockum	EA	Any	Sept. ((12-24)) <u>10-22</u>	Any bull	GMUs 328, 329((,-335))	((8)) <u>17</u>
<u>Teanaway</u>	<u>EA</u>	<u>Any</u>	<u>Sept. 10-22</u>	<u>Any bull</u>	<u>GMU 335</u>	<u>6</u>
Peaches Ridge	EA	Any	Sept. ((12-24)) <u>10-22</u>	Any bull	GMUs 336, 346	((126)) <u>134</u>
Observatory	EA	Any	Sept. ((12-24)) <u>10-22</u>	Any bull	GMUs 340, 342	((133)) <u>134</u>
Goose Prairie	EA	Any	Sept. ((12-24)) <u>10-22</u>	Any bull	GMUs 352, 356	((68)) <u>93</u>
Bethel	EA	Any	Sept. ((12-24)) <u>10-22</u>	Any bull	GMU 360	((38)) <u>46</u>
Rimrock	EA	Any	Sept. ((12-24)) <u>10-22</u>	Any bull	GMU 364	((105)) <u>71</u>
Cowiche	EA	Any	Sept. ((12-24)) <u>10-22</u>	Any bull	GMU 368	((31)) <u>21</u>
Nooksack	WA	Any	Aug. ((31)) <u>29</u> - Sept. ((20)) <u>17</u> and Dec. 1-31	Any bull	GMU 418 and Elk Area 4941	((3)) <u>5</u>
Toutle	WA	Any	Sept. ((12-24)) <u>10-22</u> and Dec. 1-15	Any bull	GMU 556	((41)) <u>37</u>
Mudflow	WA	Any	Sept. ((12-18)) <u>10-16</u>	Any bull	Elk Area 5099	5
White River	WA	Any	Sept. ((12-24)) <u>10-22</u>	Any bull	GMU 653	((31)) <u>24</u>
Prescott	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 149	1
Blue Creek	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 154	2
Dayton	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 162	4
Ten Ten	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	Elk Area 1010, GMU 163	1
Tucannon	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 166	3
Wenaha West	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	Elk Area 1008	2
Wenaha East	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	Elk Area 1009	3
Mountain View	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 172, EXCEPT Elk Area 1040	5
Ten Forty	EM	Any	((Sept. 30 – Oct. 9)) <u>Oct. 1-10</u>	Any bull	Elk Area 1040	((1)) <u>2</u>
Lick Creek	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 175	2
Peola	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 178	1
Couse	EM	Any	Oct. ((3-11)) <u>1-10</u>	Any bull	GMU 181	1

<b>Quality</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mission	EM	Any	<del>((Sept. 30 – Oct. 9))</del> Oct. 1-10	Any bull	GMU 251	1
Colockum	EM	Any	Oct. <del>((3-11))</del> 1-10	Any bull	GMUs 328, 329 <del>((, 335))</del>	<del>((2))</del> 2
<u>Teanaway</u>	<u>EM</u>	<u>Any</u>	<u>Oct. 1-10</u>	<u>Any bull</u>	<u>GMU 335</u>	<u>3</u>
Peaches Ridge	EM	Any	Oct. <del>((3-11))</del> 1-10	Any bull	GMUs 336, 346	<del>((29))</del> 34
Observatory	EM	Any	Oct. <del>((3-11))</del> 1-10	Any bull	GMUs 340, 342	<del>((25))</del> 31
Goose Prairie	EM	Any	Oct. <del>((3-11))</del> 1-10	Any bull	GMUs 352, 356	<del>((12))</del> 16
Bethel	EM	Any	Oct. <del>((3-11))</del> 1-10	Any bull	GMU 360	<del>((13))</del> 14
Rimrock	EM	Any	Oct. <del>((3-11))</del> 1-10	Any bull	GMU 364	<del>((13))</del> 2
Cowiche	EM	Any	Oct. <del>((3-11))</del> 1-10	Any bull	GMU 368	<del>((10))</del> 2
Nooksack	WM	Any	Sept. <del>((23))</del> 21 - Oct. <del>((4))</del> 2 and Nov. <del>((21-29))</del> 19-30	Any bull	GMU 418 and Elk Area 4941	<del>((3))</del> 5
Toutle	WM	Any	Oct. <del>((3-9))</del> 1-7	Any bull	GMU 556	<del>((14))</del> 12
Mudflow	WM	Any	Oct. <del>((3-9))</del> 1-7	Any bull	Elk Area 5099	5

<b>Bulls</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Prescott	EF, EM	Any	Nov. <del>((9-18))</del> 7-18	Any bull	GMU 149	2
Prescott	EF, EM	Any	Nov. 19-30	Any bull	GMU 149	2
Prescott	EF	Any	Dec. 1-15	Any bull	GMU 149	2
Prescott	EF	Any	Dec. 16-31	Any bull	GMU 149	2
Ten Forty	EF	Any	Oct. <del>((31))</del> 29 - Nov. <del>((8))</del> 6	Spike bull only	Elk Area 1040	2
Grande Ronde	EF	Any	Oct. <del>((26))</del> 24 - Nov. <del>((8))</del> 6	Any bull	GMU 186	1
Mission	EF	Any	Oct. <del>((20))</del> 24 - Nov. <del>((2))</del> 6	Any bull	GMU 251	1
Teanaway	EF	Any	<del>((Dec. 17-31))</del> Oct. 24 - Nov. 6	Any bull	GMU 335	<del>((12))</del> 3
Peaches Ridge	EF	Any	Oct. <del>((26))</del> 24 - Nov. <del>((8))</del> 6	Any bull	GMUs 336, 346	<del>((120))</del> 118
Observatory	EF	Any	Oct. <del>((26))</del> 24 - Nov. <del>((8))</del> 6	Any bull	GMUs 340, 342	<del>((88))</del> 86
Goose Prairie	EF	Any	Oct. <del>((26))</del> 24 - Nov. <del>((8))</del> 6	Any bull	GMUs 352, 356	<del>((77))</del> 84
Bethel	EF	Any	Oct. <del>((26))</del> 24 - Nov. <del>((8))</del> 6	Any bull	GMU 360	<del>((60))</del> 64
Rimrock	EF	Any	Oct. <del>((26))</del> 24 - Nov. <del>((8))</del> 6	Any bull	GMU 364	<del>((124))</del> 83
Cowiche	EF	Any	Oct. <del>((26))</del> 24 - Nov. <del>((8))</del> 6	Any bull	GMU 368	<del>((26))</del> 13
Alkali	EF	Any	Oct. <del>((12-31))</del> 10-30	Any bull	GMU 371	15
<del>((Nooksack))</del> <u>Skagit River</u>	WF	Any	Oct. <del>((10))</del> 8 - Nov. <del>((17))</del> 18	<del>((Spike bull only))</del> <u>Any bull</u>	<del>((GMU 418 and))</del> Elk Area 4941	<del>((6))</del> 2
Upper Smith Creek	WF	Any	Oct. 17-23	Any bull	Elk Area 5064	2
Mount Whittier	WF	Any	Oct. 17-23	Any bull	Elk Area 5065	1

<b>Bulls</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Norway Pass	WF	Any	Oct. 17-23	Any bull	Elk Area 5066	3
Olympic	WF	Any	<del>((Nov. 7-18))</del> Oct. 22 - Nov. 16	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	<del>((47))</del> 8
Skokomish	WF	Any	<del>((Nov. 7-18))</del> Oct. 22 - Nov. 16	3 pt. min.	GMU 636	3
White River	WF	Any	Nov. <del>((7-18))</del> 5-16	Any bull	GMU 653	<del>((33))</del> 34
Ten Forty	EA	Any	Sept. 5-13	Spike bull only	Elk Area 1040	2
Grande Ronde	EA	Any	Sept. 5-24	Any bull	GMU 186	1
<del>((Teanaway</del>	EA	Any	Nov. 25 - Dec. 8	Any bull	GMU 335	<del>((4))</del>
Alkali	EA	Any	Sept. <del>((1-24))</del> 1-23	Any bull	GMU 371	10
<del>((Nooksack))</del> Skagit River	WA	Any	Aug. <del>((34))</del> 29 - Sept. <del>((20))</del> 17 and Dec. 1-31	<del>((Spike bull only))</del> Any bull	<del>((GMU 418 and))</del> Elk Area 4941	<del>((3))</del> 2
Upper Smith Creek	WA	WA	Oct. 1-7	Any bull	Elk Area 5064	2
Mount Whittier	WA	Any	Oct. 1-7	Any bull	Elk Area 5065	1
Norway Pass	WA	Any	Oct. 1-7	Any bull	Elk Area 5066	3
Lewis River	WA	Any	Nov. <del>((25))</del> 23 - Dec. 8	3 pt. min.	GMU 560	5
Siouxon	WA	Any	Nov. <del>((25))</del> 23 - Dec. 8	3 pt. min.	GMU 572	5
Olympic	WA	Any	Sept. <del>((12-24))</del> 1-22 and Dec. 1-15	3 pt. min.	GMU 621, EXCEPT Elk Area 6071	<del>((8))</del> 6
Skokomish	WA	Any	Sept. <del>((12-24))</del> 1-22 and Dec. 1-15	3 pt. min.	GMU 636	5
Ten Forty	EM	Any	<del>((Sept. 30 - Oct. 9))</del> Oct. 1-10	Spike bull only	Elk Area 1040	1
Grande Ronde	EM	Any	Oct. <del>((3-11))</del> 1-10	Any bull	GMU 186	1
<del>((Teanaway</del>	EM	Any	Dec. 9-16	Any bull	GMU 335	<del>((4))</del>
Alkali	EM	Any	Sept. <del>((25))</del> 24 - Oct. <del>((1))</del> 2	Any bull	GMU 371	15
<del>((Nooksack))</del> Skagit River	WM	Any	Sept. <del>((23))</del> 21 - Oct. <del>((4))</del> 2 and Nov. <del>((21-29))</del> 19-30	<del>((Spike bull only))</del> Any bull	<del>((GMU 418 and))</del> Elk Area 4941	<del>((3))</del> 2
Upper Smith Creek	WM	Any	Oct. 9-15	Any bull	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 9-15	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Any bull	Elk Area 5066	3
Yale	WM	Any	Nov. <del>((25))</del> 23 - Dec. 15	3 pt. min.	GMU 554	15
Olympic	WM	Any	<del>((Oct. 3-9))</del> Sept. 24 - Oct. 7	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	<del>((4))</del> 2
Skokomish	WM	Any	<del>((Oct. 3-9))</del> Sept. 24 - Oct. 7	3 pt. min.	GMU 636	<del>((3))</del> 2
White River	WM	Any	Oct. <del>((3-9))</del> 1-7	Any bull	GMU 653	<del>((8))</del> 7

<b>Antlerless Elk</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
North Half	EF	Any	Oct. 31 - Nov. 8	Antlerless	GMUs 101, 105, 204	10
Stevens	EF	Any	Oct. 31 - Nov. 8	Antlerless	GMUs 108, 121	10
Aladdin	EF	Any	Oct. 31 - Nov. 8	Antlerless	GMU 111	10
Selkirk	EF	Any	Oct. 31 - Nov. 8	Antlerless	GMU 113	10
49 Degrees North	EF	Any	Oct. 31 - Nov. 8 and Dec. 16-31	Antlerless	GMU 117	10
Turnbull	EF	Any	Oct. <del>((27 - Nov. 4))</del> 25-30	Antlerless	Elk Area 1015	6
Turnbull	EF	Any	Nov. <del>((3-8))</del> 1-6	Antlerless	Elk Area 1015	6
Mayview-Peola	EF	Any	Oct. <del>((17-25))</del> 15-23	Antlerless	GMUs 145, 178	10

<b>Antlerless Elk</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mayview-Peola	EF	Any	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMUs 145, 178	35
Prescott	EF	Any	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 149	20
Blue Creek	EF	Any	Oct. <del>((17-25))</del> <u>15-23</u>	Antlerless	GMU 154	10
Blue Creek	EF	Any	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 154	10
Marengo-Dayton	EF	Any	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 163 and Elk Area 1010	100
Mountain View	EF	Any	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	Elk Area 1013	40
Dayton	EF	Any	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	Elk Area 1016	25
Lick Creek	EF	Any	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 175	15
Couse	EF	Any	Aug. <del>((22-30))</del> <u>20-28</u>	Antlerless	<del>((GMU 181))</del> Elk Area 1081	30
Couse	EF	Any	Oct. <del>((1-10))</del> <u>15-23</u>	Antlerless	<del>((GMU 181))</del> Elk Area 1081	<del>((35))</del> <u>5</u>
<u>Couse</u>	<u>EF</u>	<u>Any</u>	<u>Oct. 29 - Nov. 6</u>	<u>Antlerless</u>	<u>Elk Area 1081</u>	<u>30</u>
Malaga	EF	Any	Sept. <del>((11-21))</del> <u>10-22</u>	Antlerless	Elk Area 2032	<del>((10))</del> <u>20</u>
Malaga	EF	Any	Nov. <del>((4))</del> <u>7</u> - Dec. 31	Antlerless	Elk Area 2032	<del>((30))</del> <u>55</u>
Colockum	EF	Any	Nov. 4-8	Antlerless	GMUs 328, 329	<del>((590))</del> <u>510</u>
West Bar	EF	Any	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((3))</del> <u>1</u>	Antlerless	GMU 330	5
West Bar	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 330	5
Teanaway	EF	Any	Aug. 1 - Sept. <del>((11))</del> <u>9</u>	Antlerless	GMU 335	30
Taneum	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 336	<del>((340))</del> <u>350</u>
Manastash	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 340	<del>((340))</del> <u>300</u>
Umtanum	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 342	<del>((300))</del> <u>250</u>
Little Naches	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 346	<del>((425))</del> <u>350</u>
Nile	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 352	<del>((40))</del> <u>100</u>
Bumping	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 356	<del>((60))</del> <u>200</u>
Bethel	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 360	<del>((25))</del> <u>100</u>
Rimrock	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 364	<del>((210))</del> <u>110</u>
Cowiche	EF	Any	Nov. <del>((4-8))</del> <u>2-6</u>	Antlerless	GMU 368	<del>((210))</del> <u>110</u>
Alkali	EF	Any	Oct. <del>((12-31))</del> <u>10-30</u>	Antlerless	GMU 371	20
North Bend	WF	Any	Nov. <del>((1-12))</del> <u>6-17</u>	Antlerless	Elk Area 4601	5
Green River	WF	Any	<del>((Nov. 7-13))</del> Oct. <u>22-28</u>	Antlerless	GMU 485	<del>((2))</del> <u>4</u>
Mossyrock	WF	Any	Nov. <del>((7-18))</del> <u>5-16</u>	Antlerless	GMU 505	50
Willapa Hills	WF	Any	Nov. <del>((7-18))</del> <u>5-16</u>	Antlerless	GMU 506	25
Winston	WF	Any	Nov. <del>((7-18))</del> <u>5-16</u>	Antlerless	GMU 520	40

<b>Antlerless Elk</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Margaret	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 524 (except for Elk Area 5066)	40
Ryderwood	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 530	35
Coweeman	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 550	75
Toutle	WF	Any	Nov. ((23-30)) <u>21-30</u>	Antlerless	GMU 556	35
Lewis River	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 560	60
Washougal	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 568	35
Siouxon	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 572	20
Wind River	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 574	40
West Klickitat	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 578	75
((Grays River	WF	Any	Nov. 7-18	Antlerless	Elk Area 5056	40))
Upper Smith Creek	WF	Any	Oct. 17-23	Antlerless	Elk Area 5064	4
Mount Whittier	WF	Any	Oct. 17-23	Antlerless	Elk Area 5065	2
Norway Pass	WF	Any	Oct. 17-23	Antlerless	Elk Area 5066	5
Mudflow	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	Elk Area 5099	10
Mallis	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
Mallis	WF	Any	Jan. 1-20, ((2016)) <u>2017</u>	Antlerless	Elk Area 6010	20
Puyallup	WF	Any	((Jan. 1-20, 2016)) Dec. 30, 2016 - Jan. 18, <u>2017</u>	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	((Jan. 21 - Feb. 10)) <u>Jan. 19 - Feb. 8, 2017</u>	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Feb. ((11-28)) <u>9-26, 2017</u>	Antlerless	Elk Area 6014	10
Hanaford	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	Elk Area 6069	5
((Deschutes	WF	Any	Jan. 10-20, 2016	Antlerless	GMU 666	40))
Williams Creek	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 673	45
Long Beach	WF	Any	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 684	((20)) 6
Turnbull	EA	Any	Sept. ((12-24)) <u>10-22</u>	Antlerless	Elk Area 1015	14
Dayton	EA	Any	Sept. ((12-24)) <u>10-22</u>	Antlerless	Elk Area 1016	15
Malaga	EA	Any	((Aug. 31 - Sept. 6)) <u>Sept. 1-9</u>	Antlerless	Elk Area 2032	((15)) 20
Alkali	EA	Any	Sept. ((1-24)) <u>1-23</u>	Antlerless	GMU 371	5
Margaret	WA	Any	Sept. ((12-24)) <u>10-22</u> and Dec. 1-15	Antlerless	GMU 524 (except for Elk Area 5066)	30
Toutle	WA	Any	Sept. ((12-24)) <u>10-22</u> and Dec. 1-15	Antlerless	GMU 556	50
Upper Smith Creek	WA	Any	Oct. 1-7	Antlerless	Elk Area 5064	4
Norway Pass	WA	Any	Oct. 1-7	Antlerless	Elk Area 5066	3
Mudflow	WA	Any	Sept. ((19-24)) <u>17-22</u>	Antlerless	Elk Area 5099	10
Lewis River	WA	Any	Nov. ((25)) <u>23</u> - Dec. 8	Antlerless	GMU 560	10
Siouxon	WA	Any	Nov. ((25)) <u>23</u> - Dec. 8	Antlerless	GMU 572	5
Wynoochee	WA	Any	Nov. ((25)) <u>23</u> - Dec. 15	Antlerless	GMU 648	((135)) 125
((Willapa NWR	WA	Any	Sept. 2-8	Antlerless	Designated areas on Wil- lapa Natl. Wildlife Refuge	3
Willapa NWR	WA	Any	Sept. 9-15	Antlerless	Designated areas on Wil- lapa Natl. Wildlife Refuge	3))
North Half	EM	Any	Oct. 3-9	Antlerless	GMUs 101, 105, 204	10
Stevens	EM	Any	Oct. 3-9	Antlerless	GMUs 108, 121	10
Aladdin	EM	Any	Oct. 3-9	Antlerless	GMU 111	10
Selkirk	EM	Any	Oct. 3-9	Antlerless	GMU 113	10

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
49 Degrees North	EM	Any	Oct. 3-9 and Dec. 16-31	Antlerless	GMU 117	20
Turnbull	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	Elk Area 1015	9
Turnbull	EM	Any	Nov. <del>((2+))</del> <u>19</u> - Dec. <del>((4))</del> <u>2</u>	Antlerless	Elk Area 1015	9
Dayton	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	Elk Area 1016	25
Blue Creek	EM	Any	Dec. 9, <del>2016</del> - Jan. 20, <del>((2016))</del> <u>2017</u>	Antlerless	GMU 154	25
Mountain View	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	Elk Area 1013	5
Lick Creek	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 175	10
Mayview-Peola	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMUs 145, 178	20
Couse	EM	Any	Oct. <u>1-7</u>	Antlerless	Elk Area 1081	10
Couse	EM	Any	Dec. 1-31	Antlerless	<del>((GMU 184))</del> Elk Area 1081	<del>((30))</del> <u>35</u>
Malaga	EM	Any	Oct. <del>((12-25))</del> <u>1-10</u>	Antlerless	Elk Area 2032	<del>((35))</del> <u>45</u>
Colockum	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMUs 328, 329	<del>((130))</del> <u>140</u>
West Bar	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 330	5
Teanaway	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 335	10
Taneum	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 336	<del>((340))</del> <u>270</u>
Manastash	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 340	<del>((340))</del> <u>250</u>
Umtanum	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 342	<del>((340))</del> <u>215</u>
Nile	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 352	<del>((15))</del> <u>75</u>
Bumping	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 356	<del>((25))</del> <u>55</u>
Bethel	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 360	<del>((20))</del> <u>40</u>
Cowiche	EM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 368	<del>((100))</del> <u>80</u>
Alkali	EM	Any	Sept. <del>((25))</del> <u>24</u> - Oct. <del>((1+))</del> <u>2</u>	Antlerless	GMU 371	10
Stella	WM	Any	Jan. 1-15, <del>((2016))</del> <u>2017</u>	Antlerless	GMU 504	75
Willapa Hills	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 506	15
Mudflow	WM	Any	Oct. <del>((10-16))</del> <u>8-14</u>	Antlerless	Elk Area 5099	10
Winston	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 520	20
Margaret	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 524 (except for Elk Area 5066)	20
Ryderwood	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 530	30
Coweeman	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 550	40
Yale	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 554	40
Yale	WM	Any	Nov. <del>((25))</del> <u>23</u> - Dec. 15	Antlerless	GMU 554	35
Toutle	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 556	40
Lewis River	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 560	20
Washougal	WM	Any	Nov. <del>((25))</del> <u>23</u> - Dec. 8	Antlerless	GMU 568	35
Siouxon	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	GMU 572	10
Wind River	WM	Any	Nov. <del>((25))</del> <u>23</u> - Dec. 8	Antlerless	GMU 574	50
West Klickitat	WM	Any	Nov. <del>((25))</del> <u>23</u> - Dec. 8	Antlerless	GMU 578	75
Upper Smith Creek	WM	Any	Oct. 9-15	Antlerless	Elk Area 5064	4
Mount Whittier	WM	Any	Oct. 9-15	Antlerless	Elk Area 5065	2

<b>Antlerless Elk</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Norway Pass	WM	Any	Oct. 9-15	Antlerless	Elk Area 5066	2
Mallis	WM	Any	Oct. <del>((3-9))</del> <u>1-7</u>	Antlerless	Elk Area 6010	20
Mashel	WM	Any	<del>((Jan. 1-15, 2016))</del> <u>Dec. 30, 2016 - Jan. 13, 2017</u>	Antlerless	Elk Area 6054	25
<del>((Willapa NWR</del>	WM	Any	Sept. 20-25	Antlerless	Designated areas on Willapa Natl. Wildlife Refuge	2
Willapa NWR	WM	Any	<del>Oct. 23-28</del>	Antlerless	Designated areas on Willapa Natl. Wildlife Refuge	2))
North River	WM	Any	Nov. <del>((25))</del> <u>23</u> - Dec. 15	Antlerless	GMU 658	20

<b>Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Turnbull	EF	Youth	Oct. <del>((20-25))</del> <u>18-23</u>	Antlerless	Elk Area 1015	6
Aladdin	EF	Youth	Oct. 31 - Nov. 8	Antlerless	GMU 111	5
Selkirk	EF	Youth	Oct. 31 - Nov. 8	Antlerless	GMU 113	5
49 Degrees North	EF	Youth	Oct. 31 - Nov. 8 and Dec. 16-31	Antlerless	GMU 117	5
Mayview-Peola	EF	Youth	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMUs 145, 178	5
Blue Creek	EF	Youth	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 154	2
Dayton	EF	Youth	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 162	10
Ten Forty	EF	Youth	Oct. <del>((10-18))</del> <u>15-23</u>	Antlerless	Elk Area 1040	5
Lick Creek	EF	Youth	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 175	5
Couse	EF	Youth	Aug. <del>((22-30))</del> <u>20-28</u>	Antlerless	<del>((GMU 181))</del> <u>Elk Area 1081</u>	5
Couse	EF	Youth	Oct. <del>((1-10))</del> <u>29</u> - Nov. <u>6</u>	Antlerless	<del>((GMU 181))</del> <u>Elk Area 1081</u>	5
<u>Malaga</u>	<u>EF</u>	<u>Youth</u>	<u>Nov. 7-15</u>	<u>Antlerless</u>	<u>Elk Area 2032</u>	<u>10</u>
Colockum	EF	Youth	Nov. <del>((4-15))</del> <u>2-13</u>	Antlerless	GMUs 328, 329, 335	<del>((70))</del> <u>60</u>
Yakima North	EF	Youth	Nov. <del>((4-15))</del> <u>2-13</u>	Antlerless	GMUs 336, 340, 342, 346	<del>((165))</del> <u>145</u>
Yakima Central	EF	Youth	Nov. <del>((4-15))</del> <u>2-13</u>	Antlerless	GMUs 352, 356, 360	<del>((15))</del> <u>50</u>
Yakima South	EF	Youth	Nov. <del>((4-15))</del> <u>2-13</u>	Antlerless	GMUs 364, 368	<del>((50))</del> <u>30</u>
Colockum	EM	Youth	Oct. <del>((3-11))</del> <u>1-10</u>	Antlerless	GMUs 328, 329, 335	20
Yakima North	EM	Youth	Oct. <del>((3-11))</del> <u>1-10</u>	Antlerless	GMUs 336, 340, 342, 346	90
<u>Yakima Central</u>	<u>EM</u>	<u>Youth</u>	<u>Oct. 1-10</u>	<u>Antlerless</u>	<u>GMUs 352, 356, 360</u>	<u>20</u>
Yakima South	EM	Youth	Oct. <del>((3-11))</del> <u>1-10</u>	Antlerless	GMUs 364, 368	<del>((20))</del> <u>10</u>
North Bend	WF, WM, WA	Youth	Nov. <del>((1-12))</del> <u>6-17</u>	Antlerless	Elk Area 4601	5
<del>((Nooksack))</del> <u>Skagit River</u>	WF, WM, WA	Youth	Sept. <del>((21-23))</del> <u>18-20</u> , Oct. <del>((5-9))</del> <u>3-7</u> , and Oct. <del>((18-31))</del> <u>16-30</u>	Any elk	Elk Area 4941	<del>((5))</del> <u>4</u>
Grays River	WF	Youth	Dec. 16-31	Antlerless	Elk Area 5056	5
Mudflow	WF	Youth	Nov. <del>((24-30))</del> <u>23-30</u>	Any bull	Elk Area 5099	3
Mudflow	WF	Youth	Oct. <del>((28))</del> <u>26</u> - Nov. <del>((3))</del> <u>1</u>	Antlerless	Elk Area 5099	4
Coweeman	WF	Youth	Nov. <del>((7-18))</del> <u>5-16</u>	Antlerless	GMU 550	25



<b>Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Toutle	WF	Youth	Nov. ((23-30)) <u>21-30</u>	Antlerless	GMU 556	40
Lewis River	WF	Youth	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 560	15
Wind River	WF	Youth	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 574	10
West Klickitat	WF	Youth	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 578	25
Region 5	WF	Youth with mentor	Aug. 1, ((2015)) 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in Region 5	((5 <sup>HE</sup> )) <u>7<sup>HC</sup></u>
Clearwater	WF	Youth	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 615	5
Matheny	WF	Youth	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 618	5
Wynoochee	WF	Youth	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 648	10
North River	WF	Youth	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 658	5
Williams Creek	WF	Youth	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 673	10
Mallis	WF	Youth	Dec. 16-31	Antlerless	Elk Area 6010	10

<b>65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	65+	Oct. 31 - Nov. 8 and Dec. 16-31	Antlerless	GMUs 113, 117	10
Prescott	EF	65+	Oct. ((31)) <u>29</u> - Nov. ((8)) <u>6</u>	Antlerless	GMU 149	3
Blue Creek	EF	65+	Oct. ((31)) <u>29</u> - Nov. ((8)) <u>6</u>	Antlerless	GMU 154	3
Dayton	EF	65+	Oct. ((31)) <u>29</u> - Nov. ((8)) <u>6</u>	Antlerless	GMUs 162, 163	3
Peola	EF	65+	Oct. ((31)) <u>29</u> - Nov. ((8)) <u>6</u>	Antlerless	GMU 178	3
<u>Malaga</u>	<u>EF</u>	<u>65+</u>	<u>Nov. 7-15</u>	<u>Antlerless</u>	<u>Elk Area 2032</u>	<u>10</u>
Colockum	EF	65+	Nov. ((4-15)) <u>2-13</u>	Antlerless	GMUs 328, 329, 335	((20)) <u>15</u>
Yakima North	EF	65+	Nov. ((4-15)) <u>2-13</u>	Antlerless	GMUs 336, 340, 342, 346	40
Yakima Central	EF	65+	Nov. ((4-15)) <u>2-13</u>	Antlerless	GMUs 352, 356, 360	((5)) <u>10</u>
Yakima South	EF	65+	Nov. ((4-15)) <u>2-13</u>	Antlerless	GMUs 364, 368	((15)) <u>10</u>
Alkali	EF	65+	Oct. ((11-31)) <u>10-30</u>	Antlerless	GMU 371	10
North Bend	WF, WM, WA	65+	Nov. ((1-12)) <u>6-17</u>	Antlerless	Elk Area 4601	5
Colockum	EM	65+	Oct. ((3-11)) <u>1-10</u>	Antlerless	GMUs 328, 329, 335	5
Yakima North	EM	65+	Oct. ((3-11)) <u>1-10</u>	Antlerless	GMUs 336, 340, 342, 346	25
((Yakima South	EM	65+	Oct. 3-11	Antlerless	GMUs 364, 368	5))
<u>Yakima Central</u>	<u>EM</u>	<u>65+</u>	<u>Oct. 1-10</u>	<u>Antlerless</u>	<u>GMUs 352, 356, 360</u>	<u>15</u>
Ryderwood	WF	65+	Nov. ((7-18)) <u>5-16</u>	Antlerless	GMU 530	15
West Klickitat	WM	65+	Nov. ((25)) <u>23</u> - Dec. 8	Antlerless	GMU 578	15
((Nooksack)) <u>Skagit River</u>	WF, WM, WA	65+	Sept. ((21-23)) <u>18-20</u> , Oct. ((5-9)) <u>3-7</u> , and Oct ((18-31)) <u>16-30</u>	Any elk	Elk Area 4941	((5)) <u>4</u>
Grays River	WF, WM, WA	65+	Jan. 16-31, ((2016)) <u>2017</u>	Antlerless	Elk Area 5056	5
Centralia Mine	WF	65+	Jan. ((2-3, 2016)) <u>7-8</u> , <u>2017</u>	Antlerless	Elk Area 6011	5
Centralia Mine	WF	65+	Jan. ((9-10, 2016)) <u>14-15</u> , <u>2017</u>	Antlerless	Elk Area 6011	5
Hanaford	WF, WM, WA	65+	((Jan. 1-15, 2016)) <u>Dec. 30, 2016 - Jan. 13,</u> <u>2017</u>	Antlerless	Elk Area 6069	5

65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Hanaford	WF, WM, WA	65+	Jan. <del>((16-30, 2016))</del> <u>14-29, 2017</u>	Antlerless	Elk Area 6069	5

Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	Hunters w/ Disabilities	Oct. 31 - Nov. 8 and Dec. 16-31	Antlerless	GMUs 113, 117	4
Turnbull	EF, EM, EA	Hunters w/ Disabilities	Oct. <del>((11-18))</del> <u>9-16</u>	Antlerless	Elk Area 1015	6
Prescott	EF	Hunters w/ Disabilities	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 149	3
Blue Creek	EF	Hunters w/ Disabilities	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 154	3
Dayton	EF	Hunters w/ Disabilities	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMUs 162, 163	3
Peola	EF	Hunters w/ Disabilities	Oct. <del>((31))</del> <u>29</u> - Nov. <del>((8))</del> <u>6</u>	Antlerless	GMU 178	3
Observatory	EF, EM	Hunters w/ Disabilities	Oct. <del>((20))</del> <u>24</u> - Nov. <del>((2))</del> <u>6</u>	Any bull	GMUs 340, 342	5
Little Naches	EF, EM, EA	Hunters w/ Disabilities	Oct. <del>((3-11))</del> <u>1-10</u>	Any bull	GMU 346	5
Malaga	<u>EF, EM, EA</u>	<u>Hunters w/ Disabilities</u>	<u>Sept. 10-22</u>	<u>Antlerless</u>	<u>Elk Area 2032</u>	<u>10</u>
Colockum	EF, EM, EA	Hunters w/ Disabilities	Nov. <del>((4-15))</del> <u>2-13</u>	Antlerless	GMUs 328, 329, 335	<del>((20))</del> <u>15</u>
Yakima North	EF, EM, EA	Hunters w/ Disabilities	Nov. <del>((4-15))</del> <u>2-13</u>	Antlerless	GMUs 336, 340, 342, 346	<del>((65))</del> <u>40</u>
Yakima Central	EF, EM, EA	Hunters w/ Disabilities	Nov. <del>((4-15))</del> <u>2-13</u>	Antlerless	GMUs 352, 356, 360	<del>((5))</del> <u>20</u>
Yakima South	EF, EM, EA	Hunters w/ Disabilities	Nov. <del>((4-15))</del> <u>2-13</u>	Antlerless	GMUs 364, 368	<del>((20))</del> <u>10</u>
Alkali	EF	Hunters w/ Disabilities	Oct. <del>((12-31))</del> <u>10-30</u>	Any bull	GMU 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	Sept. 22-29	Any bull	Elk Area 3721	2
North Bend	WF, WM, WA	Hunters w/ Disabilities	Nov. <del>((1-12))</del> <u>6-17</u>	Antlerless	Elk Area 4601	5
<del>((Nooksack))</del> <u>Skagit River</u>	WF, WM, WA	Hunters w/ Disabilities	Sept. <del>((21-23))</del> <u>18-20</u> , Oct. <del>((5-9))</del> <u>3-7</u> , and Oct. <del>((18-31))</del> <u>16-30</u>	Any elk	Elk Area 4941	<del>((5))</del> <u>4</u>
Grays River	WF, WM, WA	Hunters w/ Disabilities	Feb. 15-28, <del>((2016))</del> <u>2017</u>	Antlerless	Elk Area 5056	5
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Oct. <del>((18-24))</del> <u>16-22</u>	Antlerless	Elk Area 5099	4
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. <del>((25-Oct-1))</del> <u>23-29</u>	Any bull	Elk Area 5099	4
Washougal	WF	Hunters w/ Disabilities	Nov. <del>((7-18))</del> <u>5-16</u>	Antlerless	GMU 568	15
Centralia Mine	WF	Hunters w/ Disabilities	Oct. <del>((3-4))</del> <u>1-2</u>	Antlerless	Designated Areas in Elk Area 6011	5
Centralia Mine	WF	Hunters w/ Disabilities	Oct. <del>((10-11))</del> <u>8-9</u>	Antlerless	Designated Areas in Elk Area 6011	5
Region 5	WF	Hunters w/ Disabilities	Aug. 1, <del>((2015))</del> <u>2016</u> - Mar. 31, <del>((2016))</del> <u>2017</u>	Antlerless	Designated Areas in Region 5	<del>((5<sup>HC</sup>))</del> <u>7<sup>HC</sup></u>

<b>Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.</b>							
Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 10-31	Antlerless	Elk Area 1015	6
Region 1	EF, EA, EM/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2015)) 2016 - Mar. 31, ((2016)) 2017	Antlerless	Region 1	20 <sup>HC</sup>
Region 2	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2015)) 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in Region 2	50 <sup>HC</sup>
Fairview	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Nov. ((1, 2015)) 7, 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in GMUs 328-368	40 <sup>HC</sup>
Region 3	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2015)) 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in Region 3	25 <sup>HC</sup>
Rattlesnake Hills	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2015)) 2016 - Feb. 28, ((2016)) 2017	Antlerless	Designated Areas in GMU 372	20 <sup>HC</sup>
North Bend	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	((Aug. 1, 2015)) July 1, 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in Elk Area 4601	15 <sup>HC</sup>
Region 4 North	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	((Aug. 1, 2015)) July 1, 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in Whatcom and Skagit counties	10 <sup>HC</sup>
Region 4 South	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	((Aug. 1, 2015)) July 1, 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in King and Snohomish counties	10 <sup>HC</sup>
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 9-15	Antlerless	Elk Area 5063	2
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 17-23	Antlerless	Elk Area 5063	5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 15-31	Antlerless	Elk Area 5062	5
Grays River	WF, WM, WA/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 16-30	Antlerless	Elk Area 5056	5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 1-15, ((2016)) 2017	Antlerless	Elk Area 5062	5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 16-30, ((2016)) 2017	Antlerless	Elk Area 5062	5
JBH*	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Nov. 1 - Dec. 31	Antlerless	Elk Area 5090	5 <sup>HC</sup>
Region 5	Any western elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2015)) 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in Region 5	40 <sup>HC</sup>
Long Beach	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1 - Sept. 9 and Oct. 8 - Nov. 22	Antlerless	GMU 684	5
Long Beach	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 16, 2016 - Mar. 31, 2017	Antlerless	GMU 684	5
Region 6	WF, WA, WM/2nd elk tag	Master Hunter elk tag required	Master Hunter	((Aug. 1, 2015)) July 1, 2016 - Mar. 31, ((2016)) 2017	Antlerless	Designated Areas in Region 6	60 <sup>HC</sup>

\* Muzzleloader only, scopes allowed.

\*\* May only hunt on privately owned lands. Must use only archery or legal shotgun (10 or 12 gauge; slugs only).

HC This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> <li>- Special elk permits will be allocated through a random drawing to those hunter education instructors who qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange is required during modern firearm seasons.</li> <li>- Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> <li>- Qualified hunter education instructors may only receive one incentive permit each year.</li> </ul>				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any elk	GMUs 336-368	2
Region 5		Any elk	All 500 series GMUs EXCEPT GMU 522	4
Region 6		Any elk	GMUs 654, 660, 672, 673, 681	1

AMENDATORY SECTION (Amending WSR 15-18-032, filed 8/25/15, effective 9/25/15)

**WAC 232-28-436 ((2015-2016)) 2016-2017 Migratory waterfowl seasons and regulations.** Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

**DUCKS**

**Statewide:** Oct. ((17-21, 2015 and Oct. 24, 2015 - Jan. 31, 2016)) 15-19, 2016 and Oct. 22, 2016 - Jan. 29, 2017; except scaup season closed Oct. ((17 - Nov. 6, 2015)) 15 - Nov. 4, 2016.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. ((19-20, 2015)) 17-18, 2016.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 3 scaup, 2 canvasback, and 2 redhead statewide; and to include not more than 1 harlequin, 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, 6 pintail, 9 scaup, 6 canvasback, and 6 redhead statewide; and to include not more than 1 harlequin, 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth Hunting Weekend: 14 ducks, to include not more than 4 hen mallard, 4 pintail, 6 scaup, 4 canvasback, and 4 redhead statewide; and to include not more than 1 harlequin, 4 scoter, 4 long-tailed duck, and 4 goldeneye in Western Washington.

Season Limit: 1 harlequin in Western Washington.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS**

Hunters must possess a special ((2015-16)) 2016-17 hunting authorization and harvest record card for sea ducks when hunting harlequin, scoter, long-tailed duck, and goldeneye in Western Washington. A hunter who has not previously possessed a sea duck harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest record card.

**COOT (Mudhen)**

Same areas((;)) and dates (including youth hunting weekend)((; and shooting hours)) as the ((general)) duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth Hunting Weekend: 50 coots.

**SNIPE**

Same areas((;)) and dates (except youth hunting weekend)((; and shooting hours)) as the ((general)) duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

**GEESE (except Brant)**

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. ((19-20, 2015)) 17-18, 2016, statewide ((except Western Washington Goose Management Areas 2A and 2B)).

Daily Bag Limit: 4 Canada geese.

Possession Limit: 8 Canada geese.

**Western Washington Goose Seasons**

Goose Management Area 1: Island, Skagit, and Snohomish counties.

September Canada Goose Season

Sept. 10-15, 2016.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. ((~~17, 2015 – Jan. 31, 2016~~)) 15, 2016 - Jan. 29, 2017, for snow, Ross', blue, and white-fronted geese. Oct. ((~~17-29, 2015 and Nov. 7, 2015 – Jan. 31, 2016~~)) 15-27, 2016 and Nov. 5, 2016 - Jan. 29, 2017, for other geese (except brant).

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE**

Hunters must possess a special ((~~2015-16~~)) 2016-17 migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. A hunter who has not previously possessed a snow goose harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a snow, Ross', or blue goose into possession, hunters must record in ink the information required on the harvest record card.

**SKAGIT COUNTY SPECIAL RESTRICTIONS**

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in other areas of Skagit County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

**Goose Management Area ((~~2A~~)) 2:** Clark, Cowlitz, Grays Harbor, Pacific and Wahkiakum counties((~~:~~)).

September Canada Goose Season

Sept. 3-11, 2016.

Daily Bag Limit: 5 Canada geese, except 15 Canada geese in Pacific County.

Possession Limit: 15 Canada geese, except 45 Canada geese in Pacific County.

Regular Season

Open in all areas except Ridgefield NWR from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Saturdays, Sundays, and Wednesdays only, ((~~Nov. 14, 2015 – Dec. 6, 2015; Dec. 16, 2015 – Jan. 31, 2016; and Feb. 10, 2016 – Mar. 9, 2016~~)) Oct. 15-23, 2016; Nov. 26, 2016 - Jan. 22, 2017; and Feb. 11 - Mar. 8, 2017. During Feb. ((~~10, 2016 – Mar. 9, 2016, public lands~~)) 11 - Mar. 8, 2017. U.S Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area ((~~2A~~)) 2. Ridgefield NWR open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Tuesdays, Thursdays, and Saturdays only, ((~~Nov. 14, 2015 – Dec. 5, 2015; and Dec. 17, 2015 – Jan. 30, 2016~~)) Oct. 15-22, 2016 and Nov. 26, 2016 - Jan. 21, 2017.

Bag Limits for Goose Management Area ((~~2A~~)) 2:

Daily Bag Limit: 4 geese, except for dusky Canada geese.

Possession Limit: 12 geese, except for dusky Canada geese.

Dusky Canada geese: SEASON CLOSED.

**((Goose Management Area 2B**

~~Grays Harbor and Pacific County: Open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Saturdays, Sundays, and Wednesdays only, Oct. 17-25, 2015; Nov. 14, 2015 – Jan. 10, 2016; and Feb. 14, 2016 – Mar. 9, 2016. During Feb. 14, 2016 – Mar. 9, 2016, public lands are closed to goose hunting in Goose Management Area 2B.~~

~~Bag Limits for Goose Management Area 2B:~~

~~Daily Bag Limit: 4 geese, except for dusky Canada geese.~~

~~Possession Limit: 12 geese, except for dusky Canada geese.~~

~~Dusky Canada geese: SEASON CLOSED.))~~

**Special Provisions for Goose Management Area((~~s 2A and 2B~~)) 2 Regular Season only:**

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Hunters must possess a valid special ((~~2015-16~~)) 2016-17 migratory bird hunting authorization for Goose Management Area ((~~2A/2B~~)) 2 when hunting geese in Goose Management Area((~~s 2A and 2B~~)) 2. New hunters and those who did not maintain a valid ((~~2014-15~~)) 2015-16 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time.

It is unlawful for hunters in Goose Management Area((~~s 2A and 2B~~)) 2 to fail to comply with the directions of authorized department personnel related to the collection of goose subspecies information pursuant to RCW 77.12.071. A person who prevents department personnel from collecting samples of tissue or other bodily parts is subject to prosecution under

RCW 77.15.360 Unlawful interfering in department operations—Penalty. If a hunter takes a dusky Canada goose or does not comply with requirements listed above regarding WDFW collection of subspecies information, authorization will be invalidated by the department and the hunter will not be able to hunt geese in Goose Management Area ~~((s 2A and 2B))~~ 2 for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area ~~((s 2A and 2B))~~ 2. Taking one dusky Canada goose is punishable as an infraction under RCW 77.15.160 (5)(b). Other violations of Area ~~((2A or 2B))~~ 2 goose hunting rules are punishable as an infraction under RCW 77.15.160 (2)(e) or as a misdemeanor or gross misdemeanor under RCW 77.15.400 unlawful hunting of wild birds, depending on the circumstances of the violation.

### Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1 ~~((; 2A, and 2B: Oct. 17-29, 2015 and Nov. 7, 2015 - Jan. 31, 2016))~~ and 2.

#### September Canada Goose Season

Sept. 10-15, 2016.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

#### Regular Season

Oct. 15-27, 2016 and Nov. 5, 2016 - Jan. 29, 2017.

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

### Eastern Washington Goose Seasons

#### September Canada Goose Season (Eastern Washington)

Sept. 10-11, 2016.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 10 Canada geese.

### Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties ~~((;))~~.

Saturdays, Sundays, and Wednesdays only during Oct. ~~((17, 2015 - Jan. 24, 2016))~~ 15, 2016 - Jan. 22, 2017; Nov. 11, ((26, and 27, 2015; Dec. 25, 28, 29, and 31, 2015; Jan. 1 and 18, 2016)) 24, and 25, 2016; Dec. 26, 27, 29, and 30, 2016; Jan. 16, 2017; and every day Jan. ((25-31, 2016)) 23-29, 2017.

### Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4 ~~((; Oct. 17-19, 2015 and every day from Oct. 24, 2015 - Jan. 31, 2016))~~.

Oct. 15-17, 2016 and every day from Oct. 22, 2016 - Jan. 29, 2017.

Bag Limits for all Eastern Washington Goose Management Areas during regular seasons:

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

### BRANT

Open in Skagit County only on the following dates: Jan. ~~((9, 10, 13, 16, 17, 20, 23, and 24, 2016))~~ 7, 8, 11, 14, 15, 18, 21, and 22, 2017.

If the ~~((2015-16))~~ 2016-17 preseason brant population in Skagit County is 3,000-6,000 (as determined by the midwinter waterfowl survey), the brant season in Skagit County will be open only on the following dates: Jan. ~~((9, 13, and 16, 2016))~~ 7, 11, and 14, 2017.

If the ~~((2015-16))~~ 2016-17 preseason brant population in Skagit County is below 3,000 (as determined by the midwinter waterfowl survey), the brant season in Skagit County will be canceled.

Open in Pacific County only on the following dates: Jan. ~~((2, 3, 5, 7, 9, 10, 12, 14, 16, and 17, 2016))~~ 7, 8, 10, 12, 14, 15, 17, 19, 21, and 22, 2017.

### AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must possess a special ~~((2015-16))~~ 2016-17 migratory bird hunting authorization and harvest record card for brant when hunting brant. A hunter who has not previously possessed a brant harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest record card.

Bag Limits for Skagit and Pacific counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

### SWANS

Season closed statewide.

#### MOURNING DOVE

Sept. 1 - Oct. 30, 2016, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

#### BAND-TAILED PIGEON

Sept. 15-23, 2016, statewide.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 6 band-tailed pigeons.

### AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BAND-TAILED PIGEONS

Hunters must possess a special 2016-17 migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. A hunter who has not previously possessed a band-tailed pigeon harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest record card.

### FALCONRY SEASONS

### DUCKS, COOTS, SNIPE, ((AND)) GEESE, AND MOURNING DOVES (EXCEPT BRANT) (Falconry)

Same season dates for each species in each area as listed above.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, geese, and mourning doves during established seasons.

Possession Limit: 3 times the daily bag limit.

**MOURNING DOVE (Extended Falconry)**

Oct. 31 - Dec. 16, 2016.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, and geese during established seasons.

Possession Limit: 3 times the daily bag limit.

**HIP REQUIREMENTS:**

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a harvest information program (HIP) survey at a license dealer and possess a Washington migratory bird permit as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey and possess a Washington migratory bird permit (free for youth) as evidence of compliance with this requirement when hunting migratory game birds.

AMENDATORY SECTION (Amending WSR 15-10-048, filed 4/29/15, effective 5/30/15)

**WAC 232-28-622 2015-2017 Bighorn sheep seasons and permit quotas.** (1) It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

**(2) Bighorn Sheep Permit Hunts**

(a) **Who May Apply:** Anyone may apply, EXCEPT those who previously harvested a bighorn sheep in Washington state. An individual may only harvest one bighorn ram during his or her lifetime. However, this restriction is waived for hunters who have previously harvested a bighorn sheep under a ewe-only, juvenile ram, raffle, or auction permit, as well as for applications for a ewe-only, juvenile ram, raffle, or auction permit.

(b) **Bag Limit:** One bighorn ram, except in designated adult ewe hunts the limit is one bighorn adult ewe.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Vulcan Mountain	Sept. 15 - Oct. 10	Sheep Unit 2	Any Legal Weapon	1
Selah Butte A	Nov. ((3)) 7-30	Sheep Unit 4	Any Legal Weapon	((3)) 2
((Selah Butte B	Nov. 3-30	Sheep Unit 4	Adult ewe only Any Legal Weapon	5))
Umtanum	Sept. 15 - Oct. 10	Sheep Unit 5	Any Legal Weapon	2
Cleman Mountain A	Sept. 15 - Oct. 10	Sheep Unit 7	Any Legal Weapon	3
Cleman Mountain B	Nov. ((5)) 7-30	Sheep Unit 7	Any Legal Weapon	3
<u>Cleman Mountain C</u>	<u>Nov. 12-30</u>	<u>Sheep Unit 7</u>	<u>Adult ewe only</u> <u>Any Legal Weapon</u>	<u>10</u>
Mt. Hull A	Sept. 15 - Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Mt. Hull B	Oct. 1-10	Sheep Unit 10	Adult ewe only Any Legal Weapon	1
Mt. Hull C <sup>a</sup>	Oct. 1-10	Sheep Unit 10	Adult ewe only Any Legal Weapon	1
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	2
Quilomene	Sept. 15 - Oct. 10	Sheep Unit 13	Any Legal Weapon	2
Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	((+)) 2
Manson	Nov. ((5)) 7-30	Sheep Unit 16	Any Legal Weapon	2
Chelan Butte	Sept. 15 - Oct. 10	Sheep Unit 18	Any Legal Weapon	((+)) 2
((New hunt category – Disabled hunter bighorn sheep – Ram))				
(New hunt category) Chelan Butte B <u>Juvenile ram</u> - Disabled hunter <sup>b</sup> ((HC <sup>e</sup> ))	Oct. 11-31	Sheep Unit 18	Any Legal Weapon <u>Juvenile ram<sup>e</sup></u>	((+)) 2

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
<del>((New hunt category -- Disabled hunter bighorn sheep -- Ewe))</del>				
Chelan Butte (( <del>B</del> ) <u>C</u> - Disabled hunter <sup>b</sup> (( <del>HC</del> ) <sup>e</sup> ))	Oct. 11-31	Sheep Unit 18	Any Legal Weapon Adult ewe only	2

<sup>a</sup>Applicants must be eligible to purchase a youth bighorn sheep permit application. An adult 18 years of age or older must accompany the youth hunter during the hunt.

<sup>b</sup>Applicants must possess a Disabled Hunter Permit.

~~((<sup>c</sup>HC -- Hunt Coordinated. Only marked animals can legally be taken. WDFW staff will assist hunters in locating these animals.))~~ <sup>c</sup>A juvenile ram is defined as a male bighorn sheep having at least one "unbroomed" horn that does not extend past an imaginary line beginning at the point on the animal's forehead where the front of the horn base adjoins the skull, and continuing downwards and in a posterior direction through the posterior edge of the eye. A "broomed" horn is defined as a sheep horn that has been broken, splintered, frayed or rubbed in the wild, thus shortening its length and disrupting its natural taper.

**(3) Bighorn Sheep Units:**

(a) **Sheep Unit 2 Vulcan Mountain:** Permit Area: Ferry County north of the Kettle River near Curlew.

(b) **Sheep Unit 4 Selah Butte:** Permit Area: That part of GMU 340 east of the Yakima River.

(c) **Sheep Unit 5 Umtanum:** Permit Area: Those portions of GMU 340 west of the Yakima River and GMU 342 north of Wenas Creek.

(d) **Sheep Unit 7 Cleman Mountain:** Permit Area: GMU 346 and that part of GMU 342 south of Wenas Creek.

(e) **Sheep Unit 10 Mt. Hull:** Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

(f) **Sheep Unit 12 Lincoln Cliffs:** Permit Area: That part of Lincoln County north of Highway 2.

(g) **Sheep Unit 13 Quilomene:** Permit Area: GMUs 329, 330, and that part of 251 east of Squilchuck Creek and south of Colockum Creek.

(h) **Sheep Unit 14 Swakane:** Permit Area: GMU 250.

(i) **Sheep Unit 15 Tieton:** Permit Area: GMU 360.

(j) **Sheep Unit 16 Manson:** Permit Area: Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line)

to the Lake Chelan National Recreation Area boundary; S along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.

(k) **Sheep Unit 18 Chelan Butte:** Permit Area: Beginning at the intersection of State Hwy 971 and US Hwy 97A, S to the W shoreline of the Columbia River, N along the W shoreline of the Columbia River for 21 miles to the mouth of Antione Creek, W up Antione Creek to where it crosses Apple Acres Rd, W on Apple Acres Rd to the intersection with Washington Creek Rd (US Forest Service Rd 8135), N on Washington Creek Rd to its end and then follow Washington Creek, W on Washington Creek to where it crosses US Forest Service Rd 8010, S on US Forest Service Rd 8010 (transitions into Purtteman Creek Rd) to Purtteman Gulch, S into Purtteman Gulch to the N shoreline of Lake Chelan, S along the shoreline to the S shoreline of Lake Chelan to the mouth of First Creek, S up First Creek to the intersection of State Hwy 971 (Navarre Coulee Rd), S on State Hwy 971 to the point of beginning.

(l) **Sheep Unit 19 Sinlahekin:** Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (Co. Rd 4568); SE on the Similkameen Rd (Co. Rd 4568) to the Loomis-Oroville Rd (Co. Rd 9425); E on the Loomis-Oroville Rd (Co. Rd 9425) to US Hwy 97 in Oroville; S on US Hwy 97 to 12th Ave; W on 12th Ave (it curves S and changes to Old Highway 97); S on Old Highway 97 to US Hwy 97; S on US Hwy 97 to the South Pine Creek Rd (Co. Rd 9410); W on the South Pine Creek Rd (Co. Rd 9410) to Fish Lake Rd (Co. Rd 4290); W on Fish Lake Rd (Co. Rd 4290) to South Fish Lake Rd (Co. Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (Co. Rd 4282), to the Sinlahekin Rd (Co. Rd 4015); SW on the Sinlahekin Rd (Co. Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (Co. Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, Co. Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service Rd 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.



AMENDATORY SECTION (Amending WSR 15-10-059, filed 4/30/15, effective 5/31/15)

**WAC 232-28-624 Deer area descriptions.** The following areas are defined as deer areas:

**Deer Area No. 1008 West Wenaha (Columbia County):** That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

**Deer Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties):** That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

**Deer Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Deer Area No. 1021 Clarkston (Asotin County):** That portion of GMU 178 beginning at the junction of the Highway 12 bridge and Alpowa Creek; east on Highway 12 to Silcott Road; south and east on Silcott Road to Highway 128; southwest on Highway 128 to McGuire Gulch Road; southeast along the bottom of McGuire Gulch to Asotin Creek; east on Asotin Creek to the Snake River; north and west on the Snake River to Alpowa Creek; southwest of Alpowa Creek to the Highway 12 bridge and the point of beginning.

**Deer Area No. 1030 Republic (Ferry County):** That area within 1/2 mile surrounding the incorporated town of Republic.

**Deer Area No. 1031 Parker Lake (Pend Oreille County):** That area within GMU 117 south of Ruby Creek Rd (USFS Road 2489), north of Tacoma Creek Rd (USFS Road 2389), and west of Bonneville Power Administration power lines. The Parker Lake Deer Area is a protected area for the U.S. Air Force Military Survival Training Program that allows some limited access for special permit hunting.

**Deer Area No. 1035 Highway 395 Corridor (Stevens County):** That portion of GMU 121 beginning at the intersection of US Highway (Hwy) 395 (State Route 20) and State Route (SR) 25: S on SR 25 to Old Kettle Rd; E on Old Kettle Rd to Mingo Mountain Rd; S on Mingo Mountain Rd to Greenwood Loop Rd; E on Greenwood Loop Rd to the bridge over the Colville River; S on the Colville River to the bridge over Gold Creek Loop/Valley Westside Rd; W and S on Valley Westside Rd to the Orin-Rice Rd; E on Orin-Rice Rd to Haller Creek Rd; S on Haller Creek Rd to Skidmore Rd; E and S on Skidmore Rd to Arden Hill Rd; E on Arden Hill Rd to Townsend-Sackman Rd; S on Townsend-Sackman Rd to Twelve Mile Rd; S on Twelve Mile Rd to Marble Valley Basin Rd; S on Marble Valley Basin Rd to Zimmer Rd; S on Zimmer Rd to Blue Creek West Rd; E on Blue Creek West Rd to Dry Creek Rd; S on Dry Creek Rd to Duncan Rd; E on Duncan Rd to Tetro Rd; S on Tetro Rd to Heine Rd; E and S on Heine Rd to Farm-to-Market Rd; S on Farm-to-Market Rd to Newton Rd (also known as Rickers Lane); E on Newton Rd to US Hwy 395; N on US Hwy 395 to McLean Rd and Twelve Mile Rd (also known as Old Arden Hwy); N on

McLean Rd and Twelve Mile Rd to US Hwy 395; N on US Hwy 395 to Old Arden Hwy (again); N on Old Arden Hwy to US Hwy 395; N on US Hwy 395, through the town of Colville, then W on US Hwy 395 (SR 20) to SR 25 and the point of beginning.

**Deer Area No. 1040 (Asotin County):** That area within GMU 172 designated as the WDFW owned lands managed as the 4-O Ranch Wildlife Area.

**Deer Area No. 1050 Spokane North (Spokane County):** From the intersection of the Spokane River and the Idaho-Washington state line, N to Hauser Lake Rd, W to Starr Rd, S to Newman Lake Dr, W and N to Foothills Rd, W to Forker Rd, N and W to Hwy 206 (Mt Spokane Park Rd), N to Feehan Rd, N to Randall Rd, W to Day Mt Spokane Rd, N to Big Meadows Rd, W to Madison Rd, N to Tallman Rd, W to Elk-Chattaroy Rd, N to Laurel Rd, E to Conklin Rd, N to Nelson Rd, E to Jackson Rd, N to Oregon Rd, E to Jefferson Rd, N to Frideger Rd, W to Elk-Camden Rd, S to Boundary Rd, N and W to Dunn Rd, S to Oregon Rd, W to Hwy 2, S on US Hwy 2 to the Deer Park-Milan Rd, W on the Deer Park-Milan Rd to US Hwy 395 at the town of Deer Park, NW on US Hwy 395 and W onto Williams Valley Rd, W and S to Hattery Rd (Owens Rd), S and E to Swenson Rd, S to Hwy 291, west to Stone Lodge Rd, west to the Spokane River, E on the Spokane River to the Idaho state border and the point of beginning.

**Deer Area No. 1060 Spokane South (Spokane County):** That part of GMU 127 beginning at the intersection of Spokane River and Barker Rd Bridge, Barker Rd S to 24 Ave, 24 Ave W to Barker Rd, Barker Rd S to 32 Ave, 32 Ave W to Linke Rd, Linke Rd S and E to Chapman Rd, Chapman Rd S to Linke Rd, Linke Rd S to Belmont Rd, Belmont Rd W to Jackson Rd, Jackson Rd S to Hwy 27 S to Elder Rd, Elder Rd W to Valley Chapel Rd, Valley Chapel Rd S to Spangle Creek Rd, Spangle Creek Rd SW to Hwy 195, Hwy 195 N to I-90, I-90 E to Latah Creek at I-90-Latah Creek Bridge, Latah Creek NE to Spokane River, Spokane River E to the Barker Rd Bridge and the point of beginning.

**Deer Area No. 1070 Spokane West (Spokane County):** That part of GMU 130 beginning at the intersection of I-90 and Latah Creek at I-90-Latah Creek Bridge, NE to Hwy 195 S on Hwy 195 S to Paradise Rd, Paradise Rd W to Smythe Road, Smythe Road NW to Anderson Rd, Anderson Rd W to Cheney Spokane Rd, Cheney Spokane Rd SW to Hwy 904/1st St in the town of Cheney, 1st SW to Salnave Rd/Hwy 902, Salnave Rd NW to Malloy Prairie Rd, Malloy Prairie Rd W to Medical Lake Tyler Rd, Medical Lake Tyler Rd N to Gray Rd, Gray Rd W then N to Fancher Rd, Fancher Rd NW to Ladd Rd, Ladd Rd N to Chase Rd, Chase Rd E to Espanola Rd, Espanola Rd N turns into Wood Rd, Wood Rd N to Coulee Hite Rd, Coulee Hite Rd E to Seven Mile Rd, Seven Mile Rd E to Spokane River, Spokane River S to Latah Creek, Latah Creek S to I-90 at the Latah Creek Bridge and the point of beginning.

**Deer Area No. 1080 Colfax (Whitman County):** That part of GMUs 139 and 142 beginning at the intersection of Hwy 195 and Crumbaker Rd, NE on Crumbaker Rd to Brose Rd, E

on Brose Rd to Glenwood Rd, S on Glenwood Rd to Hwy 272, SE on Hwy 272 to Clear Creek Rd, SE on Clear Creek Rd to Stueckle Rd, S on Stueckle Rd to Palouse River Rd, E to Kenoyer Rd SE to Abbott Rd, S on Abbott Rd to Parvin Rd, S on Parvin Rd to McIntosh Rd, S on McIntosh Rd to 4 mile Rd/Shawnee Rd, W on Shawnee Rd to Hwy 195, N on Hwy 195 to Prune Orchard Rd, W on Prune Orchard Rd to Almota Rd, S on Almota Rd to Duncan Springs Rd, W and NW on Duncan Springs Rd to Airport Rd, NW on Airport Rd to Fairgrounds Rd, N on Fairgrounds Rd to Endicott Rd, NNW on Endicott Rd to Morley Rd, E and S and E on Morley Rd to Hwy 295 (26), NE on Hwy 295 to West River Dr then follow Railroad Tracks NW to Manning Rd, E on Manning Rd to Green Hollow Rd, E and S on Green Hollow Rd to Bill Wilson Rd, E on Bill Wilson Rd to Hwy 195, S on Hwy 195 to Crumbaker Rd and the point of beginning.

**Deer Area No. 2010 Benge (Adams and Whitman counties):** That part of GMU 284 beginning at the town of Wash-tucna; north on SR 261 to Weber Road; east on Weber Road to Benzel Road; north on Benzel Road to Wellsandt Road; east on Wellsandt Road to Hills Road; south on Hills Road to Urquhart Road; east on Urquhart Road to Harder Road, East on Harder Road to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to George Knott Road; south on George Knott Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Wash-tucna and the point of beginning.

**Deer Area No. 2011 Lakeview (Grant County):** That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Norton Canyon Road; north on Norton Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

**Deer Area No. 2012 Methow Valley (Okanogan County):** All private land in the Methow Watershed located outside the external boundary of the Okanogan National Forest and north of the following boundary: Starting where the Libby Creek Road (County road 1049) intersects the Okanogan National Forest boundary; east on road 1049 to State Hwy 153; north on Hwy 153 to the Old Carlton Road; east on the Old Carlton Road to the Texas Creek Road (County road 1543); east on the Texas Creek Road to the Vintin Road (County road 1552); northeast on the Vintin Road to the Okanogan National Forest boundary.

**Deer Area No. 2013 North Okanogan (Okanogan County):** Restricted to private land only located within the following boundary: Beginning in Tonasket at the junction of Havillah Rd and Hwy 97; NE on Havillah Rd to Dry Gulch Extension Rd; N to Dry Gulch Rd; N on Dry Gulch Rd to Oroville-Chesaw Rd; W on Oroville-Chesaw Rd to Molson Rd; N on Molson Rd to Nine Mile Rd; N and W on Nine Mile Rd to the Canadian border at the old Sidley Town Site; W

along the border to the east shore of Lake Osoyoos; S around Lake Osoyoos to the Okanogan River; S along the east bank of the Okanogan River to the Tonasket Fourth Street Bridge; E on Fourth Street to Hwy 97; N on Hwy 97 to point of beginning.

**Deer Area No. 2014 Central Okanogan (Okanogan County):** Restricted to private land only located within the following boundary: Beginning in Tonasket on the Okanogan River at the Fourth Street Bridge; S along Hwy 7 to Pine Creek Rd; W along Pine Creek Rd to Horse Spring Coulee Rd; W and N on Horse Spring Coulee Rd to Beeman Rd; W on Beeman Rd to North Lemansky Rd; S along North Lemansky Rd to Pine Creek Rd; S on Pine Creek Rd to Hagood Cut-off Rd; S on Hagood Cut-off Rd to South Pine Creek Rd; E on South Pine Creek Rd to Hwy 97; S on Hwy 97 to Town of Riverside North Main Street junction; SE on North Main Street to Tunk Valley Rd and the Okanogan River Bridge; E on Tunk Creek Rd to Chewiliken Valley Rd; NE along Chewiliken Valley Rd to Talkire Lake Rd; N on Talkire Lake Rd to Hwy 20; W on Hwy 20 to the junction of Hwy 20 and Hwy 97; N on Hwy 97 to Fourth Street; W on Fourth Street to point of beginning.

**Deer Area No. 2015 Omak (Okanogan County):** Restricted to private land only located within the following boundary: Beginning at Hwy 97 and Riverside Cut-off road; west on Riverside Cut-off Rd to Conconully Road; south on Conconully Rd to Danker Cut-off road; west on Danker Cut-off road to Salmon Creek Rd; north on Salmon Creek Rd to Spring Coulee Rd; south on Spring Coulee Rd to B&O Road North Rd; southwest on B&O North Rd to Hwy 20; east on Hwy 20 to B&O Rd; south on B&O Rd to the Town of Malott and the bridge over the Okanogan River; north along the west bank of the Okanogan River to the Town of Riverside and the Tunk Valley road bridge; west on Tunk Valley road to State Street in Riverside; south on State Street to 2nd Street; west on 2nd Street to Hwy 97 and the point of beginning.

**Deer Area No. 2016 Conconully (Okanogan County):** Restricted to private land only located within the following boundary: Beginning at the Conconully town limit at the south edge of Town and the east shore of Conconully Reservoir; south along the east shore of the reservoir to Salmon Creek; south along the east bank of Salmon Creek to Salmon Creek road at the old Ruby Town site; south on Salmon Creek road to Green Lake road; northeast on Green Lake road to Conconully road; north on Conconully road to the south limit of the Town of Conconully and the point of beginning.

**Deer Area No. 2017 Lake Chelan North (Chelan County):** Restricted to private land only located within the following boundary: Beginning at the confluence of Purtteman Creek (Purtteman Gulch) and Lake Chelan; NE along Purtteman Creek to Boyd Road; E on Boyd Road to Purtteman Creek Road; N on Purtteman Creek Road to the USFS boundary; W along the USFS boundary to Canyon Ranch Road (Joe Creek); SE on Canyon Ranch Road to Grade Creek Road; SE on Grade Creek Road to Lower Joe Creek Road; SE on Lower Joe Creek Road to Emerson Acres Road; west on Emerson Acres Road to Lake Chelan; S along the north shore of Lake Chelan to the point of beginning.

**Deer Area No. 3071 Whitcomb (Benton County):** That part of GMU 373 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3072 Paterson (Benton County):** That part of GMU 373 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3088 High Prairie (Klickitat County):** That portion of GMU 388 (Grayback) that is south of SR 142.

**Deer Area No. 3334 Ellensburg (Kittitas County):** Beginning at the confluence of the Yakima River and Wilson Creek, north up Wilson Creek to the John Wayne Pioneer Trail, west and north on the John Wayne Pioneer Trail to State Hwy 10, north and west on State Hwy 10 to the Thorp Highway, south and east on the Thorp Highway to the Yakima River (Thorp Highway Bridge), south and upstream on the Yakima River to the confluence of Taneum Creek and the Yakima River, south and west up Taneum Creek to the South Branch Canal, south and east on the South Branch Canal and South Branch Extension Canal to Umtanum Road, north on Umtanum Road to Lower Riverbottom Road, east and south on Lower Riverbottom Road to the Fogarty Ditch, south and east on the Fogarty Ditch to the Yakima River, south and east along the Yakima River to Wilson Creek and the point of beginning.

**Deer Area No. 3682 Ahtanum (Yakima County):** That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Hwy 12. Northeast on Hwy 12 to the Naches River. Southeast down the Naches River to Cowiche Creek. West up Cowiche Creek and the South Fork Cowiche Creek to Summitview Ave. Northwest on Summitview Ave to Cowiche Mill Road. West on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13. Southeast along the power line to Ahtanum Creek and the point of beginning.

**Deer Area No. 3372 Sunnyside (Yakima County):** Beginning in Union Gap where I-82 crosses the Yakima River, follow I-82 east to the Yakima River Bridge in Prosser. Upstream on the Yakima River to the point of beginning. The islands in the Yakima River are on the Yakama Indian Reservation and are not part of the deer area.

**Deer Area No. 5064:** That part of GMU 564 in the Columbia River near the mouth of the Cowlitz River made up of Cottonwood Island and Howard Island.

**Deer Area No. 6020 (Clallam and Jefferson counties):** Dungeness-Miller Peninsula: That part of GMU 624 west of Discovery Bay and Salmon Creek.

### WSR 16-13-002

#### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed June 1, 2016, 2:40 p.m., effective July 2, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department of licensing (DOL) currently coordinates the required bail bond recovery agent fingerprint background checks through the Washington state patrol (WSP) and Federal Bureau of Investigation (FBI). These background check fees are currently a fixed part of the bail bond recovery agent application fee. Frequently, WSP and FBI change these fees causing the bail bond agent program to collect inaccurate fees for the fingerprint background checks. With this rule change, DOL will no longer coordinate the background checks for bail bond agent applicants and applicants will now work with a third-party vendor. The DOL bail bond recovery agent application fees will remain the same.

Citation of Existing Rules Affected by this Order: Amending WAC 308-19-101(2) Applying for a bail bond recovery agent license or endorsement to a bail bond agent license, 308-19-102 Submitting fingerprint cards for a criminal history background check, and 308-19-130 Bail bond recovery agent, bail bond agency, branch office and bail bond agent fees.

Statutory Authority for Adoption: RCW 18.235.030(1).

Adopted under notice filed as WSR 16-07-093 on March 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: June 1, 2016.

Damon G. Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-20-036, filed 9/23/08, effective 11/1/08)

**WAC 308-19-101 Applying for a bail bond recovery agent license or endorsement to a bail bond agent license.** After the applicant meets the requirements of RCW 18.185.-020 (1), (2) and (3), and is in good standing with the department he or she shall:

- (1) Complete an application for a license or an endorsement on a form provided by the department;
- (2) Submit ~~((a completed fingerprint card))~~ to a criminal history background check;
- (3) Attest on the application form to having earned a high school diploma or GED or submit proof of three years experience in the bail industry;
- (4) Submit a copy of a current and valid concealed pistol license~~(-)~~;
- (5) If applicant is retired or separated from a local or state police department, or a branch of the armed forces trained to carry out the duties of a peace officer within the last six years, submit proof to the department describing length of service, duties and date of retirement or separation or; submit a certificate or transcript showing the applicant has completed thirty-two hours of field operations classes as stated in WAC 308-19-305;
- (6) Pay a fee or fees as listed in WAC 308-19-130;
- (7) Pass a written exam administered by the department.

AMENDATORY SECTION (Amending WSR 08-20-036, filed 9/23/08, effective 11/1/08)

**WAC 308-19-102 Submitting fingerprints ~~((cards))~~ for a criminal history background check.** Every applicant for a bail bond recovery agent license or endorsement shall have a fingerprint criminal history background check conducted.

~~((Applicants shall be fingerprinted by a law enforcement agency on a fingerprint card provided by the department and pay any fees required by the law enforcement agency providing the fingerprinting service.))~~

AMENDATORY SECTION (Amending WSR 08-20-036, filed 9/23/08, effective 11/1/08)

**WAC 308-19-130 Bail bond recovery agent, bail bond agency, branch office and bail bond agent fees.** The following fees for a one-year period shall be charged by business and professions division of the department of licensing:

Title of Fee	Fee
Bail bond agency/branch office:	
Application	\$1,200.00
License renewal	1,150.00
Late renewal with penalty	1,200.00
Bail bond agent:	
Original license	500.00
License renewal	575.00
Late renewal with penalty	600.00

Title of Fee	Fee
Change of qualified agent	250.00
Original endorsement to the bail bond agent license	100.00
Endorsement renewal	100.00
Endorsement renewal with penalty	150.00
Bail bond recovery agent license:	
Original license <u>plus current applicable background check fees</u>	450.00 <del>((includes background check fees))</del>
License renewal	475.00
Late renewal with penalty	500.00
Examinations:	
Reexamination fee	25.00

**WSR 16-13-003  
PERMANENT RULES  
DEPARTMENT OF LICENSING**

[Filed June 1, 2016, 3:13 p.m., effective July 2, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the proposal is to inform new applicants for certain types of licenses under the private investigator laws, chapter 18.165 RCW, that they will have to pay background check fees charged by Washington state patrol and the Federal Bureau of Investigation in addition to the license application fees charged by the department of licensing.

Citation of Existing Rules Affected by this Order: Amending WAC 308-17-150 Private investigator, private investigator agency, and armed private investigator fees.

Statutory Authority for Adoption: RCW 18.165.170(1).

Adopted under notice filed as WSR 16-07-092 on March 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.  
Date Adopted: June 1, 2016.

Damon G. Monroe  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 06-13-036, filed 6/15/06, effective 7/16/06)

**WAC 308-17-150 Private investigative agency, private investigator, and armed private investigator fees.** Licenses issued to private investigator agencies and private investigators expire one year from the date of issuance and must be renewed each year. The fees are as follows:

<b>Title of Fee</b>	<b>Fee</b>
Private investigative agency/principal fee:	
Application/examination/ includes first examination <u>plus current applicable background check fees</u>	\$600.00
Principal armed endorsement	100.00
Reexamination	25.00
License renewal	350.00
Late renewal penalty	See below*
Change of principal/includes first examination <u>plus current applicable background check fees</u>	150.00
Private investigator:	
Original license <u>plus current applicable background check fees</u>	200.00
Armed endorsement <u>plus current applicable background check fees</u>	100.00
Transfer fee	25.00
License renewal	175.00
Late renewal with penalty	200.00
Certified trainer endorsement examination/reexamination	25.00
Certified trainer endorsement renewal	15.00

\*Private investigative agency license renewals filed after the license expiration date will be charged the master license service late renewal fee in compliance with RCW 19.02.085.

**WSR 16-13-004**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 2, 2016, 9:29 a.m., effective July 3, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Uniform Commercial Code program is amending this rule to reflect the new surcharge fee amounts that were increased as a result of HB 1090 and to reflect the extended expiration of RCW 43.330.300 to July 1, 2020.

Citation of Existing Rules Affected by this Order: Amending WAC 308-391-104 Fees.

Statutory Authority for Adoption: RCW 62A.9A.-526.

Adopted under notice filed as WSR 16-09-075 on April 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 2, 2016.

Damon G. Monroe  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 09-12-067, filed 5/29/09, effective 6/29/09)

**WAC 308-391-104 Fees.** (1) The nonrefundable processing fee for filing and indexing a UCC record is:

FILINGS	DELIVERY MODE	FEE INCLUDING SURCHARGE
Financing Statement	electronic	\$((41.00)) <u>18.00</u>
Financing Statement Amendment	electronic	\$((41.00)) <u>18.00</u>
UCC1 Financing Statement (1 or 2 pages)	mail	\$((23.00)) <u>25.00</u>
UCC3 Financing Statement Amendment (1 or 2 pages)	mail	\$((23.00)) <u>25.00</u>
UCC5 Correction Statement (1 or 2 pages)	mail	\$((23.00)) <u>25.00</u>
Attachment	mail and electronic	\$1.00 each page

(2) UCC search fee. The nonrefundable fee for processing a UCC search request is:

SEARCH TYPE	DELIVERY MODE	FEE
Search by debtor name	electronic	No charge
Search by file number	electronic	No charge
Debtor name search with copies	electronic	\$15.00
Search held to reflect the filing	electronic	\$10.00/debtor name
UCC11 Search response	mail	\$10.00

SEARCH TYPE	DELIVERY MODE	FEE
UCC11 Search response with copies	mail	\$15.00
Search held to reflect the filing (UCC1 box 7)	mail	\$10.00/debtor name

(3) The fees for purchase of bulk data are:

BULK DATA	DELIVERY MODE	FEE
Full text	electronic	\$500
Text plus images	electronic	\$1,000
Weekly updates	electronic	\$150

**WSR 16-13-012  
PERMANENT RULES  
DEPARTMENT OF ECOLOGY**

[Order 15-09—Filed June 2, 2016, 2:51 p.m., effective July 3, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Ecology is adopting amendments to chapter 197-11 WAC, State Environmental Policy Act (SEPA) rules. The rule changes include:

- Creating a categorical exemption for the replacement of a city, town or county owned structurally deficient bridge.
- Minor updates and clarifications on other transportation related categorical exemptions.
- Other minor clarifications and technical corrections to improve readability.

Citation of Existing Rules Affected by this Order: Amending chapter 197-11 WAC.

Statutory Authority for Adoption: State Environmental Policy Act, RCW 43.21C.110.

Adopted under notice filed as WSR 16-05-100 on February 17, 2016.

Changes Other than Editing from Proposed to Adopted Version: Correction to WAC 197-11-960 (13)(a) - where the phrase "located on or near the site" appears twice. This is an error made during 2014 rule making and it is being corrected by striking the duplicative phrase from WAC so it only appears once in the question.

A final cost-benefit analysis is available by contacting Fran Sant, Department of Ecology, P.O. Box 47703, Olympia, WA 98504, phone (360) 407-6004, fax (360) 407-6904, e-mail [separulemaking@ecy.wa.gov](mailto:separulemaking@ecy.wa.gov).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 2, 2016.

Maia D. Bellon  
Director

AMENDATORY SECTION (Amending WSR 84-05-020, filed 2/10/84, effective 4/4/84)

**WAC 197-11-030 Policy.** (1) The policies and goals set forth in SEPA are supplementary to existing agency authority.

(2) Agencies shall to the fullest extent possible:

(a) Interpret and administer the policies, regulations, and laws of the state of Washington in accordance with the policies set forth in SEPA and these rules.

(b) Find ways to make the SEPA process more useful to ~~((decisionmakers))~~ decision makers and the public; promote certainty regarding the requirements of the act; reduce paperwork and the accumulation of extraneous background data; and emphasize important environmental impacts and alternatives.

(c) Prepare environmental documents that are concise, clear, and to the point, and are supported by evidence that the necessary environmental analyses have been made.

(d) Initiate the SEPA process early in conjunction with other agency operations to avoid delay and duplication.

(e) Integrate the requirements of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively.

(f) Encourage public involvement in decisions that significantly affect environmental quality.

(g) Identify, evaluate, and require or implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.

AMENDATORY SECTION (Amending WSR 97-21-030, filed 10/10/97, effective 11/10/97)

**WAC 197-11-172 Planned actions—Project review.**

(1) Review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. A project proposed as a planned action must qualify as the planned action designated in the planned action ordinance or resolution, and must meet the statutory criteria for a planned action in RCW ~~((43-21C-034))~~ 43.21C.440. Planned action project review shall include:

(a) Verification that the project meets the description in, and will implement any applicable conditions or mitigation measures identified in, the designating ordinance or resolution; and

(b) Verification that the probable significant adverse environmental impacts of the project have been adequately

addressed in the EIS prepared under WAC 197-11-164 (1)(b) through review of an environmental checklist or other project review form as specified in WAC 197-11-315, filed with the project application.

(2)(a) If the project meets the requirements of subsection (1) of this section, the project shall qualify as the planned action designated by the GMA county/city, and a project threshold determination or EIS is not required. Nothing in this section limits a GMA county/city from using this chapter or other applicable law to place conditions on the project in order to mitigate nonsignificant impacts through the normal local project review and permitting process.

(b) If the project does not meet the requirements of subsection (1) of this section, the project is not a planned action and a threshold determination is required. In conducting the additional environmental review under this chapter, the lead agency may use information in existing environmental documents, including the EIS used to designate the planned action (refer to WAC 197-11-330 (2)(a) and 197-11-600 through 197-11-635). If an EIS or SEIS is prepared on the proposed project, its scope is limited to those probable significant adverse environmental impacts that were not adequately addressed in the EIS used to designate the planned action.

(3) Public notice for projects that qualify as planned actions shall be tied to the underlying permit. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required. However, the GMA county/city is encouraged to provide some form of public notice as deemed appropriate.

AMENDATORY SECTION (Amending WSR 14-09-026, filed 4/9/14, effective 5/10/14)

**WAC 197-11-610 Use of NEPA documents.** (1) An agency may adopt any environmental analysis prepared under the National Environmental Policy Act (NEPA) by following WAC 197-11-600 and 197-11-630.

(2) A NEPA environmental assessment (EA) or documented categorical exclusion may be adopted to support a determination of nonsignificance instead of preparing an environmental checklist, if the requirements of WAC 197-11-340, 197-11-600, and 197-11-630 (and WAC 197-11-350 and 197-11-355 as applicable), are met and elements of the environment in WAC 197-11-444 are adequately addressed.

(3) An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

(a) The requirements of WAC 197-11-360, 197-11-600, and 197-11-630 are met (in which case the procedures in Parts Three, Four, and Five of these rules for preparing an EIS shall not apply); and

(b) The federal (~~EA or~~) EIS is not found inadequate: (i) By a court; (ii) by the council on environmental quality (CEQ) (or is at issue in a predecision referral to CEQ) under the NEPA regulations; or (iii) by the administrator of the United States Environmental Protection Agency under section 309 of the Clean Air Act, 42 U.S.C. 1857.

(4) Subsequent use by another agency of a federal EIS, adopted under subsection (3) of this section, for the same (or

substantially the same) proposal does not require adoption, unless the criteria in WAC 197-11-600(3) are met.

(5) If the lead agency has not held a public hearing within its jurisdiction to obtain comments on the adequacy of adopting a federal environmental document as a substitute for preparing a SEPA EIS, a public hearing for such comments shall be held if, within thirty days of circulating its statement of adoption, a written request is received from at least fifty persons who reside within the agency's jurisdiction or are adversely affected by the environmental impact of the proposal. The agency shall reconsider its adoption of the federal document in light of public hearing comments.

AMENDATORY SECTION (Amending WSR 14-09-026, filed 4/9/14, effective 5/10/14)

**WAC 197-11-800 Categorical exemptions.** The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

**(1) Minor new construction - Flexible thresholds.**

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection apply except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The following types of construction shall be exempt:

(i) The construction or location of four detached single family residential units.

(ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square

feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.

(v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in (i), (ii), (iii), or (iv) of this subsection shall be exempt.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels, such as different levels for different geographic areas, and mixed use projects.

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public,

affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(iv) The city, town, or county must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. The requirements for notice and opportunity to comment for the public, affected tribes, and agencies in (c)(i) and (ii) of this subsection and the requirements for protection and mitigation in (c)(i) of this subsection must be specifically documented. The local ordinance or resolution shall include, but not be limited to, the following:

- Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.

- Planning and permitting processes that ensure compliance with applicable laws including chapters 27.44, 27.53, 68.50, and 68.60 RCW.

- Local development regulations that include at minimum preproject cultural resource review where warranted, and standard inadvertent discovery language (SIDL) for all projects.

(d) The maximum exemption levels applicable to (c) of this subsection are:

Project types	Fully planning GMA counties		All other counties
	Incorporated and unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single family residential	30 units	20 units	20 units
Multifamily residential	60 units	25 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Fill or excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

**(2) Other minor new construction.**

(a) The exemptions in this subsection apply to all licenses required to undertake the following types of proposals except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The construction or designation of bus stops, loading zones, shelters, access facilities (~~and~~), pull-out lanes for taxicabs, transit and school vehicles, and designation of transit only lanes.

(c) The construction (~~and/or~~) or installation of commercial on-premise signs, and public signs and signals, including those for traffic control and wayfinding.



(d) The construction or installation of minor road and street improvements by any agency or private party that include the following:

(i) Safety structures and equipment: Such as pavement marking, adding or removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle traffic speed or volume, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;

(ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality (~~in accordance with WAC 248-54-660~~));

(iii) Temporary traffic controls and detours;

(iv) Correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required;

(v) Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;

(vi) Channelization (~~and~~), rechannelization, elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;

(vii) Installation of catch basins and culverts for the purposes of road and street improvements;

(viii) Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders where capacity is not increased and no new right of way is required;

(ix) Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths including sidewalk extensions, but not including additional automobile lanes.

(e) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(f) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(g) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance such as listing in a historic register.

(h) The installation or removal of impervious underground or above-ground tanks, having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less.

(i) The vacation of streets or roads, converting public right of way, and other changes in motor vehicle access.

(j) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(k) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(l) The installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased.

**(3) Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging of over fifty cubic yards of material;

(b) Reconstruction or maintenance of groins and similar shoreline protection structures;

(c) Replacement of utility cables that must be buried under the surface of the bedlands; or

(d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

**(4) Water rights.** Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

**(5) Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to a specifically designated and authorized public use established by the public landowner and used by the public for that purpose.

(c) Leasing, granting an easement for, or otherwise authorizing the use of real property when the property use will remain essentially the same as the existing use for the term of the agreement, or when the use under the lease, easement or other authorization is otherwise exempted by this chapter.

**(6) Land use decisions.** The following land use decisions shall be exempt:

(a) Land use decisions for exempt projects, except that rezones must comply with (c) of this subsection.

(b) Other land use decisions not qualified for exemption under subsection (a) (such as a home occupation or change of use) are exempt provided:

(i) The authorized activities will be conducted within an existing building or facility qualifying for exemption under WAC 197-11-800 (1) and (2); and

(ii) The activities will not change the character of the building or facility in a way that would remove it from an exempt class.

(c) Where an exempt project requires a rezone, the rezone is exempt only if:

(i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;

(ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and

(iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.

(d) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW 58.17.020. This exemption includes binding site plans authorized by RCW 58.17.035 up to the same number of lots allowed by the jurisdiction as a short subdivision.

(e) Granting of variance based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(f) Alteration of property lines as authorized by RCW 58.17.040(6).

(7) **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(8) **Clean Air Act.** The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(9) **Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(10) **Activities of the state legislature.** All actions of the state legislature are exempted.

(11) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(12) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities including, but not limited to, peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services including, but not limited to, detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities including, but not limited to, taxicabs, ambulances, and tow trucks: Provided, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution including, but not limited to, restaurants, liquor, and meat.

(h) All animal control licenses including, but not limited to, pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(14) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.

(k) Classification of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(15) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(16) **Local improvement districts and special purpose districts.** The formation of local improvement districts and special purpose districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880. A special district or special purpose district is a local government entity designated by the Revised Code of Washington (RCW) and is not a city, town, township, or county.

(17) **Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

(18) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by

law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(19) **Procedural actions.** The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.

(c) Agency SEPA procedures.

(20) **Reserved.**

(21) **Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations, SEPA compliance may be limited to those items which differ from state regulations.

(22) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines twelve inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (up to and including 115,000 volts); within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station vault, pipe, or well: Additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, the chemicals used are approved by Washington state and applied by licensed personnel. This exemption shall not apply to the use of chemicals within

watersheds that are controlled for the purpose of drinking water quality (~~in accordance with WAC 248-54-660~~).

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality (~~in accordance with WAC 248-54-660~~).

(i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

(j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(25) **Wireless service facilities.**

(a) The siting of wireless service facilities are exempt if:

(i) The collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures that does not substantially change the physical dimensions of such structures; or

(ii) The siting project involves constructing a wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Wireless service facilities" means facilities for the provision of wireless services.

(iii) "Collocation" means the mounting or installation of equipment on an existing tower, building, structure for the purposes of either transmitting or receiving, or both, radio frequency signals for communication purposes.

(iv) "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.

(v) "Substantially change the physical dimensions" means:

(A) The mounting of equipment on a structure that would increase the height of the structure by more than ten percent, or twenty feet, whichever is greater; or

(B) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever ~~(is)~~ is greater.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

(26) **State transportation project.** The following Washington department of transportation projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation, as long as the action:

(a) Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

(b) The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

(27) **Structurally deficient city, town and county bridges.** The repair, reconstruction, restoration, retrofitting, or replacement of a structurally deficient city, town or county bridge shall be exempt as long as the action:

(a) Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

(b) The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

"Structurally deficient" means a bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load-carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency.

**AMENDATORY SECTION** (Amending WSR 14-09-026, filed 4/9/14, effective 5/10/14)

**WAC 197-11-830 Department of natural resources.**

The following actions and licenses of the department of natural resources are exempted:

- (1) Forest closures, shutdowns and permit suspensions due to extreme unusual fire hazards.
- (2) Operating permits to use power equipment on forest land.
- (3) Permits to use fuse on forest land.
- (4) Log patrol licenses.
- (5) Permits for drilling for which no public hearing is required under RCW ((~~79.76.070~~) 78.60.070) (geothermal test drilling).
- (6) Permits for the dumping of forest debris and wood waste in forested areas.
- (7) Those sales of timber from public lands that the department of natural resources determines, by rules adopted pursuant to RCW 43.21C.120 do not have potential for a substantial impact on the environment.
- (8) Except on aquatic lands under state control, leases for mineral prospecting under RCW ((~~79.01.616 or 79.01.652~~) 79.14.300 or 79.14.470), but not including issuance of subsequent contracts for mining.
- (9) Sales of rock from public lands involving rock pits less than three acres in size that are used for activities regulated under a forest practices application that is exempt under RCW 43.21C.037.

**AMENDATORY SECTION** (Amending WSR 14-09-026, filed 4/9/14, effective 5/10/14)

**WAC 197-11-960 Environmental checklist.**

ENVIRONMENTAL CHECKLIST

*Purpose of checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

*Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do

not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

*Use of checklist for nonproject proposals:*

For nonproject proposals complete this checklist and the supplemental sheet for nonproject actions (Part D). The lead agency may exclude any question for the environmental elements (Part B) which they determine do not contribute meaningfully to the analysis of the proposal.

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:
2. Name of applicant:
3. Address and phone number of applicant and contact person:
4. Date checklist prepared:
5. Agency requesting checklist:
6. Proposed timing or schedule (including phasing, if applicable):
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
10. List any government approvals or permits that will be needed for your proposal, if known.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

## B. ENVIRONMENTAL ELEMENTS

### 1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other.....

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

### 2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any (~~off-site~~) off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

### 3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well? Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d. Proposed measures to reduce or control surface, ground, runoff water, and drainage pattern impacts, if any:

### 4. Plants

a. Check the types of vegetation found on the site:

- Deciduous tree: Alder, maple, aspen, other
- Evergreen tree: Fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Orchards, vineyards or other permanent crops.
- Wet soil plants: Cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: Water lily, eelgrass, milfoil, other
- Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened and endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

e. List all noxious weeds and invasive species known to be on or near the site.

#### 5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: Hawk, heron, eagle, songbirds, other:

Mammals: Deer, bear, elk, beaver, other:

Fish: Bass, salmon, trout, herring, shellfish, other:

b. List any threatened and endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

e. List any invasive animal species known to be on or near the site.

#### 6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

#### 7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe any known or possible contamination at the site from present or past uses.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

4) Describe special emergency services that might be required.

5) Proposed measures to reduce or control environmental health hazards, if any:

#### b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

#### 8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or nonforest use?

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

i. Approximately how many people would reside or work in the completed project?

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

m. Proposed measures to (~~ensure the proposal is compatible with nearby~~) reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

**9. Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

**10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

**11. Light and glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing offsite sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

**12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

**13. Historic and cultural preservation**

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers (~~located on or near the site~~)? If so, specifically describe.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation. This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

**14. Transportation**

- a. Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- c. How many additional parking spaces would the completed project or nonproject proposal have? How many would the project or proposal eliminate?
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- h. Proposed measures to reduce or control transportation impacts, if any:

**15. Public services**

- a. Would the project result in an increased need for public services (for example: Fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

**16. Utilities**

- a. Circle utilities currently available at the site: Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.



C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: .....

Date Submitted: .....

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

AMENDATORY SECTION (Amending WSR 84-05-020, filed 2/10/84, effective 4/4/84)

**WAC 197-11-965 Adoption notice.**

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for (check appropriate box)  DNS  EIS  other .....

Description of current proposal .....

.....

Proponent .....

Location of current proposal .....

.....

Title of document being adopted .....

Agency that prepared document being adopted .....

Date adopted document was prepared .....

Description of document (or portion) being adopted .....

.....

.....

.....

.....

If the document being adopted has been challenged (WAC 197-11-630), please describe:

.....

The document is available to be read at (place/time) .....

.....

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the (~~decisionmaker~~) decision maker.

Name of agency adopting document .....

Contact person, if other than responsible official .....

Responsible official .....

Position/title .....

Address .....

Date .....

Signature .....

**WSR 16-13-016  
PERMANENT RULES  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS**

[Filed June 3, 2016, 10:40 a.m., effective July 4, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules will implement the provisions of the Washington small business retirement marketplace that pertain to the department of financial institutions. Pursuant to

RCW 43.330.735(6), the department of financial institutions must verify that retirement plans to be offered on the Washington small business retirement marketplace meet the requirements set forth in RCW 43.330.732(7) and 43.330.735. The proposed rules address who can apply to the department of financial institutions to obtain this verification. In addition, the proposed rules specify the application filing requirements.

Statutory Authority for Adoption: RCW 43.330.732 [43.330.732], 43.330.735, 43.330.750, 43.320.180.

Adopted under notice filed as WSR 16-02-038 on December 30, 2015.

Changes Other than Editing from Proposed to Adopted Version: The department of financial institutions made minor revisions to WAC 208-710-010 in response to comments received. The proposed rule stated that the department of commerce would approve retirement plans for the marketplace "provided that either the Washington department of financial institutions or the Washington office of the insurance commission [commissioner] has verified that the retirement plan and the financial services firm offering it meet the requirements set forth in RCW 43.330.732(7) and 43.330.735." The office of the insurance commissioner (OIC) requested that the reference to OIC be removed from the rule. Therefore, we revised WAC 208-710-010 to strike the words "either" and "or the Washington office of the insurance commissioner."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 3, 2016.

Scott Jarvis  
Director

## Chapter 208-710 WAC

### WASHINGTON SMALL BUSINESS RETIREMENT MARKETPLACE

#### NEW SECTION

**WAC 208-710-010 Application of rules.** The rules in this chapter implement the provisions of the Washington small business retirement marketplace, RCW 43.330.730 through 43.330.750, and 43.320.180, as they relate to the department of financial institutions.

The legislature created the Washington small business retirement marketplace in order to address the retirement savings access gap in Washington. The purpose of the Washington small business retirement marketplace is to educate small employers on retirement plan availability and promote qualified, low-cost, low-burden retirement savings vehicles and myRa accounts without mandating participation by either employers or employees.

The Washington department of commerce is responsible for the operation of the Washington small business retirement marketplace. The department of commerce will approve retirement plans for inclusion on the Washington small business retirement marketplace provided that the Washington department of financial institutions has verified that the retirement plan and the financial services firm offering it meet the requirements set forth in RCW 43.330.732(7) and 43.330.735.

Financial services firms seeking verification for their retirement plans from the department of financial institutions for the purpose of inclusion on the Washington small business retirement marketplace shall follow the application procedures set forth in this chapter.

#### NEW SECTION

**WAC 208-710-020 Eligibility to apply for verification with the department of financial institutions.** Financial services firms that are regulated by the department of financial institutions or by a federal agency with authority over banking, securities, or broker-dealer firms, and that meet all federal laws and regulations to offer retirement plans, are eligible to apply to the department of financial institutions for verification that their retirement plans meet the requirements set forth in RCW 43.330.732(7) and 43.330.735 for inclusion on the Washington small business retirement marketplace.

#### NEW SECTION

**WAC 208-710-030 Verification process.** (1) Financial services firms that are eligible under WAC 208-710-020 to apply for verification from the department of financial institutions may do so by submitting an application for verification as described in WAC 208-710-040, 208-710-060, and 208-710-070.

(2) The department of financial institutions will review and process initial, renewal, and amendment applications for verification. The department of financial institutions will issue a verification letter for retirement plans that meet the requirements set forth in RCW 43.330.732(7) and 43.330.735. The verification letter will be effective for one year for initial and renewal applications. For amendment applications, the verification letter will be effective for the remainder of the current one-year verification period.

(3) A financial services firm may withdraw its application for verification at any time by submitting a written request to withdraw to the department of financial institutions.

NEW SECTION**WAC 208-710-040 Initial application requirements.**

Financial service firms that seek verification of retirement plans from the department of financial institutions for inclusion on the Washington small business retirement marketplace must submit a separate application for each retirement plan for which verification is sought. The following initial application materials shall be submitted to the department of financial institutions:

- (1) A completed application for verification form marked "initial application";
- (2) A copy of the retirement plan agreement;
- (3) A copy of the materials routinely used to market the retirement plan to eligible employers;
- (4) Any additional documents necessary to identify the funds and other investment products to be offered under the plan, specify the plan's fees and roll-over options, and disclose historical investment performance for the investment products in the plan; and
- (5) The prospectus for each balanced fund and target date fund or other similar fund offered under the retirement plan.

NEW SECTION

**WAC 208-710-050 Application review criteria.** The department of financial institutions will review applications for verification to ensure that retirement plans meet the following criteria established by RCW 43.330.732(7) and 43.330.735:

- (1) The financial services firm offering the retirement plan must be licensed or hold a certificate of authority and be in good standing with the department of financial institutions, or be regulated by a federal agency with authority over banking, securities, or broker-dealer firms, and meet all federal laws and regulations to offer retirement plans;
- (2) The retirement plan must offer a minimum of two product options:
  - (a) A target date or other similar fund, with asset allocations and maturities designed to coincide with the expected date of retirement; and
  - (b) A balanced fund.
- (3) The retirement plan must include the option for enrollees to roll pretax contributions into a different individual retirement account or another eligible retirement plan after the enrollees cease participation in the retirement plan offered on the Washington small business retirement marketplace;
- (4) The financial services firm offering the retirement plan may not charge the participating employer an administrative fee and may not charge enrollees more than one hundred basis points in total annual fees;
- (5) The financial services firm offering the retirement plan must provide information about the product's historical investment performance; and
- (6) Participation in a retirement plan offered on the Washington small business retirement marketplace shall be voluntary for both eligible employers and qualified employees.

NEW SECTION

**WAC 208-710-060 Annual renewal application procedure.** (1) To apply to renew the verification of a retirement plan for inclusion on the Washington small business retirement marketplace for a subsequent one-year period, the financial services firm offering the plan shall submit the following to the department of financial institutions at least thirty days prior to the expiration of the current verification letter:

- (a) A completed application for verification form marked "renewal";
- (b) The most recently updated versions of the retirement plan, marketing materials, prospectuses, and other plan documents required by WAC 208-710-040 (2) through (5); and
- (c) A report indicating the number of eligible employers in Washington who established retirement plans under the financial service provider's approved plan in the last year. The report shall include the total number of new retirement accounts opened in Washington by qualified employees as a result of the adoption of the approved plan by eligible employers in Washington.

(2) If the retirement plan meets the requirements set forth in RCW 43.330.732(7), 43.330.735, and WAC 208-710-050 for inclusion on the Washington small business retirement marketplace, the department of financial institutions will issue a renewal of the verification letter for the retirement plan. An application for verification will not be considered renewed until the department of financial institutions issues a new verification letter.

(3) If the retirement plan no longer meets the requirements for inclusion on the Washington small business retirement marketplace, or the application is otherwise deficient, the department of financial institutions will issue a deficiency letter rather than renew the verification letter.

NEW SECTION**WAC 208-710-070 Amendment review procedure.**

(1) During the time period in which a retirement plan's verification letter is effective, the financial services firm offering the plan must amend its application for verification if material amendments to the retirement plan or its underlying investment options are proposed.

(2) To amend an application for verification, the financial services firm shall submit the following to the department of financial institutions at least thirty days prior to the proposed amendment of the plan:

- (a) A completed application for verification marked "amendment"; and
- (b) The most recent versions of the retirement plan, marketing materials, prospectuses, and other plan documents required by WAC 208-710-040 (2) through (5).

(3) If the amended retirement plan meets the requirements set forth in RCW 43.330.732(7), 43.330.735, and WAC 208-710-050 for inclusion on the Washington small business retirement marketplace, the department of financial institutions will issue a verification letter for the amended retirement plan.

**WSR 16-13-029**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed June 6, 2016, 11:57 a.m., effective July 7, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules being adopted are WAC 458-20-10001, 458-20-10003, 458-20-10004, 458-20-10201, 458-20-10202, and 458-20-273.

The adopted rules incorporate new terms used for informal review hearings under recently adopted WAC 458-20-100 Informal administrative reviews. The six rules in this proposal are having the terms "appeals division" changed to "administrative review and hearings division." Further, the term "section" is changed to "rule" throughout; and the department of revenue's web site address is listed as: "dor.wa.gov." Addresses and telephone numbers have been updated, as needed.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-10001, 458-20-10003, 458-20-10004, 458-20-10201, 458-20-10202, and 458-20-273.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 16-07-079 on March 17, 2016.

Changes Other than Editing from Proposed to Adopted Version: The proposal included a repealer for WAC 458-20-102A and 458-20-242A that was erroneously filed in WSR 16-07-079. Pursuant to RCW 34.05.335, the department of revenue filed WSR 16-13-010 that withdrew the repealer for WAC 458-20-102A and 458-20-242A; and also proceeded with the expedited rule-making process for the six rules being adopted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 6, 2016.

Kevin Dixon  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-17-094, filed 8/22/11, effective 9/22/11)

**WAC 458-20-10001 Adjudicative proceedings—Brief adjudicative proceedings—Certificate of registration (tax registration endorsement) revocation.** (1) **Introduction.** The department of revenue (department) has

adopted the procedure for brief adjudicative proceedings provided in RCW 34.05.482 through 34.05.494, except for RCW 34.05.491(5), for actions involving revocation of a certificate of registration (tax registration endorsement) pursuant to RCW 82.32.215. This ~~((section))~~ rule explains the procedure for these brief adjudicative proceedings. This ~~((section))~~ rule does not apply to the following:

- Adjudicative proceedings under WAC 458-20-10002, which addresses converted brief adjudicative proceedings and formal adjudicative proceedings relating to log export enforcements;

- Nonadjudicative proceedings under RCW 82.32.160 and 82.32.170, and WAC 458-20-100;

- Enforcement proceedings under RCW 82.24.550 and 82.26.220; and

- Brief adjudicative proceedings for matters relating to the revocation of reseller permits under WAC 458-20-102.

The department has not adopted RCW 34.05.491(5), which provides that a request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within twenty days after the request is submitted.

(2) **Brief adjudicative proceedings - Procedure.** The following procedure applies to the department's brief adjudicative proceedings for actions involving revocation of a certificate of registration, unless the matter is converted to a formal proceeding as provided in subsection (8) of this ~~((section))~~ rule.

(a) **Notice.** The department will set the time and place of the hearing. Written notice shall be served upon the taxpayer(s) at least seven days before the date of the hearing. Service is to be made pursuant to subsection (5)(a) of this ~~((section))~~ rule. The notice must include:

(i) The names and addresses of each taxpayer to whom the proceedings apply and, if known, the names and addresses of the taxpayer's representative(s), if any;

(ii) The mailing address and the telephone number of the person or office designated to represent the department in the proceeding;

(iii) The official file or other reference number and the name of the proceeding;

(iv) The name, official title, mailing address and telephone number of the presiding officer, if known;

(v) A statement of the time, place and nature of the proceeding;

(vi) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(vii) A reference to the particular sections of the statutes and/or rules involved;

(viii) A short and plain statement of the matters asserted by the department against the taxpayer and the potential action to be taken; and

(ix) A statement that if the taxpayer fails to attend or participate in a hearing, the hearing can proceed and that adverse action may be taken against the taxpayer.

(x) When the department is notified or otherwise made aware that a limited-English-speaking person is a person to whom the proceedings apply, all notices, including the notice of hearing, continuance and dismissal, must either be in the primary language of that person or must include a notice in

the primary language of the person which describes the significance of the notice and how the person may receive assistance in understanding and responding to the notice. In addition, the notice must state that if a party or witness needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice must include a form to be returned to the department to indicate whether such person, or a witness, needs an interpreter and to identify the primary language or hearing impaired status of the person.

**(b) Appearance and practice at a brief adjudicative proceeding.** The right to practice before the department in a brief adjudicative proceeding is limited to:

- (i) Persons who are natural persons representing themselves;
- (ii) Attorneys at law duly qualified and entitled to practice in the courts of the state of Washington;
- (iii) Attorneys at law entitled to practice before the highest court of record of any other state, if attorneys licensed in Washington are permitted to appear before the courts of such other state in a representative capacity, and if not otherwise prohibited by state law;
- (iv) Public officials in their official capacity;
- (v) Certified public accountants entitled to practice in the state of Washington;
- (vi) A duly authorized director, officer, or full-time employee of an individual firm, association, partnership, or corporation who appears for such firm, association, partnership, or corporation;
- (vii) Partners, joint venturers or trustees representing their respective partnerships, joint ventures, or trusts; and
- (viii) Other persons designated by a person to whom the proceedings apply with the approval of the presiding officer.

In the event a proceeding is converted from a brief adjudicative proceeding to a formal proceeding, representation is limited to the provisions of law and RCW 34.05.428.

**(c) Hearings by telephone.** With the concurrence of the presiding officer and all persons involved in the proceedings, a hearing may be conducted telephonically. The conversation will be recorded and will be made a part of the record of the hearing.

**(d) Presiding officer.**

(i) The presiding officer must be an assistant director of the department's compliance division, or such other person as the director of the department may designate.

(ii) The presiding officer shall conduct the proceeding in a just and fair manner and before taking action, the presiding officer shall provide the taxpayer an opportunity to be informed of the department's position on the pending matter.

(iii) The presiding officer has all authority granted under chapter 34.05 RCW.

**(e) Entry of orders.**

(i) When the presiding officer issues a decision, the presiding officer shall briefly state the basis and legal authority for the decision. Within ten days of issuing the decision, the presiding officer shall serve upon the parties, the initial order and information regarding any departmental administrative review that may be available.

(ii) The decision and the brief written statement of the basis and legal authority for it is an initial order. The initial

order will become a final order if no review is requested as provided in subsection (3) of this ((~~section~~)) rule.

**(3) Review of initial orders from brief adjudicative proceeding.** The following procedure applies to the department's review of a brief adjudicative proceeding conducted pursuant to subsection (2) of this ((~~section~~)) rule, unless the matter is converted to a formal proceeding as provided in subsection (8) of this ((~~section~~)) rule.

**(a) Request for review of the initial order.** A party to a brief adjudicative proceeding under subsection (2) of this ((~~section~~)) rule may request review of the initial order by filing a written petition for review, or making an oral request for review, with the department's ((~~appeals~~)) administrative review and hearings division within twenty-one days after service of the initial order is received ((~~or deemed to be received~~)) by the party. The address and telephone number of the ((~~appeals~~)) administrative review and hearings division is:

((~~Appeals~~))  
Administrative Review and Hearings Division  
Washington State Department of Revenue  
 P.O. Box 47460  
 Olympia, Washington 98504-7460  
 Telephone Number: 360-534-1335  
 Fax: 360-534-1340

(i) When a petition of review of the initial order is made, the taxpayer must submit to the ((~~appeals~~)) administrative review and hearings division at the time the petition is filed any evidence or written material relevant to the matter that the party wishes the reviewing officer to consider. If the petition for review is made by oral request, the taxpayer must also submit any evidence or written material to the ((~~appeals~~)) administrative review and hearings division on the same day that the oral request is made.

(ii) The department may, on its own motion, conduct an administrative review of the initial order as provided for in RCW 34.05.491.

**(b) Reviewing officer.** The ((~~appeals~~)) administrative review and hearings division shall appoint a reviewing officer who shall make such determination as may appear to be just and lawful. The reviewing officer shall provide the taxpayer and the department an opportunity to explain their positions on the matter and shall make any inquiries necessary to ascertain whether the proceeding should be converted to a formal adjudicative proceeding. The review by the ((~~appeals~~)) administrative review and hearings division shall be governed by the brief adjudicative procedures of chapter 34.05 RCW and this ((~~section~~)) rule; or WAC 458-20-10002 in the event a brief adjudicative hearing is converted to a formal adjudicative proceeding, and not by the processes and procedures of WAC 458-20-100. The reviewing officer shall have the authority of a presiding officer as provided in this ((~~section~~)) rule.

**(c) Record review.** Review of an initial order is limited to the evidence considered by the presiding officer, the initial order, the recording of the initial proceeding, and any records and written evidence submitted by the parties to the reviewing officer. However, the agency record need not constitute the exclusive basis for the reviewing officer's decision.

(i) The reviewing officer may request additional evidence from either party at any time during its review of the initial order. Once the reviewing officer requests evidence from a party, that party has seven days after service of the request to supply the evidence to the reviewing officer, unless the reviewing officer, in his or her discretion, allows additional time to submit the evidence.

(ii) In addition to requesting additional evidence, the reviewing officer may review any records of the department necessary to confirm that the tax warrant upon which the initial order of revocation was based remains unpaid. In the event that the tax warrant has been satisfied subsequent to the entry of the initial order, but before the issuance of the final order, the reviewing officer shall reinstate the taxpayer's certificate of registration.

(iii) If the reviewing officer determines that oral testimony is needed, he/she may schedule a time for both parties to present oral testimony. Notice of the oral testimony must be given to the parties in the same manner as the notice provided in subsection (2)(a) of this ~~((section))~~ rule. Oral statements before the reviewing officer shall be by telephone, unless specifically scheduled by the reviewing officer in his or her discretion to be in person.

(iv) The department will have an opportunity to respond to the taxpayer's request for review and may also submit any other relevant evidence and written material to the reviewing officer. The department must submit its material within seven days of service of the material submitted by the party requesting review of the initial order. The department must also serve a copy of all evidence and written material provided to the reviewing officer to the taxpayer requesting review according to subsection (5) of this ~~((section))~~ rule. Proof of service is required under subsection (5)(h) of this ~~((section))~~ rule when the department submits material to the taxpayer under this subsection.

(d) **Failure to participate.** If a party requesting review of an initial order under this subsection fails to participate in the proceeding or fails to provide documentation to the reviewing officer upon his or her request, the reviewing officer may uphold the initial order based upon the record.

(e) **The final orders.**

(i) The reviewing officer may issue two final orders. The first final order (the "final order") must include the decision of the reviewing officer and a brief statement of the basis and legal authority for the decision. This order may contain confidential taxpayer information under RCW 82.32.330, and, therefore, cannot be disclosed by the department, except to the taxpayer.

(ii) The reviewing officer may issue a second final order (the "posting order"). The posting order will be issued when the reviewing officer has ordered the revocation of the tax registration certificate. The posting order will state what certificate of registration is being revoked, the listing of the tax warrants involved, and what jurisdictions the tax warrants were filed in.

(iii) Unless specifically indicated otherwise, the term "final order" as used throughout this ~~((section))~~ rule shall refer to both the final order and the posting order.

(iv) The parties can expect that, absent continuances, the final order and posting order will be entered within twenty days of the petition for review.

(f) **Reconsideration.** Unless otherwise provided in the reviewing officer's order, the reviewing officer's order represents the final position of the department. A reconsideration of the reviewing officer's order may be sought only if the right to a reconsideration is contained in the final order.

(g) **Judicial review.** Judicial review of the final order of the department is available under Part V, chapter 34.05 RCW. However, judicial review may be available only if a review of the initial decision has been requested under this subsection and all other administrative remedies have been exhausted. See RCW 34.05.534.

(4) **Rules of evidence - Record of the proceeding.**

(a) Evidence is admissible if in the judgment of the presiding or reviewing officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely on in conducting their affairs. The presiding and reviewing officer should apply RCW 34.05.452 when ruling on evidentiary issues in the proceeding.

(b) All oral testimony must be recorded manually, electronically, or by another type of recording device. The agency record must consist of the documents regarding the matters that were considered or prepared by the presiding officer, or by the reviewing officer in any review, and the recording of the hearing. These records must be maintained by the department as its official record.

(5) **Service.** All notices and other pleadings or papers filed with the presiding or reviewing officer must be served on the taxpayer, their representatives/agents of record, and the department.

(a) Service is made by one of the following methods:

- In person;
- By first-class, registered, or certified mail;
- By fax and same-day mailing of copies;
- By commercial parcel delivery company; or
- By electronic delivery pursuant to RCW 82.32.135.

(b) Service by mail is regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service by electronic fax is regarded as completed upon the production by the fax machine of confirmation of transmission.

(d) Service by commercial parcel delivery is regarded as completed upon delivery to the parcel delivery company, properly addressed with charges prepaid.

(e) Service by electronic delivery is regarded as completed on the date that the department electronically sends the information to the parties or electronically notifies the parties that the information is available to be accessed by them.

(f) Service to a taxpayer, their representative/agent of record, the department, and presiding officer must be to the address shown on the notice described in subsection (3)(a) of this ~~((section))~~ rule.

(g) Service to the reviewing officer must be to the ~~((appeals))~~ administrative review and hearings division at the address shown in subsection (3) of this ~~((section))~~ rule.

(h) Where proof of service is required, the proof of service must include:

- An acknowledgment of service;
- A certification, signed by the person who served the document(s), stating the date of service; that the person did serve the document(s) upon all or one or more of the parties of record in the proceeding by delivering a copy in person to (names); and that the service was accomplished by a method of service as provided in this subsection.

(6) **Interpreters.** When a party or witness requires an interpreter, chapters 2.42 and 2.43 RCW will apply. When those statutes are silent on an issue before the presiding or reviewing officer, the provisions regarding interpreters in WAC 10-08-150 apply.

(7) **Informal settlements.** The department encourages informal settlement of issues in proceedings under its jurisdiction. The presiding or reviewing officer may not order settlement of the proceedings. Settlement is at the discretion of the parties. Settlement of a proceeding may be concluded by:

(a) A stipulation signed by the taxpayer and the department, or their respective representatives, and/or recited into the record of the proceedings. If the stipulation provides for a payment agreement, the presiding or reviewing officer may order a continuance of the proceedings during the period of repayment and dismissal when all payments have been made. An order providing for the reconvening of the proceedings if the payment agreement is breached is allowed so long as the proceeding is not held less than seven days after notice of the reconvening is provided. Except as provided in this subsection, the presiding or reviewing officer must enter an order in conformity with the terms of the stipulation; or

(b) The entry of an order dismissing the proceedings if the department withdraws the revocation of the certificate of registration.

(8) **Conversion of a brief adjudicative proceeding to a formal proceeding.** The presiding or reviewing officer may at any time, on motion of the taxpayer, the department, or the officer's own motion, convert the brief adjudicative proceeding to a formal proceeding.

(a) The presiding or reviewing officer may convert the proceeding if the officer finds that use of the brief adjudicative proceeding:

- Violates any provision of law,
- The protection of the public interest requires the agency to give notice to and an opportunity to participate to persons other than the parties, or
- The issues and interests involved warrant the use of procedures governed by RCW 34.05.413 through 34.05.476 or 34.05.479.

(b) WAC 458-20-10002 applies to formal proceedings. In proceedings to revoke a taxpayer's certificate of registration, the converted proceeding is itself the independent administrative review by the department of revenue as provided in RCW 82.32A.020(6).

(9) **Computation of time.** In computing any period of time prescribed by this ((section)) rule, the day of the act or event after which the designated period is to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a state legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or state legal holiday. When the period of time pre-

scribed is less than seven days, intermediate Saturdays, Sundays, and holidays will be excluded in the computation.

(10) **Posting of a final order of revoking a tax registration endorsement - Revocation not a substitute for other collection methods or processes available to the department.** When an order revoking a tax registration endorsement is a final order of the department, the department shall post a copy of the posting order in a conspicuous place at the main entrance to the taxpayer's place of business and it must remain posted until such time as the warrant amount has been paid.

(a) It is unlawful to engage in business after the revocation of a tax registration endorsement. A person engaging in the business after a revocation may be subject to criminal sanctions as provided in RCW 82.32.290. RCW 82.32.290(2) provides that a person violating the prohibition against such engaging in business is guilty of a Class C felony in accordance with chapter 9A.20 RCW.

(b) Any certificate of registration revoked shall not be reinstated, nor a new certificate of registration issued until:

(i) The amount due on the warrant has been paid, or provisions for payment satisfactory to the department of revenue have been entered; and

(ii) The taxpayer has deposited with the department of revenue as security for taxes, increases and penalties due or which may become due under such terms and conditions as the department of revenue may require, but the amount of the security may not be greater than one-half the estimated average annual tax liability of the taxpayer.

(c) Revocation proceedings will not substitute for, or in any way curtail, other collection methods or processes available to the department.

**AMENDATORY SECTION** (Amending WSR 12-24-008, filed 11/27/12, effective 12/28/12)

**WAC 458-20-10003 Brief adjudicative proceedings for matters related to suspension, nonrenewal, and nonissuance of licenses to sell spirits.** (1) **Introduction.** The department of revenue (department) conducts adjudicative proceedings pursuant to chapter 34.05 RCW, the Administrative Procedure Act (APA). The department adopts in this ((section)) rule, the procedures as provided in RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings to review the department notice explained in subsection (2) of this ((section)) rule. The department must provide the notice before it may proceed in requesting that the Washington liquor control board (board) suspend, not renew, or not issue a taxpayer's spirits license(s) as defined in RCW 66.24.010 (3)(c), referred to in this ((section)) rule as "agency action."

This ((section)) rule explains the procedure pertaining to the adopted brief adjudicative proceedings.

(2) **Department notice.** If a taxpayer is more than thirty days delinquent in reporting or remitting spirits taxes on a tax return or assessed by the department, including applicable penalties and interest, the department may request that the board suspend the taxpayer's spirits license or licenses and refuse to renew any existing spirits license held by the taxpayer or issue any new spirits license to the taxpayer. Before

the department may take agency action, the department must provide the taxpayer with at least seven calendar days prior written notice of the delinquency and inform the taxpayer that the department intends to make the request to the board. The department notice must include:

- (a) A listing of any unfiled tax returns;
- (b) The amount of unpaid spirits taxes as applicable, including any applicable penalties and interest;
- (c) Who to contact to inquire about payment arrangements; and
- (d) Information that the taxpayer may seek administrative review of the department notice, including the deadline for seeking such review.

A taxpayer may seek an administrative review of the department notice as explained under subsection (3) of this ~~((section))~~ rule. Brief adjudicative proceedings under this ~~((section))~~ rule do not include the right to challenge the amount of any spirits taxes assessed by the department.

(3) **Conduct of brief adjudicative proceedings.** To initiate an appeal of a department notice, the taxpayer has seven calendar days from the date on the department notice to request a review of that notice. The taxpayer must file a written notice of appeal explaining why the taxpayer disagrees with the notice of delinquency.

A form notice of appeal is available at (~~(http://dor.wa.gov)~~ dor.wa.gov) or by calling 1-800-647-7706. The completed form should be mailed or faxed to the department at:

Washington State Department of Revenue  
Compliance Administration  
Spirits License Suspension Petition  
P.O. Box 47473  
Olympia, WA 98504-7473  
Fax: 360-586-8816

(a) A presiding officer, who will be either the assistant director of the compliance division or such other person as designated by the director of the department (director), will conduct brief adjudicative proceedings. The presiding officer for brief adjudicative proceedings will have agency expertise in the subject matter but will not otherwise have participated in the specific matter. The presiding officer's review is limited to the written record.

(b) As part of the notice of appeal, the taxpayer or the taxpayer's representative may include written documentation explaining the taxpayer's view of the matter. The presiding officer may also request additional documentation from the taxpayer or the department and will designate the date by which the documents must be submitted.

(c) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(d) Within ten days of receipt of the taxpayer's notice of appeal, the presiding officer will enter an initial order including a brief explanation of the decision under RCW 34.05.485. All orders in these brief adjudicative proceedings will be in writing. The initial order will become the department's final order unless a petition for review is made to the department's ~~((appeals))~~ administrative review and hearings division under subsection (4) of this ~~((section))~~ rule. If the presiding officer's order invalidates the department notice, the department may

in its discretion start new proceedings by sending a new department notice.

(4) **Review of initial order from brief adjudicative proceeding.** A taxpayer that has received an initial order upholding a department notice under subsection (3) of this ~~((section))~~ rule may request a review by the department by filing a written petition for review or by making an oral request for review with the department's ~~((appeals))~~ administrative review and hearings division within twenty-one days after the service of the initial order on the taxpayer as described in subsection (8) of this ~~((section))~~ rule.

A form petition of review is available at (~~(http://dor.wa.gov)~~ dor.wa.gov). A request for review should state the reasons for the review.

The address, telephone number, and fax number of the ~~((appeals))~~ administrative review and hearings division are:

~~((Appeals))~~  
Administrative Review and Hearings Division  
Spirits License Petition for Review/Spirits Taxes  
Washington State Department of Revenue  
P.O. Box 47460  
Olympia, WA 98504-7460  
Telephone Number: 360-534-1335  
Fax: 360-534-1340

(a) A reviewing officer, who will be either the assistant director of the ~~((appeals))~~ administrative review and hearings division or such other person as designated by the director, will conduct a brief adjudicative proceeding and determine whether the initial order was correctly decided. The reviewing officer's review is limited to the written record.

(b) The agency record need not constitute the exclusive basis for the reviewing officer's decision. The reviewing officer will have the authority of a presiding officer.

(c) The order of the reviewing officer will be in writing and include a brief statement of the reasons for the decision, and it must be entered within twenty days of the petition for review. The order will include a notice that judicial review may be available. The order of the reviewing officer represents a final order of the department. If a final order invalidates the department notice, the department may in its discretion start new proceedings by sending a new department notice.

(d) A request for review is deemed denied if the department does not issue an order on review within twenty days after the petition for review is filed.

(5) **Record in brief adjudicative proceedings.** The record with respect to the brief adjudicative proceedings under RCW 34.05.482 through 34.05.494 related to department notice will consist of:

(a) *The record before the presiding officer:* The record before the presiding officer consists of the department notice; the taxpayer's appeal of the department notice; all records relied upon by the department or submitted by the taxpayer related to the department notice; and all correspondence between the taxpayer and the department regarding the department notice.

(b) *The record before the reviewing officer:* The record before the reviewing officer consists of all documents included in the record before the presiding officer; the tax-



payer's petition for review; and all correspondence between the taxpayer and the department regarding the taxpayer's petition for review.

(6) **Court appeal.** Court appeal from the final order of the department is available pursuant to Part V, chapter 34.05 RCW. However, court appeal may be available only if a review of the initial decision has been requested under subsection (4) of this ((~~section~~)) rule and all other administrative remedies have been exhausted. See RCW 34.05.534.

(7) **Computation of time.** In computing any period of time prescribed by this ((~~section~~)) rule or by the presiding officer or reviewing officer, the day of the act or event after which the designated period is to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday or legal holiday. This subsection does not apply with respect to computation of the seven calendar days required for the department notice.

(8) **Service.** All notices and other pleadings or papers filed with the presiding or reviewing officer must be served on the taxpayer, their representatives/agents of record, and the department.

(a) Service is made by one of the following methods:

- (i) In person;
- (ii) By first-class, registered or certified mail;
- (iii) By fax and same-day mailing of copies;
- (iv) By commercial parcel delivery company; or
- (v) By electronic delivery pursuant to RCW 82.32.135.

(b) Service by mail is regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service by electronic fax is regarded as completed upon the production by the fax machine of confirmation of transmission.

(d) Service by commercial parcel delivery is regarded as completed upon delivery to the parcel delivery company, properly addressed with charges prepaid.

(e) Service by electronic delivery is regarded as completed on the date that the department electronically sends the information to the parties or electronically notifies the parties that the information is available to be accessed by them.

(f) Service to a taxpayer, their representative/agent of record, the department, and presiding officer must be to the address shown on the notice described in subsection (3)(a) of this ((~~section~~)) rule.

(g) Service to the reviewing officer must be to the ((~~appeals~~)) administrative review and hearings division at the address shown in subsection (4) of this ((~~section~~)) rule.

(h) Where proof of service is required, the proofs of service must include:

- (i) An acknowledgment of service;
- (ii) A certificate, signed by the person who served the document(s), stating the date of service; that the person did serve the document(s) upon all or one or more of the parties of record in the proceeding by delivering a copy in person to (names); and that the service was accomplished by a method of service as provided in this subsection.

(9) **Continuance.** The presiding officer or reviewing officer may grant, in their sole discretion, a request for a con-

tinuance by motion of the taxpayer, the department, or on its own motion.

(10) **Conversion of a brief adjudicative proceeding to a formal proceeding.** The presiding officer or reviewing officer, in their sole discretion, may convert a brief adjudicative proceeding to a formal proceeding at any time on motion of the taxpayer, the department, or the presiding/reviewing officer's own motion.

(a) The presiding/reviewing officer will convert the proceeding when it is found that the use of the brief adjudicative proceeding violates any provision of law, when the protection of the public interest requires the agency to give notice to and an opportunity to participate to persons other than the parties, and when the issues and interests involved warrant the use of the procedures of RCW 34.05.413 through 34.05.479.

(b) When a proceeding is converted from a brief adjudication to a formal proceeding, the director may become the presiding officer or may designate a replacement presiding officer to conduct the formal proceedings upon notice to the taxpayer and the department.

(c) In the conduct of the formal proceedings, WAC 458-20-10002 will apply to the proceedings.

(11) **Taking agency action.** The department may initiate agency action as follows:

(a) If the taxpayer does not file a timely appeal under subsection (3) of this ((~~section~~)) rule, the department may proceed with agency action the day following the end of the period for requesting such appeal;

(b) If the taxpayer does not make a petition for review consistent with subsection (4) of this ((~~section~~)) rule, the department may proceed with agency action the day following the end of the period for making such petition of review;

(c) If the department makes a final order adverse to the taxpayer under subsection (4) of this ((~~section~~)) rule, the department may proceed with agency action the day following the date the department issues its final order.

AMENDATORY SECTION (Amending WSR 14-13-098, filed 6/17/14, effective 7/18/14)

**WAC 458-20-10004 Brief adjudicative proceedings for matters related to assessments and warrants for unpaid fees issued under chapter 59.30 RCW for manufactured and mobile home communities.** (1) Introduction. The department of revenue (department) conducts adjudicative proceedings pursuant to chapter 34.05 RCW, the Administrative Procedure Act (APA). The department adopts in this ((~~section~~)) rule, the procedures as provided in RCW 34.05.-482 through 34.05.494 for the administration of brief adjudicative proceedings to review the department's actions described in subsection (2) of this ((~~section~~)) rule.

This ((~~section~~)) rule explains the procedure pertaining to the adopted brief adjudicative proceedings.

(2) Department's action. The following actions taken by the department are subject to the brief adjudicative proceeding process described in this ((~~section~~)) rule:

(a) Assessment of the one-time business license application fee or annual renewal application fee in RCW 59.30.050 (3)(a);

(b) Assessment of the annual registration assessment fee in RCW 59.30.050 (3)(b); and

(c) Assessment of the delinquency fee in RCW 59.30.-050(4).

The assessment of more than one type of fee against a manufactured/mobile home community owner or landlord in RCW 59.30.050 does not result in the creation of more than one adjudicative proceeding if those fees are issued in the same document, on the same date.

As explained in RCW 59.30.020(4), the terms "landlord" and "community owner" both refer to the owner of the mobile home park or manufactured home community or their agents. For purposes of this rule, the department refers to such persons as "community owners."

(3) Conduct of brief adjudicative proceedings. To initiate an appeal of the department's action, the community owner has twenty-one calendar days from the date on the department's action to request a review of that action. The community owner must file a written notice of appeal explaining why the community owner disagrees with the action.

A form notice of appeal is available at (<http://dor.wa.gov>) [dor.wa.gov](http://dor.wa.gov) or by calling 1-800-647-7706. The completed form should be mailed or faxed to the department at:

Washington State Department of Revenue  
Special Programs  
Review of Annual Registration for Manufactured/  
Mobile Home Communities  
P.O. Box 47472  
Olympia, WA 98504-7472  
Fax: 360-534-1320

(a) A presiding officer, who will be a person designated by the director of the department (director) or the assistant director of special programs division, will conduct brief adjudicative proceedings. The presiding officer for brief adjudicative proceedings will have agency expertise in the subject matter but will not otherwise have participated in the specific matter. The presiding officer's review is limited to the written record.

(b) As part of the notice of appeal, the community owner or the community owner's representative may include written documentation explaining the community owner's view of the matter. The presiding officer may also request additional documentation from the community owner or the department and will designate the date by which the documents must be submitted.

(c) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(d) Within twenty-one calendar days of receipt of the community owner's notice of appeal, the presiding officer will enter an initial order including a brief explanation of the decision under RCW 34.05.485. All orders in these brief adjudicative proceedings will be in writing. The initial order will become the department's final order unless a petition for review is made to the department's ((~~appeals~~)) administrative review and hearings division under subsection (4) of this ((~~section~~)) rule. If the presiding officer's order invalidates the department action, the department may in its discretion initiate another action that corrects the defects in the prior action.

(4) Review of initial order from brief adjudicative proceeding. A community owner that has received an initial order upholding a department action under subsection (3) of this ((~~section~~)) rule may request a review by the department by filing a written petition for review or by making an oral request for review with the department's ((~~appeals~~)) administrative review and hearings division within twenty-one calendar days after the service of the initial order on the community owner as described in subsection (8) of this ((~~section~~)) rule.

A form petition of review is available at (<http://dor.wa.gov>) [dor.wa.gov](http://dor.wa.gov). A request for review should state the reasons for the review.

The address, telephone number, and fax number of the ((~~appeals~~)) administrative review and hearings division are:

((~~Appeals~~))  
Administrative Review and Hearings Division  
Manufactured/Mobile Home Community Appeals  
Washington State Department of Revenue  
P.O. Box 47460  
Olympia, WA 98504-7460  
Telephone Number: 360-534-1335  
Fax: 360-534-1340

(a) A reviewing officer, who will be either the assistant director of the ((~~appeals~~)) administrative review and hearings division or such other person as designated by the director, will conduct a brief adjudicative proceeding and determine whether the initial order was correctly decided. The reviewing officer's review is limited to the written record.

(b) The agency record need not constitute the exclusive basis for the reviewing officer's decision. The reviewing officer will have the authority of a presiding officer.

(c) The order of the reviewing officer will be in writing and include a brief statement of the reasons for the decision, and it must be entered within thirty calendar days of the petition for review. The order will include a notice that judicial review may be available. The order of the reviewing officer represents a final order of the department. If a final order invalidates the department's action, the department may in its discretion initiate another action that corrects the defects in the prior action.

(5) Record in brief adjudicative proceedings. The record with respect to the brief adjudicative proceedings under RCW 34.05.482 through 34.05.494 will consist of:

(a) The record before the presiding officer: The record before the presiding officer consists of the notice of the department action; the community owner's appeal of the department action; all records relied upon by the department or submitted by the community owner related to the department's action; and all correspondence between the community owner and the department regarding the department's action.

(b) The record before the reviewing officer: The record before the reviewing officer consists of all documents included in the record before the presiding officer; the community owner's petition for review; and all correspondence between the community owner and the department regarding the community owner's petition for review.

(6) Court appeal. Court appeal from the final order of the department is available pursuant to Part V, chapter 34.05 RCW. However, court appeal may be available only if a review of the initial decision has been requested under subsection (4) of this ~~((section))~~ rule and all other administrative remedies have been exhausted. See RCW 34.05.534.

(7) Computation of time. In computing any period of time prescribed by this ~~((section))~~ rule or by the presiding officer or reviewing officer, the day of the act or event after which the designated period is to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or legal holiday.

(8) Service. All notices and other pleadings or papers filed with the presiding or reviewing officer must be served on the community owner, their representatives/agents of record, and the department.

(a) Service is made by one of the following methods:

- (i) In person;
- (ii) By first-class, registered or certified mail;
- (iii) By fax and same-day mailing of copies;
- (iv) By commercial parcel delivery company; or
- (v) By electronic delivery pursuant to RCW 82.32.135.

(b) Service by mail is regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service by electronic fax is regarded as completed upon the production by the fax machine of confirmation of transmission.

(d) Service by commercial parcel delivery is regarded as completed upon delivery to the parcel delivery company, properly addressed with charges prepaid.

(e) Service by electronic delivery is regarded as completed on the date that the department electronically sends the information to the parties or electronically notifies the parties that the information is available to be accessed by them.

(f) Service to a community owner, their representative/agent of record, the department, and presiding officer must be to the address shown on the form notice of appeal described in subsection (3) of this ~~((section))~~ rule.

(g) Service to the reviewing officer must be to the ~~((appeals))~~ administrative review and hearings division at the address shown in subsection (4) of this ~~((section))~~ rule.

(h) Where proof of service is required, the proofs of service must include:

- (i) An acknowledgment of service;
- (ii) A certificate, signed by the person who served the document(s), stating the date of service; that the person did serve the document(s) upon all or one or more of the parties of record in the proceeding by delivering a copy in person to (names); and that the service was accomplished by a method of service as provided in this subsection.

(9) Continuance. The presiding officer or reviewing officer may grant, in their sole discretion, a request for a continuance by motion of the community owner, the department, or on its own motion.

(10) Conversion of a brief adjudicative proceeding to a formal proceeding. The presiding officer or reviewing officer, in their sole discretion, may convert a brief adjudicative

proceeding to a formal proceeding at any time on motion of the community owner, the department, or the presiding/reviewing officer's own motion.

(a) The presiding/reviewing officer will convert the proceeding when it is found that the use of the brief adjudicative proceeding violates any provision of law, when the protection of the public interest requires the agency to give notice to and an opportunity to participate to persons other than the parties, and when the issues and interests involved warrant the use of the procedures of RCW 34.05.413 through 34.05.479.

(b) When a proceeding is converted from a brief adjudication to a formal proceeding, the director may become the presiding officer or may designate a replacement presiding officer to conduct the formal proceedings upon notice to the community owner and the department.

(c) In the conduct of the formal proceedings, WAC 458-20-1002 will apply to the proceedings.

AMENDATORY SECTION (Amending WSR 16-01-155, filed 12/21/15, effective 1/21/16)

**WAC 458-20-10201 Application process and eligibility requirements for reseller permits. (1) Introduction.** Reseller permits, issued by the department of revenue (department), replaced resale certificates as the documentation necessary to substantiate the wholesale nature of a sales transaction effective January 1, 2010. This rule explains the criteria under which the department will automatically issue a reseller permit, the application process for both contractors and taxpayers engaging in other business activities when the department does not automatically issue or renew a reseller permit, and the criteria that may result in the denial of an application for a reseller permit. Unique requirements and provisions apply to contractors. (See Part III of this rule.)

The information in this rule is organized into the following three parts:

- (a) Part I: General Information.
- (b) Part II: Businesses Other than Contractors.
- (c) Part III: Contractors.

(2) **Other rules that may apply.** Readers may want to refer to other rules for additional information, including those in the following list:

(a) WAC 458-20-102 (Reseller permits) which explains taxpayers' responsibilities regarding the use of reseller permits, sellers' responsibilities for retaining copies of reseller permits, and the implications for taxpayers not properly using reseller permits and sellers not obtaining copies of reseller permits from taxpayers;

(b) WAC 458-20-10202 (Brief adjudicative proceedings for matters related to reseller permits) which explains the process a taxpayer must use to appeal the department's denial of an application for a reseller permit; and

(c) WAC 458-20-192 (Indian-Indian country) which explains the extent of the state's authority to regulate and impose tax in Indian country.

(3) **Examples.** This rule contains examples that identify a number of facts and then state a conclusion. The examples should be used only as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

### Part I - General Information

**(101) Definitions.** For the purpose of this rule, the following terms will apply:

(a) **Consumer.** "Consumer" has the same meaning as under RCW 82.04.190.

(b) **Contractor.** A "contractor" is a person whose primary business activity is as a contractor as defined under RCW 18.27.010 or an electrical contractor as defined under RCW 19.28.006.

(c) **Gross income.** "Gross income" means gross proceeds of sales as defined in RCW 82.04.070 and value of products manufactured as determined under RCW 82.04.450.

(d) **Labor.** "Labor" is defined as the work of subcontractors (including personnel provided by temporary staffing companies) hired by a contractor to perform a portion of the construction services in respect to real property owned by a third party. In the case of speculative builders, labor includes the work of any contractor hired by the speculative builder. Labor does not include the work of taxpayer's employees. Nor does the term include architects, consultants, engineers, construction managers, or other independent contractors hired to oversee a project but who are not responsible for the construction of the project. However, for purposes of the percentage discussed in subsection (303)(a)(iii) of this rule, purchases of labor may include the wages of taxpayer's employees and amounts paid to consultants, engineers, construction managers or other independent contractors hired to oversee a project if all such purchases are commingled in the applicant's records and it would be impractical to exclude such purchases.

(e) **Materials.** "Materials" is defined as tangible personal property that becomes incorporated into the real property being constructed, repaired, decorated, or improved. Materials are the type of tangible personal property that contractors on retail construction projects purchase at wholesale, such as lumber, concrete, paint, wiring, pipe, roofing materials, insulation, nails, screws, drywall, and flooring material. Materials do not include consumable supplies, tools, or equipment, whether purchased or rented, such as bulldozers. However, for purposes of the percentage discussed in subsection (303)(a)(iii) of this rule, purchases of consumable supplies, tools, and equipment rentals may be included with material purchases if all such purchases are commingled in the applicant's records and it would be impractical to exclude such purchases.

(f) **Material misstatement.** "Material misstatement" is a false statement knowingly or purposefully made by the applicant with the intent to deceive or mislead the department.

(g) **Outstanding tax liability.** For the purpose of this rule, "outstanding tax liability" is any issued tax invoice that has not been paid in full on or before its stated due date. The definition excludes an invoice placed on hold by the department or where the department has executed a payment agreement with the taxpayer and the taxpayer is still in compliance with that agreement.

(h) **Reseller permit.** A "reseller permit" is the document issued to a taxpayer by the department, a copy of which the taxpayer provides to a seller to substantiate a wholesale purchase. A wholesale purchase is not subject to retail sales tax. RCW 82.04.060; 82.08.020.

(i) **Retail construction activity.** "Retail construction activity" means the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, on, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and it also includes the sale of services or charges made for the clearing of land and the moving of earth except the mere leveling of land used in commercial farming or agriculture. Retail construction activity generally involves residential and commercial construction performed for others, including road construction for the state of Washington. It generally includes construction activities that are not specifically designated as speculative building, government contracting, public road construction, logging road construction, radioactive waste cleanup on federal lands, or designated hazardous site clean up jobs.

(j) **Wholesale construction activity.** "Wholesale construction activity" means labor and services rendered for persons who are not consumers in respect to real property, if such labor and services are expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers.

**(102) Can any business obtain a reseller permit?** No. The legislature passed the act authorizing reseller permits to address the significant retail sales tax noncompliance problem resulting from both the intentional and unintentional misuse of resale certificates. The department will not issue a reseller permit unless the business substantiates that it is entitled to make wholesale purchases. Some businesses may not receive a reseller permit, and if they make wholesale purchases, they will need to pay retail sales tax to the seller and then claim a "taxable amount for tax paid at source" deduction on their excise tax return or request a refund from the department as discussed in subsection (205) of this rule.

**Example 1.** BC Interior Design (BC) arranges for its customers to order and pay for furniture, window treatments and other decorative items directly from vendors. As the customers purchase directly from the vendors, and BC does not purchase the items for resale to their customers, BC may not qualify for a reseller permit. BC must meet the criteria as discussed in subsection (203) of this rule, which includes reporting income from retailing, wholesaling, or manufacturing activities.

### Part II - Businesses Other than Contractors

#### **(201) How does a business obtain a reseller permit?**

The department may automatically issue a reseller permit to a business if it appears to the department's satisfaction, based on the nature of the business's activities and any other information available to the department, that the business is entitled to make purchases at wholesale.

Those businesses that do not receive an automatically issued reseller permit may apply to the department to obtain a reseller permit. Applications can be filed using the businesses' "My Account." If a paper application is needed, businesses can obtain one by calling 1-800-647-7706 (taxpayer services) or 360-902-7137 (taxpayer account administration). Completed paper applications should be mailed or faxed to the department at:

Taxpayer Account Administration  
Washington State Department of Revenue  
 P.O. Box 47476  
 Olympia, WA 98504-7476  
 Fax: 360-705-6733

**(202) When does a business apply for a reseller permit?** A business may apply for a reseller permit at any time.

**(203) What criteria will the department consider when deciding whether a business will receive a reseller permit?**

(a) Except as provided in (b) of this subsection, a business other than a contractor will receive a reseller permit if it satisfies the following criteria (contractors should refer to subsection (303) of this rule for an explanation of the requirements unique to them):

(i) The business has an active tax reporting account with the department;

(ii) The business has reported gross income on its excise tax returns covering a monthly or quarterly period during the immediately preceding six months or, if the business reports on an annual basis, on the immediately preceding annual excise tax return; and

(iii) Five percent or more of the business's gross income reported during the applicable six- or twelve-month period described in (a)(ii) of this subsection was reported under a retailing, wholesaling, or manufacturing business and occupation (B&O) tax classification.

(b) Notwithstanding (a) of this subsection, the department may deny an application for a reseller permit if:

(i) The department determines that an applicant is not entitled to make purchases at wholesale or is otherwise prohibited from using a reseller permit based on the nature of the applicant's business;

(ii) The applicant has been assessed the penalty for the misuse of a resale certificate or a reseller permit;

(iii) The application contains any material misstatement;

(iv) The application is incomplete;

(v) The applicant has an outstanding tax liability due to the department; or

(vi) The department determines that denial of the application is in the best interest of collecting the taxes due under Title 82 RCW.

(c) The department's decision to approve or deny an application may be based on excise tax returns previously filed with the department by the applicant, a current or previous examination of the applicant's books and records by the department, information provided by the applicant in the master application and the reseller permit application, and other information available to the department.

(d) In the event that a business has reorganized, the new business resulting from the reorganization may be denied a reseller permit if the former business would not have qualified for a reseller permit under (a) or (b) of this subsection. For purposes of this subsection, "reorganize" means:

(i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly;

(ii) A mere change in identity or form of ownership, however effected; or

(iii) The new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

**(204) What if I am a new business and don't have a past reporting history?** New businesses will generally be issued permits if they indicate they will engage in activity taxable under a retailing, wholesaling, or manufacturing B&O tax classification.

**(205) What if I don't get a reseller permit and some of my purchases qualify as wholesale purchases?** Some taxpayers that do not qualify for a reseller permit make occasional wholesale purchases. In these circumstances, the taxpayer must pay retail sales tax on these purchases and then claim a "taxable amount for tax paid at source" deduction on its excise tax return. However, such a deduction in respect to the purchase of services is not permitted if the services are not of a type that can be sold at wholesale under the definition of wholesale sale in RCW 82.04.060.

Alternatively, the taxpayer may request a refund from the department of retail sales tax it paid on purchases that are later resold without being used (intervening use) by the taxpayer or for purchases that would otherwise have met the definition of wholesale sale if the taxpayer had provided the seller with a reseller permit or uniform exemption certificate as authorized in RCW 82.04.470. For instructions on requesting a refund see WAC 458-20-229.

### Part III - Contractors

**(301) How does a contractor obtain a reseller permit?**

The department may automatically issue a reseller permit to a contractor if the department is satisfied that the contractor is entitled to make purchases at wholesale and that issuing the reseller permit is unlikely to jeopardize collection of sales taxes due based on the criteria discussed in subsection (303) of this rule.

Contractors that do not receive an automatically issued reseller permit may apply to the department to obtain a reseller permit in the same manner as provided in subsection (201) of this rule. However, the application identifies information specific to contractors that must be provided.

**(302) When does a contractor apply for a reseller permit?** The same guidelines for business applicants as provided in subsection (202) of this rule also apply to contractor applicants.

**(303) What are the criteria specific to contractors to receive a reseller permit?**

(a) The department may issue a permit to a contractor that:

(i) Provides a completed application with no material misstatement as that term is defined in this rule;

(ii) Demonstrates it is entitled to make purchases at wholesale; and

(iii) Reported on its application at least twenty-five percent of its total dollar amount of material and labor purchases in the preceding twenty-four months were for retail and wholesale construction activities performed by the contractor.

The department may approve an application not meeting these criteria if the department is satisfied that approval is unlikely to jeopardize collection of the taxes due under Title 82 RCW.

(b) If the criteria in (a) of this subsection are satisfied, the department will then consider the following factors to determine whether to issue a reseller permit to a contractor:

(i) Whether the contractor has an active tax reporting account with the department;

(ii) Whether the contractor has reported gross income on its excise tax returns covering a monthly or quarterly period during the immediately preceding six months or, if the contractor reports on an annual basis, on the immediately preceding annual excise tax return;

(iii) Whether the contractor has the appropriate certification and licensing with the Washington state department of labor and industries;

(iv) Whether the contractor has been assessed the penalty for the misuse of a resale certificate or a reseller permit;

(v) Whether the contractor has an outstanding tax liability due to the department; and

(vi) Any other factor resulting in a determination by the department that denial of the contractor's application is in the best interest of collecting the taxes due under Title 82 RCW.

(c) The department's decision to approve or deny an application may be based on the same materials and information as discussed in subsection (203)(c) of this rule.

(d) The provisions of subsection (203)(d) of this rule apply equally to contractors.

**Example 2.** DC Contracting is a speculative home-builder and also purchases houses to renovate and sell, sometimes referred to as flipping. A speculative builder is the consumer of all materials incorporated into the real estate including houses purchased for flipping. Retail sales tax is owed on all supplies and services DC Contracting purchases, unless there is an applicable exemption. DC Contracting would not qualify for a reseller permit under these facts.

**(304) What if a contractor does not obtain a reseller permit and some of its purchases do qualify as wholesale purchases?** The provisions of subsection (205) of this rule apply equally to contractors.

AMENDATORY SECTION (Amending WSR 12-11-007, filed 5/3/12, effective 6/3/12)

**WAC 458-20-10202 Brief adjudicative proceedings for matters related to reseller permits. (1) Introduction.** The department of revenue (department) conducts adjudicative proceedings pursuant to chapter 34.05 RCW, the Administrative Procedure Act (APA). The department adopts in this ~~((section))~~ rule the brief adjudicative procedures as provided in RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings for the following matters related to reseller permits:

(a) A determination of whether an applicant for a reseller permit meets the criteria for a reseller permit per WAC 458-20-10201;

(b) On the administrative appeal of an initial order denying the taxpayer's application for a reseller permit, a determination as to whether the department's order denying the appli-

cation was correctly based on the criteria for approving reseller permits as set forth in WAC 458-20-10201;

(c) A determination of whether a reseller permit should be revoked using the criteria per RCW 82.32.780 and WAC 458-20-102; and

(d) On the administrative appeal of an initial order revoking the taxpayer's reseller permit, a determination as to whether the department's order revoking the permit was correctly based on the criteria as set forth in RCW 82.32.780 and WAC 458-20-102.

This ~~((section))~~ rule explains the procedure and process pertaining to the adopted brief adjudicative proceedings.

**(2) Record in brief adjudicative proceedings.**

(a) The record with respect to a taxpayer's appeal per RCW 34.05.482 through 34.05.485 of the department's denial of an application for a reseller permit will consist of:

(i) The taxpayer's application for the reseller permit, the taxpayer's notice of appeal, the taxpayer's written response, if any, to the reasons set forth in the department's notice of denial of a reseller permit, all records relied upon by the department or submitted by the taxpayer; and

(ii) All correspondence between the taxpayer requesting the reseller permit and the department regarding the application for the reseller permit.

(b) The record with respect to a taxpayer's appeal per RCW 34.05.482 through 34.05.485 of the department's initial order revoking a reseller permit will consist of the department's notice of intent to revoke the reseller permit, the taxpayer's written response to the department's notice of intent to revoke, the taxpayer's notice of appeal, and all records relied upon by the department, or submitted by the taxpayer.

**(3) Conduct of brief adjudicative proceedings.**

(a) If the department denies an application for a reseller permit, it will notify the taxpayer of the denial in writing, stating the reasons for the denial. To initiate an appeal of the denial of the reseller permit application, the taxpayer must file a written appeal no later than twenty-one days after service of the department's written notice that the taxpayer's application has been denied.

(b) If the department proposes to revoke a reseller permit, it will notify the taxpayer of the proposed revocation in writing, stating the reasons for the proposed revocation. To contest the proposed revocation of the reseller permit, the taxpayer must file a written response no later than twenty-one days after service of the department's written notice of the proposed revocation of the reseller permit.

(c) A Reseller Permit Appeal Petition form, or form for a response to the proposed revocation of a reseller permit is available at (~~(http://dor.wa.gov)~~) [dor.wa.gov](http://dor.wa.gov) or by calling 1-800-647-7706. The completed form should be mailed or faxed to the department at:

Washington State Department of Revenue  
Taxpayer Account Administration  
P.O. Box 47476  
Olympia, WA 98504-7476  
Fax: 360-705-6733

(d) A presiding officer, who will be either the assistant director of the taxpayer account administration division or such other person as designated by the director of the depart-

ment (director), will conduct brief adjudicative proceedings. The presiding officer for brief adjudicative proceedings will have agency expertise in the subject matter but will not otherwise have participated in responding to the taxpayer's application for a reseller permit or in the decision to propose revocation of the taxpayer's reseller permit.

(e) As part of the appeal, the taxpayer or the taxpayer's representative may present written documentation and explain the taxpayer's view of the matter. The presiding officer may request additional documentation from the taxpayer or the department and will designate the date by which the documents must be submitted.

(f) No witnesses may appear to testify.

(g) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(h) Within twenty-one days of receipt of the taxpayer's appeal of the denial of a reseller permit or proposed revocation of the reseller permit, the presiding officer will enter an initial order, including a brief explanation of the decision per RCW 34.05.485. All orders in these brief adjudicative proceedings will be in writing. The initial order will become the department's final order unless an appeal is filed with the department's ~~((appeals))~~ administrative review and hearings division in subsection (4) of this ~~((section))~~ rule.

(4) **Review of initial orders from brief adjudicative proceeding.** A taxpayer may request a review by the department of an initial order issued per subsection (3) of this ~~((section))~~ rule by filing a petition for review or by making an oral request for review with the department's ~~((appeals))~~ administrative review and hearings division within twenty-one days after the service of the initial order on the taxpayer. A form for an appeal of an initial order per subsection (3) of this ~~((section))~~ rule is available at (<http://dor.wa.gov>) dor.wa.gov. A request for review should state the reasons the review is sought. A taxpayer making an oral request for review may at the same time mail a written statement to the address below stating the reasons for the appeal and its view of the matter. The address, telephone number, and fax number of the ~~((appeals))~~ administrative review and hearings division are:

~~((Appeals))~~  
Administrative Review and Hearings Division,  
 Reseller Permit Appeals  
Washington State Department of Revenue  
 P.O. Box ~~((47476))~~ 47460  
 Olympia, WA ~~((98504-7476))~~ 98504-7460  
 Telephone Number: ~~((1-800-647-7706))~~ 360-534-1335  
 Fax: ~~((360-705-6733))~~ 360-534-1340

(a) A reviewing officer, who will be either the assistant director of the ~~((appeals))~~ administrative review and hearings division or such other person as designated by the director, will conduct brief adjudicative proceedings and determine whether the department's initial order issued per subsection (3) of this ~~((section))~~ rule was correctly based on the criteria set forth in RCW 82.32.780, WAC 458-20-102, and 458-20-10201. The reviewing officer will review the record and, if needed, convert the proceeding to a formal adjudicative proceeding.

(b) The agency record need not constitute the exclusive basis for the reviewing officer's decision. The reviewing officer will have the authority of a presiding officer.

(c) The order of the reviewing officer will be in writing and include a brief statement of the reasons for the decision, and it must be entered within twenty days of the petition for review. The order will include a notice that judicial review may be available. The order of the reviewing officer represents the final decision of the department.

(d) A request for administrative review is deemed denied if the department does not issue an order on review within twenty days after the petition for review is filed or orally requested.

(5) **Conversion of a brief adjudicative proceeding to a formal proceeding.** The presiding officer or reviewing officer may convert the brief adjudicative proceeding to a formal proceeding at any time on motion of the taxpayer, the department, or the presiding/reviewing officer's own motion.

(a) The presiding/reviewing officer will convert the proceeding when it is found that the use of the brief adjudicative proceeding violates any provision of law, when the protection of the public interest requires the agency to give notice to and an opportunity to participate to persons other than the parties, and when the issues and interests involved warrant the use of the procedures of RCW 34.05.413 through 34.05.479.

(b) When a proceeding is converted from a brief adjudication to a formal proceeding, the director may become the presiding officer or may designate a replacement presiding officer to conduct the formal proceedings upon notice to the taxpayer and the department.

(c) In the conduct of the formal proceedings, WAC 458-20-10002 will apply to the proceedings.

(6) **Court appeal.** Court appeal from the final order of the department is available pursuant to Part V, chapter 34.05 RCW. However, court appeal may be available only if a review of the initial decision has been requested under subsection (4) of this ~~((section))~~ rule and all other administrative remedies have been exhausted. See RCW 34.05.534.

(7) **Computation of time.** In computing any period of time prescribed by this ~~((section))~~ rule or by the presiding officer, the day of the act or event after which the designated period is to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and holidays are excluded in the computation. Service as discussed in subsection (8) of this ~~((section))~~ rule is deemed complete upon mailing.

(8) **Service.** All notices and other pleadings or papers filed with the presiding or reviewing officer must be served on the taxpayer, their representatives/agents of record, and the department.

(a) Service is made by one of the following methods:

- (i) In person;
- (ii) By first-class, registered or certified mail;
- (iii) By fax and same-day mailing of copies;
- (iv) By commercial parcel delivery company; or
- (v) By electronic delivery pursuant to RCW 82.32.135.

(b) Service by mail is regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service by electronic fax is regarded as completed upon the production by the fax machine of confirmation of transmission.

(d) Service by commercial parcel delivery is regarded as completed upon delivery to the parcel delivery company, properly addressed with charges prepaid.

(e) Service by electronic delivery is regarded as completed on the date that the department electronically sends the information to the parties or electronically notifies the parties that the information is available to be accessed by them.

(f) Service to a taxpayer, their representative/agent of record, the department, and presiding officer must be to the address shown on the notice described in subsection (3)(a) of this ~~((section))~~ rule.

(g) Service to the reviewing officer must be to the ~~((appeals))~~ administrative review and hearings division at the address shown in subsection (4) of this ~~((section))~~ rule.

(h) Where proof of service is required, the proofs of service must include:

(i) An acknowledgment of service;

(ii) A certificate, signed by the person who served the document(s), stating the date of service; that the person did serve the document(s) upon all or one or more of the parties of record in the proceeding by delivering a copy in person to (names); and that the service was accomplished by a method of service as provided in this subsection.

(9) **Continuance.** The presiding officer or reviewing officer may grant a request for a continuance by motion of the taxpayer, the department, or on its own motion.

AMENDATORY SECTION (Amending WSR 14-03-081, filed 1/15/14, effective 2/15/14)

**WAC 458-20-273 Renewable energy system cost recovery.** (1) **Introduction.** This rule explains the renewable energy system cost recovery program provided in RCW 82.16.110 through ~~((82-16-130-82-16-130))~~ 82.16.130. This program authorizes an incentive payment based on production to offset the costs associated with the purchase of renewable energy systems located in Washington state that generate electricity. Qualified renewable energy systems include:

- Solar energy systems;
- Wind generators; and

• Certain types of anaerobic digesters that process manure from livestock into biogas and dried manure using microorganisms in a closed oxygen-free container, in which the biogas (such as methane) fuels a generator that creates electricity.

(2) This rule is divided into eight different parts based on subject matter category. The eight parts to this rule are as follows:

- Part I - Definitions;
- Part II - Participation requirements;
- Part III - Application requirements;
- Part IV - General provisions;
- Part V - Computation of the amount of the incentive payment;

- Part VI - Manufactured in Washington state;
- Part VII - Tax issues;
- Part VIII - Appeal rights.

#### PART I - DEFINITIONS

The definitions in this part apply throughout this rule unless the context clearly requires otherwise.

(101) **"Administrator"** means an owner and assignee of a community solar project defined in (103)(a) and (c) of this part, that is responsible for applying for the cost recovery incentive on behalf of the system's owners and performing such administrative tasks on behalf of the owners as may be necessary; such as receiving the cost recovery incentive payments, and allocating and paying appropriate amounts of such payments to the owners.

(102) **"Applicant"** has the following three meanings in this definition.

(a) For other than community solar projects, applicant means an individual, business, or local government that owns the renewable energy system that qualifies under the definition of "customer-generated electricity."

(b) For purposes of a community solar project defined in (103)(a) or (c) of this part, the administrator, defined in (101) of this part, is the applicant.

(c) For purposes of a utility-owned community solar project defined in (103)(b) of this part, the utility will act as the applicant for its ratepayers that provide financial support to participate in the project.

(103) **"Community solar project"** means any one of the three definitions, below:

(a) A solar energy system located in Washington state that is capable of generating up to seventy-five kilowatts of electricity and is owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned in fee simple by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business.

(b) A utility-owned solar energy system located in Washington state that is capable of generating up to seventy-five kilowatts of electricity and that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for their share of the value of the electricity generated by the solar energy system.

(c) A solar energy system located in Washington state, placed on the property owned in fee simple by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business, that is capable of generating up to seventy-five kilowatts of electricity, and that is owned by a company whose members are each eligible for a cost recovery incentive payment for the same customer-generated electricity as defined in (105) of this part.

(i) The cooperating local governmental entity that owns the property on which the solar energy system is located may also be a member of the company.

(ii) A member may hold an interest in the company constituting ownership of either a portion of the solar energy system or a portion of the value of the electricity generated by the solar energy system, or both.



(104) For purposes of "**community solar project**" as defined in (103) of this part, the following definitions apply.

(a) "**Capable of generating up to seventy-five kilowatts of electricity**" means that the solar energy system will qualify if it generates seventy-five kilowatts of electricity or less. If the solar energy system or a community solar project produces more than seventy-five kilowatts the entire project is ineligible for the incentive payment program.

(b) "**Company**" means an entity that is:

(i)(A) A limited liability company created under the laws of Washington state;

(B) A cooperative formed under chapter 23.86 RCW; or

(C) A mutual corporation or association formed under chapter 24.06 RCW; and

(ii) Not a "utility" as defined in (g) of this part.

(iii) A limited partnership, trust, or other entity not listed in (b)(i)(A) through (C) of this part does not qualify as a "company."

(c) "**Local individuals, households, nonprofit organizations, or nonutility businesses**" mean two or more individuals, households, nonprofit organizations, or nonutility businesses that reside on a property or have a business located on a property within the service area of the light and power business where the renewable energy system is located.

(d) "**Nonprofit organization**" means an organization exempt from taxation under 26 U.S.C. Sec. 501 (c)(3) of the federal Internal Revenue Code of 1986, as amended, as of January 1, 2009.

(e) "**Owned in fee simple**" means the broadest property interest allowed by law.

(f) "**Solar energy system**" includes both a module-based solar energy system and a stirling converter-based solar energy system.

(g) "**Utility**" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

(105) "**Customer-generated electricity**" means a community solar project or the alternating current electricity that is generated from a renewable energy system located in Washington state, that is installed on an individual's, business', or local government's property and the property involved is served by a light and power business.

(a) Except for utility-owned community solar systems, a system located on a leasehold interest does not qualify under this definition.

(b) Except for a utility-owned solar energy system that is voluntarily funded by the utility's ratepayers, "customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt hours of annual sales or a gas distribution business.

(106) "**Local governmental entity**" means any unit of local government of Washington state.

(a) **What is an example of a local governmental entity?** A local governmental entity includes, but is not limited to:

- Counties;
- Cities;
- Towns;
- Municipal corporations;

- Quasi-municipal corporations;
- Special purpose districts;
- Public stadium authorities; or
- Public school districts.

(b) **What is not a local governmental entity?** "Local governmental entity" does not include a state, federal, or tribal governmental entity, such as a:

- State park;
- State-owned building;
- State-owned university;
- State-owned college;
- State-owned community college;
- Federal-owned building; and
- Tribal-owned building.

(107) "**Light and power business**" means the business of operating a plant or system of generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(108) "**Gas distribution business**" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(109) "**Photovoltaic cell**" means a device that converts light directly into electricity without moving parts.

(110) "**Renewable energy system**" means:

- A solar energy system used in the generation of electricity;
- An anaerobic digester that processes livestock manure into biogas and dried manure using microorganisms in a closed oxygen-free container, in which the biogas (such as methane) fuels a generator that creates electricity; or
- A wind generator used for producing electricity.

(111) "**Solar energy system**" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(112) "**Solar inverter**" means the device used to convert direct current to alternating current in a solar energy system.

(113) "**Solar module**" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(114) "**Stirling converter**" means a device that produces electricity by converting heat from a solar source using a stirling engine.

## PART II - PARTICIPATION REQUIREMENTS

(201) Participation by a light and power business in this incentive payment program is voluntary.

(202) Any individual, business, local government, or participant in a qualifying community solar project that owns such a system or is a participant of a community solar project that owns such a system may participate in this incentive payment program.

(203) A state governmental entity, a federal governmental entity, or a tribal governmental entity cannot participate in the incentive payment program.

(204) **Who may receive an incentive payment?** Incentive payments may be received by:

- Customers of a light and power business that own a renewable energy system that produces "customer-generated electricity"; or
- Participants in a community solar project that owns a renewable energy system that produces "customer-generated electricity."

(205) **Must the owner of the property on which the renewable energy system is located ((be)) by a customer of the light and power business?** Yes, only renewable energy systems that produce "customer-generated electricity" located on interconnected properties owned by customers of the light and power business serving the area in which the system is located are eligible for participation in this incentive program.

(206) Electricity generated by the renewable energy system must be able to be transformed or transmitted for entry into or operated in parallel with electricity transmission and distribution systems.

(207) In the case of community solar projects, the property on which the renewable energy system is located is either:

- Owned in fee simple by a hosting local governmental entity; or
- Owned or leased by the utility that owns the system.

(208) The host of a community solar project must be:

- A customer of the light and power business serving the area in which the system is located; or
- The utility that owns the system located in its service area.

(209) The participants in a nonutility community solar project are not required to be customers of the light and power business serving the area in which the system is located but the local governmental entity hosting the community solar system must be a customer of that light and power business.

(210) Utility-owned community solar projects are voluntarily funded by the utility's ratepayers and only the utility's ratepayers may be participants.

(211) Eligible participants of a nonutility community solar project described under RCW 82.16.110 (2)(a)(i) are limited to local individuals, households, nonprofit organizations, or nonutility businesses. Therefore, to qualify:

- As "local" the participant must reside or have a business located on a property served by the same light and power business serving the area in which the system is located; and
- If two or more individuals are living together in one household with one customer account with the light and power business these individuals are in one household and though they may each individually participate in this program these same individuals living together in the one household will only receive one five thousand dollar annual limit.

(212) Eligible participants of a nonutility community solar project that are business entities, such as a limited liability company or a corporation, will be analyzed for participant eligibility and the five thousand dollar annual limit by looking through the business entity to the members or stockholders that own the business entity.

### PART III - APPLICATION REQUIREMENTS

(301) **To whom do I apply?** An applicant must apply to the light and power business serving the property on which the renewable energy system is located. The applicant applies for an incentive payment based on the measured customer-generated electricity during each fiscal year beginning on July 1st and ending on June 30th.

(302) **Do I need an approved certification before applying to the light and power business?** Before submitting the first application to the light and power business for the incentive payment allowed under this ((section)) rule, the applicant must submit to the department of revenue a certification in a form and manner prescribed by the department of revenue.

(a) There are two forms for this certification, found at the department of revenue's web site at ((<http://dor.wa.gov>)) [dor.wa.gov](http://dor.wa.gov), entitled:

- Community Solar Project Renewable Energy System Cost Recovery Certification; and
- Renewable Energy System Cost Recovery Certification.

(b) The department of revenue will evaluate these certifications and may request assistance from the climate and rural energy development center (also known as the Washington State University extension energy program) concerning technical equipment requirements.

(c) In the case of community solar projects:

- Only one certification can be obtained for each system;
- Applicants may rely upon a prior issued certification of the system;
- The administrator must apply for approval of the certification if it is a community solar project placed on property owned by a cooperating local government and owned by individuals, households, nonprofit organizations, or nonutility businesses;

- The company acting as an administrator must apply for approval of the certification if it is a community solar project placed on property owned by a cooperating local government and owned by a company; and

- The utility acting as administrator must apply for approval of the certification if it is a utility-owned community solar project on property owned or leased by the utility.

(d) **Property purchased with existing system.** Except for community solar projects, if an applicant has just purchased a property with a certified renewable energy system, the applicant must submit a new certification to the department of revenue.

(e) **Additions or changes to an existing certified system.** If the owner of an existing certified system adds to or makes other changes to the system, then the owner must apply to the department of revenue for approval of a new certification.

(f) **Requirements of the certification.** The certification must contain, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system:

(A) The applicant must be the owner of the renewable energy system, the administrator of a community solar project, or the company that owns the system in a company-owned community solar project.

(B) If the applicant is an administrator of a community solar project, the certification must also include the current name and address of each of the participants in the community solar project.

(C) If the applicant is a company that owns a community solar project that is acting as an administrator, the certification must also include the current name and address of each member of the company that is a participant in the community solar project.

(ii) The applicant's tax registration number;

(iii) Confirmation that the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) A wind generator powered by blades manufactured in Washington state;

(B) A wind generator with an inverter manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state;

(E) A solar stirling converter manufactured in Washington state;

(F) Solar or wind equipment manufactured outside of Washington state; or

(G) An anaerobic digester which processes manure from livestock into biogas and dried manure using microorganisms in a closed oxygen-free container, in which the biogas (such as methane) fuels a generator that creates electricity.

(iv) Confirmation that the electricity can be transformed or transmitted for entry into or operation in parallel with the electricity transmission and distribution systems;

(v) The date that the local jurisdiction issued its final electrical permit on the renewable energy system; and

(vi) A statement that the applicant understands that this information is true, complete, and correct to the best of applicant's knowledge and belief under penalty of perjury.

(g) **Response from the department of revenue.** Within thirty days of receipt of the certification the department of revenue must notify the applicant whether the renewable energy system qualifies for an incentive payment under this ((section)) rule. This notification may be delivered either by mail or electronically as provided in RCW 82.32.135.

(i) The department of revenue may consult with the climate and rural energy development center (also known as the Washington State University extension energy program) for technical advice regarding the renewable energy system and its components.

(ii) System certifications and the information contained therein are subject to disclosure under RCW 82.32.330 (3)(1).

(h) **What happens if the department of revenue notifies me that the original certification does not qualify for an incentive payment or provides me notice of intent to revoke approval of a certification?** The department of revenue may deny or revoke the approval of a system's certification and you may appeal this final determination. The appeal provisions under Part VIII of this rule apply here.

(303) **How often do I apply to the light and power business?** You must annually apply by August 1st of each year to the light and power business serving the location of your renewable energy system. The incentive payment

applied for covers the production of electricity by the system between July 1st and June 30th of each prior fiscal year.

(304) **What about the application to the light and power business?** The department of revenue has two application forms for use by customers when applying for the incentive payment with their light and power business. These applications found at the department of revenue's web site at ((www.dor.wa.gov)) [dor.wa.gov](http://dor.wa.gov), are entitled:

- Community Solar Project Renewable Energy System Cost Recovery Annual Incentive Payment Application; and

- Renewable Energy System Cost Recovery Annual Incentive Payment Application.

However, individual light and power businesses may create their own forms or use the department of revenue's form in conjunction with their additional addendums.

(a) **Information required on the application to the light and power business.** The application must include, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system:

(A) If the applicant is an administrator of a community solar project, the application must also include the current name and address of each of the participants in the community solar project.

(B) If the applicant is a company that owns a community solar project that is acting as an administrator, the application must also include the current name and address of each member of the company that is a participant in the community solar project.

(C) If the applicant is the utility involved with a utility-owned community solar project that is acting as an administrator, the application must also include the current name and address of each customer-ratepayer participating in the community solar project.

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this ((section)) rule;

(iv) A statement of the amount of gross kilowatt-hours generated by the renewable energy system in the prior fiscal year; and

(v) A statement that the applicant understands that this information is provided to the department of revenue in determining whether the light and power business correctly calculates its credit allowed for customer incentive payments and that the statements are true, complete, and correct to the best of applicant's knowledge and belief under penalty of perjury.

(b) **Light and power business response.** Within sixty days of receipt of the incentive payment application the light and power business serving the location of the system must notify the applicant in writing whether the incentive payment will be authorized or denied.

(i) The light and power business may consult with the climate and rural energy development center (also known as the Washington State University extension energy program) to receive technical advice regarding this incentive payment program.

(ii) Incentive payment applications and the information contained therein are subject to disclosure under RCW 82.32.330 (3)(l).

(c) **Light and power business may verify whether your renewable energy system's generated electricity can be transformed or transmitted for entry into or operation in parallel with the electricity transmission and distribution systems.** If your light and power business finds your renewable energy system's generated electricity cannot be transformed or transmitted for entry into or operation in parallel with the electricity transmission and distribution systems, then the determination by the light and power business will be controlling. The fact that the system has received a certification for this incentive program has no impact on this determination.

(305) **What are the procedures an applicant and their light and power business follow in setting up incentive payments?** This ((section)) rule first discusses procedures an applicant follows when requesting that the light and power businesses set up an applicant's incentive payments and then discusses the procedures the light and power business follows.

(a) **Steps an applicant must take if the light and power business is voluntarily participating in the incentive program include, but are not limited to:**

- Submitting an application to the light and power business that serves the property where the renewable energy system is located;
- Submitting to the light and power business proof that the applicant's renewable energy system certification was approved by the department of revenue for the incentive payment program;
- Submitting to the light and power business a copy of the approved certification and letter from the department of revenue; and
- Signing an agreement that the light and power business will provide to the applicant.

(b) **Steps the applicant's local light and power business must take if it is voluntarily participating in the incentive program include, but are not limited to:**

- Measure the system's annual gross production by the light and power business' standard operating procedure;
- Processing the annual incentive payment;
- Notifying the applicant within sixty days whether the incentive payment is authorized or denied;
- Calculating annual incentive payments based on the system's measured annual gross production; and
- Paying the applicant's incentive payment on or before December 15th.

The light and power business may pay the applicant's incentive payment by either sending a check or crediting the applicant's account. However, if the applicant is a net generator, that applicant must be paid by check.

(306) **How may the procedures differ when dealing with a utility-owned solar energy system?** A utility-owned community solar project is voluntarily funded by ratepayers of the specific utility offering the program. A utility for purposes of this incentive program is a specific type of light and power business, electric cooperative, or mutual corporation that provides retail electric service to customers. A light and

power business, electric cooperative, or mutual corporation that generates electricity but only sells power to wholesale customers does not qualify as a utility for this incentive program. Only customer-ratepayers of that utility may participate in the program. In exchange for a customer's support, the utility gives contributors a payment or credit on their utility bills for the value of the electricity produced by the project. It is important that the customer-ratepayers realize when contributing to this program, they are in effect investing in the utility to receive a stated "value." This value is defined in the agreement between the customer-ratepayers and the utility and this agreement is a contract. Customer-ratepayers need to protect their interest in this investment the same as a person would in any other investment.

(307) **What is the formal agreement between the applicant and the light and power business?** The formal agreement between the applicant and the light and power business serving the property governs the relationship between the parties. This document may:

- Contain the necessary safety requirements and interconnection standards;
- Allow the light and power business the contractual right to review the applicant's substantiation documents for four years, upon five working days' notice;
- Allow the light and power business the contractual right to assess against the applicant, with interest, for any overpayment of incentive payments;
- Delineate any extra metering costs for an electric production meter to be installed on the applicant's property;
- Contain a statement allowing the department of revenue to send proof of the applicant's system certification electronically to applicant's light and power business, which will include the applicant's department of revenue taxpayer's identification number;
- Contain other information required by the light and power business to effectuate and properly process the applicant's incentive payment; and
- In the case of a utility-owned solar energy system, contain a detailed description of the "value" the customer-ratepayer will receive in consideration of the financial support given to the utility.

#### PART IV - GENERAL PROVISIONS

(401) **Is there a time limitation of when incentive payment may be made for a system's generated electricity?** Yes, incentive payments may only be made for kilowatt-hours generated on or after July 1, 2005, through June 30, 2020. The right to earn tax credits under this ((section)) rule expires June 30, 2020. Credits may not be claimed after June 30, 2021.

(402) **Who must own the property on which the renewable energy system is located to qualify for incentive payments?** The answer depends on whether the renewable energy system is singly owned or community owned.

(a) Single-owned systems, meaning systems owned by individuals, businesses, and a local governmental entity that is not in the light and power business, must be located on property owned by the same person that owns the system. Thus, single-owned systems must have a unity of ownership

between the owned property on which the system is located and the owned system.

(b) There are three types of community solar projects that have different property ownership requirements.

- The standard community solar project described by RCW 82.16.110 (2)(a)(i) and the company-owned community solar project described in RCW 82.16.110 (2)(a)(iii) require that the hosting local governmental entity own the property on which the system is located in fee simple. A solar energy system located on property owned in fee simple by a cooperating local governmental entity that is owned by local individuals, households, nonprofit organizations, nonutility businesses or companies will qualify for the incentive program.

- The utility-owned community solar project described in RCW 82.16.110 (2)(a)(ii) requires that the utility either own or lease the property on which the system is located.

(403) **Must the renewable energy system be owned or can it be leased?** The renewable energy system must be owned by the customer receiving the incentive payments from a single-owned system's generated electricity or by the community solar project's company, utility owner, or local owners receiving the incentive payments from a community-owned system's generated electricity. Leasing a renewable energy system does not constitute ownership.

(404) **May the purchase of the renewable energy system be financed?** Yes, the purchase of a renewable energy system through financing that uses standard practices of the lending industry will not disqualify the owner from participation in this incentive program.

(405) **Must you keep records regarding your incentive payments?** Applicants receiving incentive payments must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received.

(a) **Examination of records.** Such records must be open for examination at any time upon notice by the light and power business that made the payment or by the department of revenue.

(b) **Overpayment.** If upon examination of any records or from other information obtained by the light and power business or department of revenue it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the light and power business may assess against the person the amount found to have been paid in excess of the correct amount of the incentive payment. Interest will be added to that amount in the manner that the department of revenue assesses interest upon delinquent tax under RCW 82.32.050.

(c) **Underpayment.** If it appears that the amount of incentive paid is less than the correct amount of incentive payable, the light and power business may authorize additional payment.

(406) **Do condominiums or community solar projects need more than one meter?** No, the requirement of measuring the kilowatt hours of customer-generated electricity for computing the incentive payments only requires one meter for the renewable energy system, not one meter for each owner, in the case of a condominium, or each applicant, in the case of a community solar project. Thus for example, in the

case of a renewable energy system on a condominium with multiple owners, while such a system would not qualify as a community solar project, only one meter is needed to measure the system's gross generation and then each owner's share can be calculated by using each owner's percentage of ownership in the condominium building on which the system is located. With regard to a community solar project, only one meter is needed to measure the system's gross generation and each applicant's share in the project can be calculated by each applicant's interest in the project.

(407) **When community solar projects are located on the same property, how do you determine whether their systems are one combined system or separate systems for determining the seventy-five kilowatts limitation?** In determining whether a community solar project's system is capable of generating more than seventy-five kilowatts of electricity when more than one community solar project is located on one property, the department of revenue will treat each project's system as separate from the other projects if there are:

- Separate meters;
- Separate inverters;
- Separate certification documents submitted to the department of revenue; and
- Separate owners in each community solar project, except for utility-owned systems that are voluntarily funded by the utility's ratepayers, which must have a majority of different ratepayers funding each system.

(408) **Are the renewable energy system's environmental attributes transferred?** The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive. RCW 82.16.120(8). An environmental attribute is often designated as a renewable energy credit and gives the holder of the credit the benefits from the generation of the new power from a renewable source. In the case of utility-owned community solar system, the utility involved owns the environmental attributes of the renewable energy system.

#### PART V - COMPUTATION OF THE AMOUNT OF THE INCENTIVE PAYMENT

(501) **How is an incentive payment computed?** The computation for the incentive payment involves a base rate that is multiplied by an economic development factor determined by the amount of the system's manufacture in Washington state to determine the incentive payment rate. The incentive payment rate is then multiplied by the system's gross kilowatt-hours generated to determine the incentive payment.

(a) **Determining the base rate.** The first step in computing the incentive payment is to determine the correct base rate to apply, specifically:

- Fifteen cents per economic development kilowatt-hour;
- or
- Thirty cents per economic development kilowatt-hour for community solar projects.

If requests for incentive payments exceed the amount of funds available for credit to the participating light and power

business, the incentive payments must be reduced proportionately.

(b) **Economic development factors.** For the purposes of this computation, the base rate paid for the investment cost recovery incentive may be multiplied by the following economic development factors:

(i) For customer-generated electricity produced using solar modules or stirling converters manufactured in Washington state, two and four-tenths;

(ii) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(iii) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment, or using a wind generator equipped with blades manufactured in Washington state, one; and

(iv) For all other customer-generated electricity produced by wind, eight-tenths.

(c) **What if a renewable energy system has both a module and inverter manufactured in Washington state, both a stirling converter and inverter manufactured in Washington state, or both blades and inverter manufactured in Washington state?** In these three situations the above-described economic development factors are added together. For example, if your system is solar and has both

solar modules and an inverter manufactured in Washington state, you would compute your incentive payment by using the factor three and six-tenths (3.6) (computed 2.4 plus 1.2). Therefore, you would multiply either the fifteen cent or thirty cent base rate by three and six-tenths (3.6) to get your incentive payment rate and then multiple this by the gross kilowatt-hours generated to get the incentive payment amount. The incentive payment is calculated the same in a situation involving a solar stirling converter and inverter, resulting in a combined factor of three and six-tenths (3.6) (computed 2.4 plus 1.2). However, if your wind generator has both blades and an inverter manufactured in Washington state you would multiply the fifteen cent base rate by two and two-tenths (2.2) (computed 1.0 plus 1.2) to calculate your incentive payment rate and then multiply this by the kilowatt-hours generated for the incentive payment amount.

(d) **Tables for use in computation.** The following tables describe the computation of the incentive payment using the appropriate base rate and then multiplying it by the applicable economic development factors to determine the incentive payment rate. The incentive payment rate is then multiplied by the gross kilowatt-hours generated. The actual incentive payment you receive must be computed using your renewable energy system's actual measured gross electric kilowatt-hours generated.

**Annual Incentive Payment Calculation Table for Noncommunity Projects**

<b>Customer-generated power applicable factors</b>	<b>Base rate (0.15) multiplied by applicable factor equals incentive payment rate</b>	<b>Gross kilowatt-hours generated</b>	<b>Incentive payment amount equals incentive payment rate multiplied by kilowatt-hours generated</b>
Solar modules or solar stirling converters manufactured in Washington state <b>Factor: 2.4</b> (two and four-tenths)	\$0.36		
Solar or wind generating equipment with an inverter manufactured in Washington state <b>Factor: 1.2</b> (one and two-tenths)	\$0.18		
Anaerobic digester or other solar equipment or wind generator equipped with blades manufactured in Washington state <b>Factor: 1.0</b> (one)	\$0.15		
All other electricity produced by wind <b>Factor: 0.8</b> (eight-tenths)	\$0.12		
Both solar modules and inverters manufactured in Washington state. <b>Factor: (2.4 + 1.2) = 3.6</b>	\$0.54		

Customer-generated power applicable factors	Base rate (0.15) multiplied by applicable factor equals incentive payment rate	Gross kilowatt-hours generated	Incentive payment amount equals incentive payment rate multiplied by kilowatt-hours generated
Wind generator equipment with both blades and inverter manufactured in Washington state. <b>Factor:</b> $(1.0 + 1.2) = 2.2$	\$0.33		

**Annual Incentive Payment Calculation Table for Community Solar Projects**

Customer-generated power applicable factors	Base rate (0.30) multiplied by applicable factor equals incentive payment rate	Gross kilowatt-hours generated	Incentive payment amount equals incentive payment rate multiplied by kilowatt-hours generated
Solar modules or solar stirring converters manufactured in Washington state <b>Factor:</b> 2.4 (two and four-tenths)	\$0.72		
Solar equipment with an inverter manufactured in Washington state <b>Factor:</b> 1.2 (one and two-tenths)	\$0.36		
Other solar equipment <b>Factor:</b> 1.0 (one)	\$0.30		
Both solar modules and inverters manufactured in Washington state. <b>Factor:</b> $(2.4 + 1.2) = 3.6$	\$1.08		

(e) **Examples to illustrate how incentive payments are calculated.** Assume for the following ten examples that the renewable energy system involved generates 2,500 kilowatt-hours.

(i) If a noncommunity solar energy system has a module or solar stirring converter manufactured in Washington state combined with an inverter manufactured out-of-state the computation would be as follows:  $(0.15 \times 2.4) \times 2,500 = \$900.00$ .

(ii) If a noncommunity solar energy system has an out-of-state module or solar stirring converter combined with an inverter manufactured in Washington state the computation would be as follows:  $(0.15 \times 1.2) \times 2,500 = \$450.00$ .

(iii) If a noncommunity solar energy system has modules or solar stirring converters manufactured in Washington state combined with an inverter manufactured in Washington state the computation would be as follows:  $(0.15 \times (2.4 + 1.2)) \times 2,500 = \$1,350.00$ .

(iv) If wind generator equipment has out-of-state blades combined with an inverter manufactured in Washington state the computation would be as follows:  $(0.15 \times 1.2) \times 2,500 = \$450.00$ .

(v) If wind generator equipment has blades manufactured in Washington state combined with an out-of-state

inverter the computation would be as follows:  $(0.15 \times 1.0) \times 2,500 = \$375.00$ .

(vi) If wind generator equipment has both blades and an inverter manufactured in Washington state the computation would be as follows:  $(0.15 \times (1.0 + 1.2)) \times 2,500 = \$825.00$ .

(vii) If wind generator equipment has both out-of-state blades and an out-of-state inverter the computation would be as follows:  $(0.15 \times 0.8) \times 2,500 = \$300.00$ .

(viii) If a community solar energy system has modules or a solar stirring converter manufactured in Washington state combined with an out-of-state inverter the computation would be as follows:  $(0.30 \times 2.4) \times 2,500 = \$1,800.00$ .

(ix) If a community solar energy system has out-of-state modules or solar stirring converters combined with an inverter manufactured in Washington state the computation would be as follows:  $(0.30 \times 1.2) \times 2,500 = \$900.00$ .

(x) If a community solar energy system has both modules or solar stirring converters manufactured in Washington state combined with an inverter manufactured in Washington state the computation would be as follows:  $(0.30 \times (2.4 + 1.2)) \times 2,500 = \$2,700.00$ .

(502) **Is there an annual limit on an incentive payment to one payee?** There is an annual limit on an incentive payment.

(a) **Applicant limit.** No individual, household, business, or local governmental entity is eligible for incentive payments of more than five thousand dollars per year. If two or more individuals are living together in one household with one customer account with the light and power business these individuals are in one household and though they may each individually participate in this program these same individuals living together in one household will only receive one five thousand dollar annual limit.

(b) **Community solar projects.**

- Each owner or member of a company in a community solar project located on a cooperating local government's property is eligible for an incentive payment, not to exceed five thousand dollars per year, based on their ownership share.

- Each ratepayer in a utility-owned community solar project is eligible for an incentive payment, not to exceed five thousand dollars per year, in proportion to their contribution resulting in their share of the value of electricity generated.

- Eligible participants of a community solar project that are business entities, such as a limited liability company or a corporation, will be analyzed for purposes of the five thousand dollar annual limit by looking through the business entity to the members or stockholders that own the business entity and combining the owners' interests from all eligible systems under this incentive program when determining whether any of the individual owners exceed their five thousand dollar annual limit.

**PART VI - MANUFACTURED IN WASHINGTON STATE**

(601) **What constitutes manufactured in Washington?**

(a) For a solar inverter, solar module, stirling converter, or wind blade to qualify as manufactured in Washington state, the manufactured component must meet these definitions.

- "Solar inverter" means the device used to convert direct current to alternating current in a solar energy system.

- "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output. The lamination of the modules must occur in Washington state.

- "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

- "Wind blade" is the portion of the rotor component of wind generator equipment that converts wind energy to low speed rotational energy.

(b) Is combining products manufacturing? When determining whether an inverter, module, stirling converter, or blades are manufactured in Washington the department of revenue considers various factors in determining if a person combining various items into a single package is engaged in a manufacturing activity. Any single one of the following factors is not considered conclusive evidence of a manufacturing activity:

- (i) The ingredients are purchased from various suppliers;
- (ii) The person combining the ingredients attaches his or her own label to the resulting product;

- (iii) The ingredients are purchased in bulk and broken down to smaller sizes;

- (iv) The combined product is marketed at a substantially different value from the selling price of the individual components; and

- (v) The person combining the items does not sell the individual items except within the package.

(602) **How can an applicant determine the system's level of manufacture in Washington state?** The manufacturer must request approval from the department of revenue of its certification that the manufacturer's product, such as an inverter, module, stirling converter, or wind blade qualifies as made in Washington state. The manufacturer must supply the department of revenue with a statement delineating the product's level of manufacture in Washington state, signed under penalty of perjury.

(a) **Field visit to view manufacturing process.** The department of revenue will perform a field visit to view the manufacturing process for the product, which may also include, but is not limited to:

- An inspection of the process by an engineer or other technical expert;

- Testing and evaluation of a product pulled off the production line;

- Review of purchase invoices to verify the vendor sources for the parts used in the manufacturing of the product;

- Inspection of the production line; and

- Requests for clarification concerning questions, if any, discovered during the inspection.

(b) **Approval or disapproval of manufacturer's certification.** The department of revenue will issue a written approval or disapproval of the manufacturer's certification of a product qualifying as made in Washington state.

(c) **Manufacturer's statement.** This manufacturer's statement must be specific as to what processes were carried out in Washington state to qualify the product for one or more of the multiplying economic development factors discussed in subsection (14) of this ((~~section~~)) rule. The manufacturer can request an approval of its certification from the department of revenue at its web address: ((~~http://dor.wa.gov~~)) [dor.wa.gov](http://dor.wa.gov).

(d) **Penalty of perjury.** The manufacturer's statement must be under penalty of perjury and specifically state that the manufacturer understands that the department of revenue will use the statement in deciding whether customer incentive payments and corresponding tax credits are allowed under the renewable energy system cost recovery incentive payment program.

(e) **Inspection of product's manufacturing process.** The department of revenue reserves the right to perform an inspection of the manufacturing processes for each product, such as an inverter, module, wind blade, or solar stirling converter, that has been previously certified as manufactured in Washington state. This is to verify that the product continues to qualify as manufactured in Washington state. This inspec-



tion will not occur more than once a year and will include a field visit as described in (a) of this subsection.

(f) **Document retention.** The applicant must retain this documentation for five years after the receipt of applicant's last incentive payment from the light and power business.

(g) **Denial or revocation of approval of certification.** The department of revenue may revoke the approval of certification that a product, such as an inverter, module, stirling converter, or wind blade is "made in Washington state" when it finds that the product does not qualify for certification as manufactured in Washington state.

The appeal provisions under Part VIII of this rule apply here.

(603) **What about guidelines and standards for manufactured in Washington?** The climate and rural energy development center at the Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

#### PART VII - TAX ISSUES REGARDING RENEWABLE ENERGY INCENTIVE PROGRAM

(701) **Does the department of revenue consider the incentive payment gross income subject to Washington state taxation?** The answer will depend on whether the electricity is generated by a singly owned system or a community solar system.

(a) **Are singly owned renewable energy systems subject to the B&O tax?** No. The incentive payments for the electricity generated by the singly owned systems are not taxable. This is because that person is not engaged in an activity with the object of gain, benefit, or advantage. All the electricity generated by the system is consumed by the system's owner on that person's own property. This is an energy conservation activity involving that person's own property.

(b) **Do incentive payments received for the electricity generated by a community solar project's system constitute gross income subject to the business and occupation tax?** Yes. The incentive payments for the electricity generated by the nonutility community solar systems are taxable. Nonutility community solar projects are engaged in a business activity because the project involves the object of gain, benefit, or advantage to the project's owners. The energy generated by the solar system is not consumed by the system owner at its property, but is instead purchased and consumed by the system's host at the host's property. The sole benefit to the system's owners is the income from the electricity generated. Therefore, all incentive payments received for the electricity generated by a community solar project's system constitute gross income subject to tax.

(702) **When must a nonutility community solar project register and file a return with the department?** A nonutility community solar project receiving incentive payments under the incentive program will need to register with the department of revenue unless its annual gross income is below the exemption amount for requiring registration. WAC 458-20-101(2) explains that a business whose gross income from all business activities is under the annual exemption amount is not required to register, so long as other requirements are met.

(703) **If a community solar project has gross income above the annual exclusion amount and is required to register, does it then owe tax?** Even some community solar projects that receive gross income above the annual exclusion amount or are otherwise required to register with the department may still not owe any tax. This is because of the small business credit provided by RCW 82.04.4451 that applies to the business and occupation tax. Consequently, many smaller community solar projects may be able to apply the small business tax credit to offset their business and occupation tax liability.

(704) **If I owe business and occupation tax after applying the small business credit, what is the tax category?** If there is gross income in excess of the small business credit, the category under the business and occupation tax would be "service and other."

(705) **What other payments received by a nonutility community solar project are gross income possibly subject to tax?** The payments from sales of electricity to the hosting local governmental entity that a nonutility community solar project receives for the consumption by the hosting local governmental entity of the electricity generated by the community-solar system is gross income to the community solar project. The amount of the gross income from the host's consumption of the system's generated electricity is the value of that electricity. This is the contractually agreed value between the parties or the equivalent retail value generally charged by the light and power business serving the property. This gross income is subject to the public utility tax since it is income from a system for the generation of electrical energy. RCW 82.16.010 and 82.16.020. However, the public utility tax has an exemption amount described at RCW 82.16.040 that may apply.

(706) **Are the fees paid by members of the company in a company-owned community solar project subject to state taxation?** Yes, administrative fees that the company in a company-owned community solar project charges its members is gross income for the company. This gross income is subject to business and occupation tax under the "service and other" category.

(707) **Are the sale of renewable energy credits subject to state tax?** Yes, the sale of renewable energy credits constitute gross income subject to tax.

(a) If the renewable energy credits created by the community solar system are sold together with the electricity generated by the system, then both the electricity and renewable energy credits will be subject to public utility tax.

(b) However, if the sale of the renewable energy credits and system's generated electricity are sold and priced separately, then the renewable energy credits will be subject to the business and occupation tax under the "service and other" category and the generated electricity will be subject to public utility tax.

(708) **Is a nonutility community solar project subject to the leasehold excise tax?** Yes. The use of the local government's property that is hosting the community solar system is subject to leasehold excise tax, which is measured by the contract rent. This is because there is a private lease of publicly owned real property. Leasehold excise tax is in lieu of the property tax. Leasehold excise tax is measured by the

maximum attainable contract rent received by the lessor paid for use of the public property. Contract rent is the amount of consideration due as payment for the leasehold interest. Consideration does not have to be in the form of cash. RCW 82.29A.020 and 82.29A.030.

(709) **What is the relationship between the department of revenue and the light and power business under this program?** The department of revenue is not regulating light and power businesses; it is only administering a tax credit program relating to the public utility tax. Therefore, for purposes of this incentive payment program, the department of revenue will generally focus its audit of light and power businesses to include, but not be limited to, whether:

- Claimed credit amount equals the amount of the total incentive payments made during the fiscal year;
- Each individual incentive payment is properly calculated;
- Payment to each applicant or participant in a community solar project is proportionally reduced by an equal percentage if the limit of total allowed credits is reached;
- Applicant payments are based on measured gross production of the renewable energy systems; and
- The credit and incentive payment limitations have not been exceeded.

(710) **Is the light and power business allowed a tax credit for the amount of incentive payments made during the year?** A light and power business will be allowed a credit against its public utility taxes in an amount equal to incentive payments made to its customers or participants in a nonutility community solar project in any fiscal year under RCW 82.16.120. The following restrictions apply:

- The credit must be taken in a form and manner as required by the department of revenue.
- The credit for the fiscal year may not exceed one-half percent of the light and power business' taxable power sales due under RCW 82.16.120 (1)(b) or one hundred thousand dollars, whichever is greater.
- Incentive payments to applicants in a utility-owned community solar project as defined in RCW 82.16.110 (2)(a)(ii) may only account for up to twenty-five percent of the total allowable credit. This means that the amount of the light and power business's credit on its public utility tax made on production from all utility-owned community solar projects in total may not exceed twenty-five percent of the fiscal year limitation of one-half percent of the light and power business's taxable power sales due under RCW 82.16.020 (1)(b) or one hundred thousand dollars, whichever is greater. Thus, for example, if a light and power business's taxable power sales are six million dollars, the maximum available credit is one hundred thousand dollars, which is greater than one-half percent of the six million dollar taxable power sales. Of that one hundred thousand dollar credit limit, the maximum amount of incentive payments to applicants in a utility-owned solar project is twenty-five thousand dollars.
- Incentive payments to participants in a company-owned community solar project as defined in RCW 82.16.110 (2)(a)(iii) may only account for up to five percent of the total allowable credit. This means that the amount of the light and power business's credit on its public utility tax made on production from all company-owned community solar projects

in total may not exceed five percent of the fiscal year limitation of one-half percent of the light and power business's taxable power sales due under RCW 82.16.020 (1)(b) or one hundred thousand dollars, whichever is greater. Thus, for example, if a light and power business has thirty million dollars in taxable power sales, the maximum total tax credit available to the light and power business is one hundred fifty thousand dollars. Of this one hundred fifty thousand dollar credit limit, the maximum tax credit that the light and power business can claim relative to incentive payments to participants in a company-owned community solar project is seven thousand five hundred dollars. Alternatively, the maximum tax credit that the light and power business can claim relative to incentive payments to applicants in a utility-owned solar project is thirty-seven thousand five hundred dollars.

**Computation examples.** The following table provides:

Taxable power sales by the light and power business	Maximum tax credit (greater of .5% of total taxable power sales or \$100,000)	Maximum amount of tax credit available for incentive payments in a utility-owned community solar project	Maximum amount of tax credit available for incentive payments in a company-owned community solar project
\$5,000,000	\$100,000	\$25,000	\$5,000
\$50,000,000	\$250,000	\$62,500	\$12,500
\$500,000,000	\$2,500,000	\$625,000	\$125,000

- The credit may not exceed the tax that would otherwise be due under the public utility tax described in chapter 82.16 RCW. Refunds will not be granted in the place of credits.

- Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(711) **What if a light and power business claims an incentive payment in excess of the correct amount?** For any light and power business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments will be immediately due and payable.

- The department of revenue will assess interest but not penalties on the taxes against which the credit was claimed.

- Interest will be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and will accrue until the taxes against which the credit was claimed are repaid.

**PART VIII - APPEALS RIGHTS**

(801) **What are the appeal rights under the renewable energy incentive payment program?** There are four different types of actions that could result in a right to an appeal. The four types of actions are the department of revenue:

- Denying a system's certification;
- Revoking a system's certification;
- Denying a manufacturer's certification of a product qualifying as made in Washington state; and
- Revoking a manufacturer's certification of a product qualifying as made in Washington state.

(a) **Same appeal procedures for all four types of action.** The denial or revocation of a certification, described above, are all subject to the same appeal procedures described below. All the appeals involving this renewable energy incentive program are conducted as formal adjudicative proceedings under RCW 34.05.413 through 34.05.476 and chapter 10-08 WAC.

(b) **File your appeal petition within thirty days of receiving notice of the department's action.** If you want to contest the department's action, you must file a timely appeal petition within thirty days of service of the notice of the agency action. RCW 34.05.010(19) defines "service" and includes both service by mail and personal service.

The notice issued by the department will provide you with an explanation of the department's reasons for the denial or revocation and advise you how you may appeal the decision if you disagree. The department's action will be final unless you file an appeal petition with the department within thirty days of service of the notice of the department's action. A form that may be used for contesting the action by the department is available from the department on its web site at (<http://dor.wa.gov, entitled>) [dor.wa.gov](http://dor.wa.gov), titled: Appeal Petition.

(802) **Presiding officer - Final order - Review.** For both a denial of an application for certification and a notice of intent to revoke a previously approved certification, the presiding officer of a formal adjudicative proceeding will be the director, department of revenue, or such person as the director may designate. The presiding officer, whether the director of the department of revenue or such person as the director has designated, will make the final decision and will enter a final order as provided in RCW 34.05.461 (1)(b).

(803) **Petitions for reconsideration.** RCW 34.05.470 governs petitions for reconsideration and provides petitions for reconsideration must be addressed to or delivered to the presiding officer at the address provided in the final order. The petition for reconsideration must be filed and served as required by WAC 10-08-110.

(804) **Judicial review.** Judicial review of the final order of the presiding officer is governed by RCW 34.05.510 through 34.05.598.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

### WSR 16-13-034

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

[Filed June 6, 2016, 2:57 p.m., effective July 7, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-272C-0150 Transition from the approved on-site sewage tanks list to the sewage tank registered list, this rule is repealed because the transition from the approved list to the registered list is now complete, making this rule obsolete.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-272C-0150.

Statutory Authority for Adoption: RCW 43.20.050 (2) and (3).

Adopted under notice filed as WSR 16-08-087 on April 4, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Date Adopted: June 6, 2016.

Clark Halvorson  
Assistant Secretary

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-272C-0150 Transition from the approved on-site sewage tanks list to the sewage tank registered list.

### WSR 16-13-039

#### PERMANENT RULES

#### DEPARTMENT OF REVENUE

[Filed June 7, 2016, 11:48 a.m., effective July 8, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule being adopted is WAC 458-20-228 Returns, payments, penalties, extensions, interest, stays of collection, this amendment incorporates new terms used for informal review hearings under recently adopted WAC 458-20-100 Informal administrative reviews. The rule contained updated terms, including "appeals division" is changed to "administrative review and hearings division;" and the name of WAC 458-20-100 is changed from "appeals" to "informal administrative reviews."

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-228 Returns, payments, penalties, extensions, interest, stays of collection.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 16-08-080 on April 4, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 7, 2016.

Kevin Dixon  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-06-046, filed 2/24/16, effective 3/26/16)

**WAC 458-20-228 Returns, payments, penalties, extensions, interest, stays of collection. (1) Introduction.** This rule discusses the responsibility of taxpayers to pay their tax by the appropriate due date, and the acceptable methods of payment. It discusses the interest and penalties that are imposed by law when a taxpayer fails to pay the correct amount of tax by the due date. It also discusses the circumstances under which the law allows the department of revenue (department) to waive interest or penalties.

(a) **Where can I get my questions answered, or learn more about what I owe and how to report it?** Washington's tax system is based largely on voluntary compliance. Taxpayers have a legal responsibility to become informed about applicable tax laws, to register with the department, to seek instruction from the department, to file accurate returns, and to pay their tax liability in a timely manner (chapter 82.32A RCW, Taxpayer rights and responsibilities). The department has a taxpayer services program to provide taxpayers with accurate tax-reporting assistance and instructions. The department staffs local district offices, maintains a toll-free question and information phone line (1-800-647-7706), provides information and electronic forms on the internet (<http://dor.wa.gov>), and conducts free public workshops on tax reporting. The department also publishes notices, interpretive statements, and rules discussing important tax issues and changes.

(b) **What is electronic filing (or e-file), and how can it help me?** E-file is an internet-based application that provides a secure and encrypted way for taxpayers to file and pay many of Washington state's business related excise taxes online. The e-file system automatically performs math calculations and checks for other types of reporting errors. **Using e-file to file electronically will help taxpayers avoid penalties and interest related to unintentional underpayments and delinquencies.** E-file can be accessed on the department's internet site <http://dor.wa.gov>. Open the page for electronic filing. The page contains additional links to pages answering frequently asked questions, and explains the registration process for e-file. Taxpayers may also call the depart-

ment's toll-free electronic filing help desk for more information, during regular business hours.

All taxpayers are required to electronically file and electronically pay their taxes unless the department waives the requirement for good cause, or the taxpayer has an assigned reporting frequency that is less than quarterly. The requirement for electronic filing and payment also includes taxpayers who once met the criteria for being assigned to a monthly reporting frequency, but whom since have been authorized by the department to file and remit taxes on a less frequent basis. For more detailed information on the requirement and exceptions for electronic filing (e-file) and electronic payment (e-pay), see WAC 458-20-22802 (Electronic filing and payment).

(c) **Index of subjects addressed in this rule:**

Topic—Description	See subsection
<b>Where can I get my questions answered, or learn more about what I owe and how to report it?</b> - By phone or online, the department provides a number of free and easy resources to help you find answers.	(1)(a) of this rule, (see above)
<b>What is electronic filing (or e-file), and how can it help me?</b> - E-filing guides you through the return and helps you avoid many common mistakes.	(1)(b) of this rule, (see above)
<b>Do I need to file a return?</b> - How do I access returns and file them?	(2) of this rule
<b>What methods of payment can I use?</b> - What can I use to pay my taxes?	(3) of this rule
<b>When is my tax payment due?</b> - Different reporting frequencies can have different due dates. What if the due date is a weekend or a holiday? If my payment is in the mail on the due date, am I late or on time?	(4) of this rule
<b>Penalties</b> - What types of penalty exist? How big are they? When do they apply?	(5) of this rule
<b>Statutory restrictions on imposing penalties</b> - More than one penalty can apply at the same time, but there are restrictions. Which penalties can be combined?	(6) of this rule
<b>Interest</b> - In most cases interest is required. What interest rates apply? How is interest applied?	(7) of this rule
<b>Application of payment towards liability</b> - Interest, penalties, and taxes are paid in a particular order. If my payment doesn't pay the entire liability, how can I determine what parts have been paid?	(8) of this rule

Topic—Description	See subsection
<b>Waiver or cancellation of penalties</b> - I think I was on time, or I had a good reason for not paying the tax when I should have. What reasons qualify me for a waiver of penalty? How can I get a penalty removed?	(9) of this rule
<b>Waiver or cancellation of interest</b> - Interest will only be waived in two limited situations. What are they?	(10) of this rule
<b>Interest and penalty waiver for active duty military personnel</b> - Is a majority owner of the business on active duty with the military? BOTH interest and penalty can be waived if all the statutory requirements are met. What are the requirements?	(11) of this rule
<b>Stay of collection</b> - Revenue will sometimes temporarily delay collection action on unpaid taxes. When can this happen? Can I request that revenue delay collection?	(12) of this rule
<b>Extensions</b> - Can I get an extension of my due date? How long does an extension last? A special extension may be available if the governor proclaims a state of emergency in your area.	(13) of this rule

(2) **Do I need to file a return?** A "return" is defined as any paper or electronic document a person is required to file by the state of Washington in order to satisfy or establish a tax or fee obligation which is administered or collected by the department, and that has a statutorily defined due date. RCW 82.32.045.

(a) Electronic returns and payments are to be filed with the department by every person liable for any tax which the department administers and/or collects, except for the taxes imposed under chapter 82.24 RCW (Tax on cigarettes), which are collected through sales of revenue stamps. Returns must be filed through the electronic filing (e-file) system (see subsection (1)(b) of this rule), or by other means if approved by the department.

E-file taxpayers do not receive paper returns. However, if an e-file taxpayer specifically requests it, the department will send an electronic reminder for each upcoming return as the time to file approaches.

(b) Taxpayers whose accounts are placed on an "active nonreporting" status do not automatically receive a tax return and must request a return, or register to file by e-file, if they no longer qualify for this reporting status. (See WAC 458-20-101, Tax registration, for an explanation of the active nonreporting status.)

(c) Some consumers may not be required to register with the department and obtain a tax registration endorsement. (Refer to WAC 458-20-101 for detailed information about tax registration and when it is required.) But even if they do not have to be registered, consumers may be required to pay use tax directly to the department if they have purchased

items without paying Washington's sales tax. An unregistered consumer must report and pay their use tax liability directly to the department. Use tax can be reported and paid on a "Consumer Use Tax Return" or the consumer can create an online account at the department's web site to conveniently report and pay use tax electronically. Consumer use tax returns are available from the department at any of the local district offices. A consumer may also call the department's toll free number 1-800-647-7706 to request a consumer use tax return by fax or mail. Finally, the consumer use tax return is available for download from the department's internet site at <http://dor.wa.gov>, along with a number of other returns and forms which are available there.

The interest and penalty provisions of this rule may apply if use tax is not paid on time. Unregistered consumers should refer to WAC 458-20-178 (Use tax) for an explanation of their tax reporting responsibilities.

(3) **What methods of payment can I use?** The law requires taxpayers to file and pay their taxes electronically. There are two electronic payment methods: Electronic funds transfer (EFT) and credit card. The department may waive the electronic payment requirement for any taxpayer or class of taxpayers, for good cause or for whom the department has assigned a reporting frequency that is less than quarterly. Waivers may be temporary or permanent, and may be made on the department's own motion. (See WAC 458-20-22802 for more information on electronic filing and payment.)

(a) For taxpayers not required to pay electronically, payment may be made by cash, check, cashier's check, or money order.

(b) Payment by cash should only be made at an office of the department to ensure that the payment is safely received and properly credited.

(c) Payment may be made by uncertified bank check, but if the check is not honored by the financial institution on which it is drawn, the taxpayer remains liable for the payment of the tax, as well as any applicable interest and penalties. RCW 82.32.080. The department may refuse to accept any check which, in its opinion, would not be honored by the financial institution on which that check is drawn. If the department refuses a check for this reason the taxpayer remains liable for the tax due, as well as any applicable interest and penalties.

(4) **When is my tax payment due?** RCW 82.32.045 provides that payment of the taxes due with the excise tax return must be made monthly and within twenty-five days after the end of the month in which taxable activities occur, unless the department assigns the taxpayer a longer reporting frequency. Payment of taxes due with returns covering a longer reporting frequency is due on or before the last day of the month following the period covered by the return. (For example, payment of the tax liability for a first quarter tax return is due on April 30th.) WAC 458-20-22801 (Tax reporting frequency—Forms) explains the department's procedure for assigning a quarterly or annual reporting frequency.

(a) If the date for payment of the tax due on a tax return falls upon a Saturday, Sunday, or legal holiday, the filing will be considered timely if performed on the next business day. RCW 1.12.070 and 1.16.050.

(b) When a taxpayer is not required to electronically file and pay taxes and chooses to file or pay taxes through the U.S. Postal Service, the postmark date as shown by the post office cancellation mark stamped on the envelope will be considered conclusive evidence by the department in determining if a tax return or payment was timely filed or received. RCW 1.12.070. It is the responsibility of the taxpayer to mail the tax return or payment sufficiently in advance of the due date to assure that the postmark date is timely.

(c) Taxpayers required to file and pay taxes electronically should refer to WAC 458-20-22802 (Electronic filing and payment) for more information regarding electronic filing (e-file), electronic payment (e-pay) due dates, and when electronic payments are considered received.

(d) If a taxpayer suspects that it will not be able to file and pay by the coming due date, it may be able to obtain an extension of the due date to temporarily avoid additional penalties. Refer to subsection (12) of this rule for details on requesting an extension.

(5) **Penalties.** Various penalties may apply as a result of the failure to correctly or accurately compute the proper tax liability, or to timely pay the tax. Separate penalties may apply and be cumulative for the same tax. Interest may also apply if any tax has not been paid when it is due, as explained in subsection (7) of this rule. (The department's electronic filing system (e-file) can help taxpayers avoid additional penalties and interest. See subsection (1)(b) of this rule for more information.)

The penalty types and rates addressed in this subsection are:

Penalty Type—Description	Penalty Rate	See subsection
<b>Late payment of a return</b> - Nine percent added when payment is not received by the due date, and increases if the tax due remains unpaid.	9/19/29%	(5)(a) of this rule
<b>Unregistered taxpayer</b> - Five percent added against unpaid tax when revenue discovers a taxpayer who has taxable activity but is not registered.	5%	(5)(b) of this rule
<b>Assessment</b> - Five percent added when a tax assessment is issued if the tax was "substantially underpaid," and increases if the tax due remains unpaid.	5/15/25% or 0/15/25%	(5)(c) of this rule
<b>Issuance of a warrant</b> - Ten percent added when a warrant is issued to collect unpaid tax, and does not require actual filing of a lien.	10%	(5)(d) of this rule

Penalty Type—Description	Penalty Rate	See subsection
<b>Disregard of specific written instructions</b> - Ten percent added when the department has provided specific, written reporting instructions and tax is underpaid because the instructions are not followed.	10%	(5)(e) of this rule
<b>Evasion</b> - Fifty percent added when tax is underpaid and there is an intentional effort to hide that fact.	50%	(5)(f) of this rule
<b>Misuse of resale certificates or a reseller permit</b> - Fifty percent added against unpaid sales tax when a buyer uses a resale certificate or reseller permit, but should not have.	50%	(5)(g) of this rule
<b>Failure to remit sales tax to seller</b> - Ten percent added against sales tax when the department proceeds directly against a buyer who fails to pay sales tax to the seller as part of a sales taxable retail purchase.	10%	(5)(h) of this rule
<b>Failure to obtain the contractor's unified business identifier (UBI) number</b> - A two hundred fifty dollar maximum penalty (does not require any tax liability) when specified businesses hire certain contractors but do not obtain and keep the contractor's UBI number.	\$250 (max)	(5)(i) of this rule
<b>Disregarded transaction</b> - A thirty-five percent penalty of the additional tax found to be due as a result of engaging in a disregarded transaction.	35%	(5)(j) of this rule

(a) **Late payment of a return.** RCW 82.32.090(1) imposes a nine percent penalty if the tax due on a taxpayer's return is not paid by the due date. A total penalty of nineteen percent is imposed if the tax due is not paid on or before the last day of the month following the due date, and a total penalty of twenty-nine percent is imposed if the tax due is still not paid on or before the last day of the second month following the due date. The minimum penalty for late payment is five dollars.

Various sets of circumstances can affect how the late payment of a return penalty is applied. See (a)(i) through (iii) of this subsection for some of the most common circumstances.

(i) **Will I avoid the penalty if I file my return without the payment?** The department may refuse to accept any return that is not accompanied by payment of the tax shown to be due on the return. If the return is not accepted, the taxpayer is considered to have failed or refused to file the return. RCW 82.32.080. Failure to file the return can result in the issuance of an assessment for the actual, or an estimated, amount of unpaid tax. Any assessment issued may include an assessment penalty. (See RCW 82.32.100 and (c) of this subsection for details of when and how the assessment penalty applies.) If the tax return is accepted without payment and payment is not made by the due date, the late payment of return penalty will apply.

(ii) **What if my account is given an active nonreporting status, but I later have taxes I need to report and pay?** WAC 458-20-101 provides information about the active nonreporting status available for tax reporting accounts. In general, the active nonreporting status allows persons, under certain circumstances, to engage in business activities subject to the Revenue Act without filing excise tax returns. Persons placed on an active nonreporting status by the department are required to timely notify the department if their business activities no longer meet the conditions to be in active nonreporting status. One of the conditions is that the person is not required to collect or pay a tax the department is authorized to collect. The late payment of return penalty will be imposed if a person on active nonreporting status incurs a tax liability that is not paid by the due date for taxpayers that are on an annual reporting basis (i.e., the last day of January next succeeding the year in which the tax liability accrued).

(iii) **I didn't register my business with the department when I started it, and now I think I was supposed to be paying taxes! What should I do?** You should fill out and send in a business license application to get your business registered. It is important for you to register before the department identifies you as an unregistered taxpayer and contacts you about your business activities. (WAC 458-20-101 provides information about registering your business.) Except as noted below, if a person engages in taxable activities while unregistered, but then registers prior to being contacted by the department, the registration is considered voluntary. When a person voluntarily registers, the late payment of return penalty does not apply to those specific tax-reporting periods representing the time during which the person was unregistered.

(A) However, even if the person has voluntarily registered as explained above, the late payment of return penalty will apply if the person:

(I) Collected retail sales tax from customers and failed to remit it to the department; or

(II) Engaged in evasion or misrepresentation with respect to reporting tax liabilities or other tax requirements; or

(III) Engaged in taxable business activities during a period of time in which the person's previously open tax reporting account had been closed.

(B) Even though other circumstances may warrant retention of the late payment of return penalty, if a person has voluntarily registered, the unregistered taxpayer penalty (see (b) of this subsection) will not be due.

(b) **Unregistered taxpayer.** RCW 82.32.090(4) imposes a five percent penalty on the tax due for any period of time where a person engages in a taxable activity and does not voluntarily register prior to being contacted by the department. "Voluntarily register" means to properly complete and submit a master application to any agency or entity participating in the unified business identifier (UBI) program for the purpose of obtaining a UBI number, all of which is done before any contact from the department. For example, if a person properly completes and submits a business license application to the department of labor and industries for the purpose of obtaining a UBI number, and this is done prior to any contact from the department of revenue, the department considers that person to have voluntarily registered. A person has not voluntarily registered if a UBI number is obtained by any means other than submitting a properly completed business license application. WAC 458-20-101 (Tax registration and tax reporting) provides additional information regarding the UBI program.

(c) **Assessment.** If the department issues an assessment for substantially underpaid tax, a five percent penalty will be added to the assessment when it is issued. If any tax included in the assessment is not paid by the due date, or by any extended due date, the penalty will increase to a total of fifteen percent against the amount of tax that remains unpaid. If any tax included in the assessment is not paid within thirty days of the original or extended due date, the penalty will further increase to a total of twenty-five percent against the amount of tax that remains unpaid. The minimum for this penalty is five dollars. RCW 82.32.090(2).

(i) As used in this rule, "substantially underpaid" means that:

(A) The taxpayer has paid less than eighty percent of the amount of tax determined by the department to be due for all of the types of taxes included in, and for the entire period of time covered by, the department's examination; and

(B) The amount of underpayment is at least one thousand dollars. If both of these conditions are true when an assessment is issued, it will include the initial five percent assessment penalty. If factual adjustments are made after issuance of an assessment, and those adjustments change whether a taxpayer paid less than eighty percent of the tax due, the department will reevaluate imposition of the original five percent penalty.

(ii) If the initial five percent assessment penalty is included with an assessment when it is issued, the penalty is calculated against the total amount of tax that was not paid when originally due and payable (see RCW 82.32.045). Audit payments made prior to issuance of an assessment will be applied to the assessment after calculation of the initial five percent assessment penalty. At the discretion of the department, preexisting credits or amendments paid prior to an audit or unrelated to the scope of the assessment may be applied before the five percent assessment penalty is calculated, reducing the amount of the penalty. Additional assessment penalty is assessed against the amount of tax that remains unpaid at that particular time, after payments are applied to the assessment.

(d) **Issuance of a warrant.** If the department issues a tax warrant for the collection of any fee, tax, increase, or penalty, an additional penalty will immediately be added in the amount of ten percent of the amount of the tax due, but not less than ten dollars. RCW 82.32.090(3). Refer to WAC 458-20-217 for additional information on the application of warrants and tax liens.

(e) **Disregard of specific written instructions.** If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting of tax liabilities, an additional penalty of ten percent of the additional tax found due will be imposed because of the failure to follow the instructions. RCW 82.32.090(5).

(i) **What is "disregard of specific written instructions"?** A taxpayer is considered to have received specific written instructions when the department has informed the taxpayer in writing of its tax obligations and specifically advised the taxpayer that failure to act in accordance with those instructions may result in this penalty being imposed. The specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement. The penalty applies when a taxpayer does not follow the specific written instructions, resulting in underpayment of the tax due. The penalty may be applied only against the taxpayer given the specific written instructions. However, the taxpayer will not be considered to have disregarded the instructions if the taxpayer has appealed the subject matter of the instructions and the department has not issued its final instructions or decision.

(ii) **What if I try to follow the written instructions, but I still don't get it quite right?** The penalty will not be applied if the taxpayer has made a good faith effort to comply with specific written instructions.

(f) **Evasion.** If the department finds that all or any part of the deficiency resulted from an intent to evade the tax due, a penalty of fifty percent of the additional tax found to be due will be added. RCW 82.32.090(7). The evasion penalty is imposed when a taxpayer knows a tax liability is due but attempts to escape detection or payment of the tax liability through deceit, fraud, or other intentional wrongdoing. An intent to evade does not exist where a deficiency is the result of an honest mistake, miscommunication, or the lack of knowledge regarding proper accounting methods. The department has the burden of showing the existence of an intent to evade a tax liability through clear, cogent and convincing evidence.

(i) **Evasion penalty only applies to the specific taxes that a taxpayer intended to evade.** To the extent that the evasion involved only specific taxes, the evasion penalty will be added only to those taxes. The evasion penalty will not be applied to those taxes which were inadvertently underpaid. For example, if the department finds that the taxpayer intentionally understated the purchase price of equipment in reporting use tax and also inadvertently failed to collect or remit the sales tax at the correct rate on retail sales of merchandise, the evasion penalty will be added only to the use tax deficiency and not the sales tax.

(ii) **What actions may establish an intent to evade?** The following is a nonexclusive list of actions that are generally considered to establish an intent to evade a tax liability.

This list should only be used as a general guide. A determination of whether an intent to evade exists may be ascertained only after a review of all the facts and circumstances.

(A) The use of an out-of-state address by a Washington resident to register property to avoid a Washington excise or use tax, when at the time of registration the taxpayer does not reside at the out-of-state address on a more than temporary basis. Examples of such an address include, but are not limited to, the residence of a relative, mail forwarding or post office box location, motel, campground, or vacation property;

(B) The willful failure of a seller to remit retail sales taxes collected from customers to the department; and

(C) The alteration of a purchase invoice or misrepresentation of the price paid for property (e.g., a used vehicle) to reduce the amount of tax owing.

(g) **Misuse of resale certificates, reseller permits, and other documents.** Any buyer who uses a resale certificate, a reseller permit, or other documentation authorized under RCW 82.04.470, to purchase items or retail services without payment of sales tax, and who is not entitled to use the certificate, permit, or other documentation for the purchase, will be assessed a penalty of fifty percent of the tax due. RCW 82.32.291. The penalty can apply even if there was no intent to evade the payment of the tax. For more information concerning this penalty or the proper use of resale certificates, reseller permits, and other documentation, refer to WAC 458-20-102 (Resale certificates).

(h) **Failure to remit sales tax to seller.** The department may assert an additional ten percent penalty against a buyer who has failed to pay the seller the retail sales tax on taxable purchases, if the department proceeds directly against the buyer for the payment of the tax. This penalty is in addition to any other penalties or interest prescribed by law. RCW 82.08.050.

(i) **Failure to obtain the contractor's unified business identifier (UBI) number.** If a person who is liable for any fee or tax imposed by chapters 82.04 through 82.27 RCW contracts with another person or entity for work subject to chapter 18.27 RCW (Registration of contractors) or chapter 19.28 RCW (Electricians and electrical installations), that person must obtain and preserve a record of the UBI number of the person or entity performing the work. A person failing to do so is subject to the public works contracting restrictions in RCW 39.06.010 (Contracts with unregistered or unlicensed contractors prohibited), and a penalty determined by the director, but not to exceed two hundred and fifty dollars. RCW 82.32.070(2).

(j) **Engaging in disregarded transactions.** RCW 82.32.090 imposes a thirty-five percent penalty for engaging in a disregarded transaction as defined in RCW 82.32.655(3). See RCW 82.32.090(6), 82.32.655, and 82.32.660.

(6) **Statutory restrictions on imposing penalties.** Depending on the circumstances, the law may impose more than one type of penalty on the same tax liability. However, those penalties are subject to the following restrictions:

(a) The penalties imposed for the late payment of a return, unregistered taxpayer, assessment, and issuance of a warrant (see subsection (5)(a) through (d) of this rule) may be applied against the same tax concurrently, each unaffected by



the others, up to their combined maximum rates. Application of one or any combination of these penalties does not prohibit or restrict full application of other penalties authorized by law, even when they are applied against the same tax. RCW 82.32.090(8).

(b) The department may impose either the evasion penalty (subsection (5)(f) of this rule) or the penalty for disregarding specific written instructions (subsection (5)(e) of this rule), but may not impose both penalties on the same tax. RCW 82.32.090(9). The department also will not impose the penalty for the misuse of a resale certificate (subsection (5)(g) of this rule) in combination with either the evasion penalty or the penalty for disregarding specific written instructions on the same tax.

(c) The penalty provided in subsection (5)(j) of this rule may be assessed together with any other applicable penalties provided in this rule on the same tax found to be due, except for the evasion penalty provided in subsection (5)(f) of this rule.

(7) **Interest.** The department is required by law to add interest to assessments for tax deficiencies and overpayments. RCW 82.32.050 and 82.32.060. Interest accrued against an underpayment only applies to underpaid tax. (Refer to WAC 458-20-229 for a discussion of interest as it relates to refunds and WAC 458-20-230 for a discussion of the statute of limitations as applied to interest.)

(a) For interest imposed after December 31, 1998, interest will be added from the last day of the month following each calendar year included in a notice, or the last day of the month following the final month included in a notice if not the end of the calendar year, until the due date of the notice. However, for 1998 taxes only, interest may not begin to accrue any earlier than February 1, 1999, even if the last period included in the notice is not at the end of calendar year 1998. If payment in full is not made by the due date of the notice, additional interest will be due until the date of payment. The rate of interest continues at the annual variable interest rates described below in ~~((e))~~ (c) of this subsection.

(b) **How is interest applied to an assessment that includes underpaid tax from multiple years?** The following is an example of how the interest provisions apply. Assume that a tax assessment is issued with a due date of June 30, 2010. The assessment includes periods from January 1, 2008, through September 30, 2009.

(i) For calendar year 2008 tax, interest begins February 1, 2009, (from the last day of the month following the end of the calendar year). When the assessment is issued interest is computed through June 30, 2010, (the due date).

(ii) For the 2009 tax period ending with September 30, 2009, interest begins November 1, 2009, (from the last day of the month following the last month included in the assessment period). When the assessment is issued interest is computed through June 30, 2010, (the due date).

(iii) Interest will continue to accrue on any portion of the assessed taxes which remain unpaid after the due date, until the date those taxes are paid.

(c) **How is each year's interest rate determined?** The annual variable interest rate will be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate for each new year will be com-

puted by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. The average is calculated using the federal short-term rates from January, April, July of the calendar year immediately preceding the new year, and October of the previous preceding year, as published by the United States Secretary of the Treasury. The interest rate will be adjusted on the first day of January of each year.

(d) **How is the interest applied if an assessment includes some years that are underpaid and some that are overpaid?** If the assessment contains tax deficiencies in some years and overpayments in other years with the net difference being a tax deficiency, the interest rate for tax deficiencies will also be applied to the overpayments. (Refer to WAC 458-20-229 for interest on refunds.)

(8) **Application of payment towards liability.** The department will apply taxpayer payments in the following order:

- Interest,
- penalties,
- fees,
- other nontax amounts,
- tax, except spirits tax,
- spirits tax,

without regard to any direction of the taxpayer. RCW 82.32.080.

In applying a partial payment to a tax assessment, the payment will first be applied against the oldest tax liability. For purposes of RCW 82.32.145 (Limited liability business entity - Terminated, dissolved, abandoned, insolvent - Collection of unpaid trust fund taxes), it will be assumed that any payments applied to the tax liability will be first applied against any retail sales tax liability, and then to other trust fund tax liabilities. For example, an audit assessment is issued covering a period of two years, which will be referred to as "YEAR 1" (the earlier year) and "YEAR 2" (the most recent year). The tax assessment includes total interest and penalties for YEAR 1 and YEAR 2 of five hundred dollars, retail sales tax of four hundred dollars for YEAR 1, six hundred dollars retail sales tax for YEAR 2, two thousand dollars of other taxes for YEAR 1, and seven thousand dollars of other taxes for YEAR 2. The order of application of any payments will be first against the five hundred dollars of total interest and penalties, second against the four hundred dollars retail sales tax in YEAR 1, third against the two thousand dollars of other taxes in YEAR 1, fourth against the six hundred dollars retail sales tax of YEAR 2, and finally against the seven thousand dollars of other taxes in YEAR 2.

(9) **Waiver or cancellation of penalties.** RCW 82.32.-105 authorizes the department to waive or cancel penalties under limited circumstances.

(a) **Circumstances beyond the control of the taxpayer.** The department will waive or cancel the penalties imposed under chapter 82.32 RCW upon finding that the underpayment of the tax, or the failure to pay any tax by the due date, was the result of circumstances beyond the control of the taxpayer. It is possible that a taxpayer will qualify for a waiver of one type of penalty, without obtaining a waiver for all penalties associated with a particular tax liability. Circumstances determined to be beyond the control of the taxpayer when

considering a waiver of one type of penalty are not necessarily pertinent when considering a waiver of a different penalty type. For example, circumstances that qualify for waiver of a late payment of return penalty do not necessarily also justify waiver of the substantial underpayment assessment penalty. Refer to WAC 458-20-102 (Reseller permits) for examples of circumstances which are beyond the control of the taxpayer specifically regarding the penalty for misuse of a reseller permit found in RCW 82.32.291.

(i) A request for a waiver or cancellation of penalties should contain all pertinent facts and be accompanied by such proof as may be available. The taxpayer bears the burden of establishing that the circumstances were beyond its control and directly caused the late payment. The request should be made in the form of a letter; however, verbal requests may be accepted and considered at the discretion of the department. Any petition for correction of assessment submitted to the department's (~~(appeals)~~) administrative review and hearings division for waiver of penalties must be made within the period for filing under RCW 82.32.160 (within thirty days after the issuance of the original notice of the amount owed or within the period covered by any extension of the due date granted by the department), and must be in writing, as explained in WAC 458-20-100 (~~((Appeals))~~) (Informal administrative reviews). Refund requests must be made within the statutory limitation period.

(ii) The circumstances beyond the control of the taxpayer must actually cause the late payment. Circumstances beyond the control of the taxpayer are generally those which are immediate, unexpected, or in the nature of an emergency. Such circumstances result in the taxpayer not having reasonable time or opportunity to obtain an extension of the due date or otherwise timely file and pay. Circumstances beyond the control of the taxpayer include, but are not necessarily limited to, the following.

(A) The return payment was mailed on time but inadvertently sent to another agency.

(B) Erroneous written information given to the taxpayer by a department officer or employee caused the delinquency. A penalty generally will not be waived when it is claimed that erroneous oral information was given by a department employee. The reason for not canceling the penalty in cases of oral information is because of the uncertainty of the facts presented, the uncertainty of the instructions or information imparted by the department employee, and the uncertainty that the taxpayer fully understood the information given. Reliance by the taxpayer on incorrect advice received from the taxpayer's legal or accounting representative is not a basis for cancellation of a penalty.

(C) The delinquency was directly caused by death or serious illness of the taxpayer, or a member of the taxpayer's immediate family. The same circumstances apply to the taxpayer's accountant or other tax preparer, or their immediate family. This situation is not intended to have an indefinite application. A death or serious illness which denies a taxpayer reasonable time or opportunity to obtain an extension or to otherwise arrange timely filing and payment is a circumstance eligible for penalty waiver.

(D) The delinquency was caused by the unavoidable absence of the taxpayer or key employee, prior to the filing

date. "Unavoidable absence of the taxpayer" does not include absences because of business trips, vacations, personnel turnover, or terminations.

(E) The delinquency was caused by the destruction by fire or other casualty of the taxpayer's place of business or business records.

(F) The delinquency was caused by an act of fraud, embezzlement, theft, or conversion on the part of the taxpayer's employee or other persons contracted with the taxpayer, which the taxpayer could not immediately detect or prevent, provided that reasonable safeguards or internal controls were in place. See (a)(iii)(E) of this subsection.

(G) The department does not respond to the taxpayer's request for a tax return (or other forms necessary to compute the tax) within a reasonable period of time, which directly causes delinquent filing and payment on the part of the taxpayer. This assumes that, given the same situation, if the department had provided the requested form(s) within a reasonable period of time, the taxpayer would have been able to meet its obligation for timely payment of the tax. In any case, the taxpayer has responsibility to insure that its return is filed in a timely manner (e.g., by keeping track of pending due dates) and must anticipatively request a return for that purpose, if one is not received. (Note: Tax returns and other forms are available at no cost from the department's web site, dor.wa.gov. When good cause exists, taxpayers are advised to contact the department and request an extension of the due date for filing, before the due date of concern has passed. See subsection (12) of this rule. Taxpayers who have registered to file electronically with e-file will avoid potential penalties relating to paper returns not received. See subsection (1)(b) of this rule.)

(iii) The following are examples of circumstances that are generally not considered to be beyond the control of the taxpayer and will not qualify for a waiver or cancellation of penalty:

(A) Financial hardship;

(B) A misunderstanding or lack of knowledge of a tax liability;

(C) The failure of the taxpayer to receive a tax return form, EXCEPT where the taxpayer timely requested the form and it was still not furnished in reasonable time to mail the return and payment by the due date, as described in (a)(ii)(G) of this subsection;

(D) Registration of an account that is not considered a voluntary registration, as described in subsection (5)(a)(iii) and (b) of this rule;

(E) Mistakes or misconduct on the part of employees or other persons contracted with the taxpayer (not including conduct covered in (a)(ii)(F) of this subsection); and

(F) Reliance upon unpublished, written information from the department that was issued to and specifically addresses the circumstances of some other taxpayer.

(b) **Waiver of the late payment of return penalty.** The late payment of return penalty (see subsection (5)(a) of this rule) may be waived either as a result of circumstances beyond the control of the taxpayer (RCW 82.32.105 (1) and (a) of this subsection) or after a twenty-four month review of the taxpayer's reporting history, as described below.

(i) If the late payment of return penalty is assessed on a return but is not the result of circumstances beyond the control of the taxpayer, the penalty will still be waived or canceled if the following two circumstances are satisfied:

(A) The taxpayer requests the penalty waiver for a tax return which was required to be filed under RCW 82.32.045 (taxes reported on the combined excise tax return), RCW 82.23B.020 (oil spill response tax), RCW 82.27.060 (tax on enhanced food fish), RCW 82.29A.050 (leasehold excise tax), RCW 84.33.086 (timber and forest lands), RCW 82.14B.030 (tax on telephone access line use); and

(B) The taxpayer has timely filed and paid all tax returns due for that specific tax program for a period of twenty-four months immediately preceding the period covered by the return for which the waiver is being requested. RCW 82.32.-105(2).

If a taxpayer has obtained a tax registration endorsement with the department prior to engaging in business within the state and has engaged in business activities for a period less than twenty-four months, the taxpayer is eligible for the waiver if the taxpayer had no delinquent tax returns for periods prior to the period covered by the return for which the waiver is being requested. As a result, the taxpayer's very first return due can qualify for a waiver under the twenty-four month review provision. (See also WAC 458-20-101 for more information regarding the tax registration and tax reporting requirements.) This is the only situation under which the department will consider a waiver when the taxpayer has not timely filed and paid tax returns covering an immediately preceding twenty-four month period.

(ii) A return will be considered timely for purpose of the waiver if there is no tax liability on it when it is filed. Also, a return will be considered timely if any late payment penalties assessed on it were waived or canceled due to circumstances beyond the control of the taxpayer (see (a) of this subsection). The number of times penalty has been waived due to circumstances beyond the control of the taxpayer does not influence whether the waiver in this subsection will be granted. A taxpayer may receive more than one of the waivers in this subsection within a twenty-four month period if returns for more than one of the listed tax programs are filed, but no more than one waiver can be applied to any one tax program in a twenty-four month period.

For example, a taxpayer files combined excise tax returns as required under RCW 82.32.045, and timber tax returns as required under RCW 84.33.086. This taxpayer may qualify for two waivers of the late payment of return penalty during the same twenty-four month period, one for each tax program. If this taxpayer had an unwaived late payment of return penalty for the combined excise tax return during the previous twenty-four month period, the taxpayer may still qualify for a penalty waiver for the timber tax program.

(iii) The twenty-four month period reviewed for this waiver is not affected by the due date of the return for which the penalty waiver is requested, even if that due date has been extended beyond the original due date.

For example, assume a taxpayer's September 2012 return has had the original due date of October twenty-fifth extended to November twenty-fifth. The return and payment are received after the November twenty-fifth extended due

date. A penalty waiver is requested. Since the delinquent return represented the month of September 2012, the twenty-four months which will be reviewed begin on September 1, 2010, and end with August 31, 2012, (the twenty-four months prior to September 2012). All of the returns representing that period of time will be included in the review. The extension of the original due date has no effect on the twenty-four month period under review.

(iv) A twenty-four month review is only valid when considering waiver of the late payment of return penalty described in subsection (5)(a) of this rule. The twenty-four month review process cannot be used as justification for a waiver of interest, assessment penalty, or any penalty other than the late payment of return penalty.

(10) **Waiver or cancellation of interest.** The department will waive or cancel interest imposed under chapter 82.32 RCW only in the following situations:

(a) The failure to pay the tax prior to issuance of the assessment was the direct result of written instructions given the taxpayer by the department; or

(b) The extension of the due date for payment of an assessment was not at the request of the taxpayer and was for the sole convenience of the department. RCW 82.32.105(3).

(11) **Interest and penalty waiver for active duty military personnel.** RCW 82.32.055 provides a waiver of BOTH interest and penalty imposed under chapter 82.32 RCW when:

(a) The majority owner of the business is:

(i) On active duty in the military;

(ii) Participating in an armed conflict;

(iii) Assigned to a location outside the territorial boundaries of the United States; and

(b) The gross income of the business is one million dollars or less for the calendar year immediately prior to the year in which the majority owner is initially deployed outside the United States for the armed conflict.

Interest and penalty may not be waived or canceled for a period longer than twenty-four months. The waiver applies to interest or penalty based on the date they are imposed, which must be within the twenty-four month waiver period.

To receive a waiver or cancellation of interest and penalty under this subsection, the taxpayer must submit a copy of the majority owner's deployment orders for deployment outside the territorial boundaries of the United States.

(12) **Stay of collection.** RCW 82.32.190 allows the department to initiate a stay of collection, without the request of the taxpayer and without requiring any bond, for certain tax liabilities when they may be affected by the outcome of a question pending before the courts (see (a) of this subsection). RCW 82.32.200 provides conditions under which the department, at its discretion, may allow a taxpayer to file a bond in order to obtain a stay of collection on a tax assessment (see (b) of this subsection). The department will grant a taxpayer's stay of collection request, as described in RCW 82.32.200, only when the department determines that a stay is in the best interests of the state.

(a) Circumstances under which the department may consider initiating a stay of collection without requiring a bond (RCW 82.32.190) include, but are not necessarily limited to, the existence of the following:

(i) A constitutional issue to be litigated by the taxpayer, the resolution of which is uncertain;

(ii) A matter of first impression for which the department has little precedent in administrative practice; or

(iii) An issue affecting other similarly situated taxpayers for whom the department would be willing to stay collection of the tax.

(b) The department will give consideration to a request for a stay of collection of an assessment (RCW 82.32.200) if:

(i) A written request for the stay is made prior to the due date for payment of the assessment; and

(ii) Payment of any unprotested portion of the assessment and other taxes due is made timely; and

(iii) The request is accompanied by an offer of a cash bond, or a security bond that is guaranteed by a specified authorized surety insurer. The amount of the bond will generally be equal to the total amount of the assessment, including any penalties and interest. However, where appropriate, the department may require a bond in an increased amount not to exceed twice the amount for which the stay is requested.

(c) Claims of financial hardship or threat of litigation are not grounds that justify the granting of a stay of collection. However, the department will consider a claim of significant financial hardship as grounds for staying collection procedures, but this will be done only if a partial payment agreement is executed and kept in accordance with the department's procedures and with such security as the department deems necessary.

(d) If the department grants a stay of collection, the stay will be for a period of no longer than two calendar years from the date of acceptance of the taxpayer request, or thirty days following a decision not appealed from by a tribunal or court of competent jurisdiction upholding the validity of the tax assessed, whichever date occurs first. The department may extend the period of a stay originally granted, but only for good cause shown.

(e) Interest will continue to accrue against the unpaid tax portion of a liability under stay of collection.

(13) **Extensions.** The department, for good cause, may extend the due date for filing any return.

(a) Any permanent extension more than ten days beyond the due date, and any temporary extension in excess of thirty days, must be conditional upon deposit by the taxpayer with the department of an amount equal to the estimated tax liability for the reporting period or periods for which the extension is granted. This deposit is credited to the taxpayer's account and may be applied to the taxpayer's liability upon cancellation of the permanent extension or upon reporting of the tax liability where a temporary extension of more than thirty days has been granted.

The amount of the deposit is subject to departmental approval. The amount will be reviewed from time to time, and a change may be required at any time that the department concludes that such amount does not approximate the tax liability for the reporting period or periods for which the extension was granted.

(b) RCW 82.32.080 allows department of revenue to grant extensions of the due date for any taxes due to department of revenue when the governor has proclaimed a state of emergency under RCW 43.06.040. In general, the bill gives

department of revenue the authority to provide extensions on its own initiative, or at the specific request of any taxpayers affected by the emergency. The specific details of how, where, and to whom any extensions are granted will depend on the type and scope of each unique emergency and will be determined when an emergency is declared.

## WSR 16-13-040

### PERMANENT RULES

### DEPARTMENT OF REVENUE

[Filed June 7, 2016, 2:44 p.m., effective July 8, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To recognize provisions of Part II, ESSB 6138 (chapter 5, Laws of 2015), which provides, in relevant part, that substantial nexus for wholesaling activities is deemed established by exceeding certain economic nexus thresholds rather than by a physical presence in Washington. In addition, the legislation amends the economic nexus thresholds, which now measure a person's property, payroll, and receipts from the immediately preceding year in evaluating whether a person has substantial nexus in the current year.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-19401 Minimum nexus thresholds for apportionable activities.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 16-08-103 on April 5, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 7, 2016.

Kevin Dixon  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-04-004, filed 1/22/15, effective 2/22/15)

**WAC 458-20-19401 Minimum nexus thresholds for apportionable activities. (1) Introduction.**

(a) ~~((This rule only applies to periods after May 31, 2010.~~

~~(b)))~~ The state of Washington imposes business and occupation (B&O) tax on ~~((apportionable activities measured~~

by the gross income of the business. B&O tax may only be imposed if a person has a) persons that have "substantial nexus" with this state. For ~~((the purposes of))~~ apportionable activities and for wholesaling activities taxable under RCW 82.04.257(1) or 82.04.270, substantial nexus does not require a ~~((person to have))~~ physical presence in this state, as that phrase is described in RCW 82.04.067(6).

~~((e))~~ The following rules may also be helpful:

~~((i))~~ (b) This rule only applies to periods after May 31, 2010. In 2015, Washington changed the thresholds for substantial nexus described in subsection (3)(a)(iii) of this rule; it also expanded the scope of these tests to apply to wholesaling activity. Effective September 1, 2015, the thresholds are measured based on a person's payroll, property, and receipts in the immediately preceding calendar year. For periods from June 1, 2010, to August 31, 2015, the thresholds did not apply to wholesaling activity and were based on the person's payroll, property, and receipts in the current calendar year. See subsection (10) of this rule for additional information.

(c) **Other rules that may apply.** Readers may also want to refer to other rules for additional information, including those in the following list:

(i) WAC 458-20-193 Interstate sales of tangible personal property. This rule describes the taxation of interstate sales of tangible personal property.

(ii) WAC 458-20-194 Doing business inside and outside the state. This rule describes separate accounting and cost apportionment and applies only to tax liability incurred from January 1, 2006, through May 31, 2010.

(iii) WAC 458-20-19402((-)) Single factor receipts apportionment—Generally. This rule describes the general application of single factor receipts apportionment and applies only to tax liability incurred after May 31, 2010.

~~((ii))~~ (iv) WAC 458-20-19403((-, Single factor receipts apportionment—Royalties)) Apportionable royalty receipts attribution. This rule describes the application of single factor receipts apportionment to gross income from royalties and applies only to tax liability incurred after May 31, 2010.

~~((iii))~~ (v) WAC 458-20-19404((-)) Financial institutions—Income apportionment. This rule describes the application of single factor receipts apportionment to certain income of financial institutions and applies only to tax liability incurred after ~~((May 31, 2010.~~

~~((iv))~~ WAC 458-20-193, Inbound and outbound interstate sales of tangible personal property.

~~((v))~~ WAC 458-20-194, Doing business inside and outside the state. This rule describes separate accounting and cost apportionment and applies only to tax liability incurred from January 1, 2006 through May 31, 2010)) December 31, 2015.

(vi) WAC 458-20-19404A Financial institutions—Income apportionment. This rule describes the application of single factor receipts apportionment to certain income of financial institutions and applies only to tax liability incurred between June 30, 2010, and December 31, 2015.

(d) Examples included in this rule identify a number of facts and then state a conclusion; they should be used only as a general guide. The tax results of all situations must be determined after a review of all the facts and circumstances. For the examples in this rule, gross income received by the taxpayer is from engaging in apportionable activities or from

making wholesale sales. Also, unless otherwise stated, the years in the examples are time periods that occur after August 31, 2015; the examples do not apply to tax liability prior to June 1, 2010.

The minimum nexus thresholds described in this rule and used in examples are ~~((subject to change because of))~~ not adjusted for consumer price index changes. ((Refer to ETA 3195.2015 "Economic Nexus Minimum Thresholds" for the current threshold amounts.))

(2) **Definitions.** Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this rule.

(a) **"Apportionable activities"** includes only those activities subject to B&O tax under the following classifications:

- (i) Service and other activities;
- (ii) Royalties;
- (iii) Travel agents and tour operators;
- (iv) International steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent;
- (v) Stevedoring and associated activities;
- (vi) Disposing of low-level waste;
- (vii) Title insurance producers, title insurance agents, or surplus line brokers;
- (viii) Public or nonprofit hospitals;
- (ix) Real estate brokers;
- (x) Research and development performed by nonprofit corporations or associations;
- (xi) Inspecting, testing, labeling, and storing canned salmon owned by another person;
- (xii) Representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW;
- (xiii) Contests of chance;
- (xiv) Horse races;
- (xv) International investment management services;
- (xvi) Room and domiciliary care to residents of a boarding home;
- (xvii) Aerospace product development;
- (xviii) Printing or publishing a newspaper (but only with respect to advertising income);
- (xix) Printing materials other than newspapers and publishing periodicals or magazines (but only with respect to advertising income); and
- (xx) Cleaning up radioactive waste and other by-products of weapons production and nuclear research and development, but only with respect to activities that would be taxable as an "apportionable activity" under any of the tax classifications listed in (a)(i) through (xix) of this subsection if this special tax classification did not exist.

(b) **"Credit card"** means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(c) **"Gross income of the business"** means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized

from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses. The term gross receipts means gross income from apportionable activities.

(d) **"Loan"** means any extension of credit resulting from direct negotiations between the taxpayer and its customer, and/or the purchase, in whole or in part, of such extension of credit from another. Loan includes participations, syndications, and leases treated as loans for federal income tax purposes. Loan does not include: Futures or forward contracts; options; notional principal contracts such as swaps; credit card receivables, including purchased credit card relationships; noninterest bearing balances due from depository institutions; cash items in the process of collection; federal funds sold; securities purchased under agreements to resell; assets held in a trading account; securities; interests in a real estate mortgage investment conduit (REMIC) or other mortgage-backed or asset-backed security; and other similar items.

(e) **"Net annual rental rate"** means the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(f) The terms **"nexus"** and **"substantial nexus"** are used interchangeably in this rule.

(g) **"Property"** means tangible, intangible, and real property owned or rented and used in this state during the calendar year, except property does not include ownership of or rights in computer software, including computer software used in providing a digital automated service; master copies of software; and digital goods or digital codes residing on servers located in this state. Refer to RCW 82.04.192 and 82.04.215 for definitions of the terms computer software, digital automated services, digital goods, digital codes, and master copies.

(h) **"Securities"** includes any intangible property defined as a security under section 2 (a)(1) of the Securities Act of 1933 including, but not limited to, negotiable certificates of deposit and municipal bonds.

(i) **"State"** means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

~~((i) "Securities" includes any intangible property defined as a security under section 2 (a)(1) of the Securities Act of 1933 including, but not limited to, negotiable certificates of deposit and municipal bonds.))~~ (j) **"Wholesale sales"** means wholesale sales taxable under RCW 82.04.257 (1) or 82.04.270 and **"wholesaling"** means the activity of making such sales. For substantial nexus standards applicable to wholesale sales taxable under another classification, see WAC 458-20-193.

### (3) Substantial nexus.

(a) Substantial nexus exists where a person is:

(i) An individual and is a resident or domiciliary of this state during the calendar year;

(ii) A business entity and is organized or commercially domiciled in this state during the calendar year; or

(iii) A nonresident individual or a business entity that is organized ~~((or))~~ and commercially domiciled outside this state, and in ~~((any))~~ the immediately preceding calendar year the person ~~((has))~~ had:

(A) More than fifty thousand dollars of property in this state;

(B) More than fifty thousand dollars of payroll in this state;

(C) More than two hundred fifty thousand dollars of receipts from this state from apportionable activities, from wholesaling activities, or from a combination of both; or

(D) At least twenty-five percent of the person's total property, total payroll, or total receipts in this state.

**Example 1.** ~~((Company commercially domiciled in Washington.))~~ Company C is commercially domiciled in Washington and has one employee in Washington who earns \$30,000 per year. Company C has substantial nexus with Washington because it is commercially domiciled in Washington. The minimum nexus thresholds for property, payroll, and receipts do not apply to a business entity commercially domiciled in this state.

(b) The department will adjust the amounts listed in (a) of this subsection based on changes in the consumer price index as required by RCW 82.04.067. ~~((See ETA 3195-2015))~~ These adjustments are published in ETA 3195 "Economic Nexus Minimum Thresholds," ~~((for the current threshold amounts.))~~

(c) The minimum nexus thresholds are applied on a tax year basis. Generally, a tax year is the same as a calendar year. See RCW 82.32.270. For the purposes of this rule, tax years will be referred to as calendar years. ~~((This means that if a person meets the minimum nexus thresholds in a calendar year, that person is subject to B&O taxes for the entire calendar year.))~~

**Example 2.** Company Q is organized and domiciled outside of Washington. Company Q maintains an office in Washington which ~~((houses))~~ housed a single employee ~~((-))~~ in the immediately preceding calendar year. In the immediately preceding calendar year, Company Q ~~((has))~~ had \$40,000 in property located in Washington, paid \$45,000 in compensation to the Washington employee ~~((receives \$45,000 in compensation)), and ((has)) had~~ \$200,000 in apportionable receipts attributed to Washington ~~((-))~~ and \$0 wholesaling receipts sourced to Washington. In the immediately preceding calendar year, Company Q's total property ~~((is))~~ everywhere was valued at \$200,000, total payroll ~~((compensation is))~~ was \$400,000, and total apportionable and wholesaling receipts ~~((is))~~ were \$5,000,000. Although Company Q has physical presence in Washington, as described in RCW 82.04.067(6), it ~~((does not have))~~ is not treated as having substantial nexus with Washington with respect to its apportionable and wholesaling activities because ~~((-))~~ (a) it is not organized or domiciled in Washington ~~((-))~~ and (b) ~~((does))~~ it did not have sufficient property, payroll, or receipts in the immediately preceding calendar year to ~~((meet))~~ exceed the minimum nexus thresholds identified in subsection ~~((2)(a))~~ (3)(a)(iii) of this rule.

**(4) Property threshold.****(a) Location of property.**

(i) Real property - Real property owned or rented is in this state if the real property is located in this state.

(ii) Tangible personal property - Tangible personal property is in this state if it is physically located in this state.

(iii) Intangible property - Intangible property is in this state based on the following:

A loan is located in this state if:

(A) More than fifty percent of the fair market value of the real and/or personal property securing the loan is in this state. An automobile loan is in this state if the vehicle is properly registered in this state. Other than for property that is subject to registered ownership, the determination of whether the real or personal property securing a loan is in this state must be made as of the time the original agreement was made, and any and all subsequent substitutions of collateral must be disregarded; or

(B) If (a)(iii)(A) of this subsection does not apply and the borrower is located in this state.

(iv) A borrower is located in this state if:

(A) The borrower is engaged in business and the borrower's commercial domicile is located in this state; or

(B) The borrower is not engaged in business and the borrower's billing address is located in this state.

(v) A credit card receivable is in this state if the billing address of the card holder is located in this state.

(vi) A nonnegotiable certificate of deposit is property in this state if the issuing bank is in this state.

(vii) Securities:

(A) A negotiable certificate of deposit is property in this state if the owner is located in this state.

(B) A municipal bond is property in this state if the owner is located in this state.

**(b) Value of property.**

(i) Property the taxpayer owns and uses in this state, other than loans and credit card receivables, is valued at its original cost basis.

**Example 3.** In January (~~(2008)~~) 2013, ABC Corp. bought Machinery for \$65,000 for use in State X. On January 1, (~~(2011)~~) 2016, ABC Corp. brought that Machinery into Washington for the remainder of the year. ABC Corp. has nexus with Washington beginning in 2017 based on Machinery's original cost basis value of \$65,000. The value is \$65,000 even though the property has depreciated prior to entering the state.

(ii) Property the taxpayer rents and uses in this state is valued at eight times the net annual rental rate.

**Example 4.** In the preceding calendar year, out-of-state Business X (~~(rents)~~) rented office space in Washington for \$6,000 (~~(per year)~~) and (~~(has \$5,000)~~) had \$7,000 of office furniture and equipment in Washington. Business X has nexus with Washington in the current calendar year because the value of the rented office space (\$6,000 multiplied by eight, which is \$48,000) plus the value of office furniture and equipment exceeds the \$50,000 property threshold.

(iii) Loans and credit card receivables owned by the taxpayer are valued at their outstanding principal balance, without regard to any reserve for bad debts. However, if a loan or credit card receivable is actually charged off as a bad debt in

whole or in part for federal income tax purposes (see 26 U.S.C. 166), the portion of the loan or credit card receivable charged off is deducted from the outstanding principal balance.

(c) **Calculating property value.** To determine whether the \$50,000 property threshold has been met, average the value of property in this state on the first and last day of the calendar year. The department may require the averaging of monthly values during the calendar year if reasonably required to properly reflect the average value of the taxpayer's property in this state throughout the taxable period.

**Example 5.** Company Y has property in Washington valued at \$90,000 on January 1st and \$20,000 on December 31st (~~(of the same year)~~). The value of property in Washington is \$55,000  $((90,000 + 20,000)/2)$ . Company Y has substantial nexus with Washington beginning the following calendar year because it exceeds the \$50,000 property threshold.

**Example 6.** Company A (~~(has)~~) had no property located in Washington on January 1st (~~(and)~~) or on December 31st (~~(of a calendar year)~~). However, it brought \$100,000 in property into Washington on January 15th and removed it from Washington on November 15th of that calendar year. In this situation, the department may compute the value of Company A's property (~~(on a monthly basis in this situation because it is required)~~) over the period of time it was in the state during the calendar year in order to properly reflect (~~(the)~~) its average value (~~(of Company A's property in Washington)~~) (\$100,000 multiplied by ten (months) divided by 12 (months), which is \$83,333). Company A has substantial nexus with Washington (~~(based on the value of the property averaged over the calendar year)~~) beginning the following calendar year because it exceeds the \$50,000 property threshold.

**Example 7.** Company B (~~(has)~~) had no property located in Washington on January 1st (~~(and)~~) or on December 31st of (~~(a)~~) the immediately preceding calendar year. However, it brought \$100,000 in property into Washington on January 15th and removed it from Washington on February 15th of that calendar year. In this situation, the department may compute the value of Company A's property (~~(on a monthly basis in this situation because it is required)~~) over the period of time it was in the state during the calendar year to properly reflect (~~(the)~~) its average value (~~(of Company B's property in Washington)~~) (\$100,000 multiplied by one (month) divided by 12 (months), which is \$8,333.) Company B (~~(does not have)~~) is not treated as having substantial nexus with Washington based on the average value of (~~(the)~~) its property (~~(averaged over)~~) in Washington during the prior calendar year, unless (~~(this amount exceeds)~~) the average value exceeded 25% of Company B's total property value in the immediately preceding calendar year.

**Example 8.** IT Co. is commercially domiciled in State X with Employee located in Washington who works from a home office. In the immediately preceding calendar year, IT Co. provided to Employee \$5,000 of office supplies and \$15,000 of equipment owned by IT Co. IT Co. (~~(does not have)~~) is not treated as having substantial nexus with Washington based on the \$50,000 property threshold because the value of (~~(the)~~) its property in this state in the immediately preceding calendar year (\$20,000) (~~(because it does)~~) did not

exceed \$50,000 (~~(unless this amount exceeds)~~). IT Co. may still be treated as having substantial nexus with this state if the value of the property in this state in the immediately preceding calendar year (\$20,000) exceeded 25% of IT Co.'s total property value in the immediately preceding calendar year. This example does not address the payroll threshold.

(5) **Payroll threshold.** "Payroll" is the total compensation defined as gross income under 26 U.S.C. Sec. 61 (section 61 of the Internal Revenue Code of 1986), as of June 1, 2010, paid during the calendar year to employees and to third-party representatives who represent the taxpayer in interactions with the taxpayer's clients and includes sales commissions.

(a) Payroll compensation is received in this state if it is properly reportable in this state for unemployment compensation tax purposes, regardless of whether it was actually reported to this state.

**Example 9.** Company D is commercially domiciled in State X and has a single Employee whose (~~(payroll)~~) pay of \$80,000 (~~(is)~~) during the immediately preceding calendar year was properly reportable in Washington for unemployment compensation purposes. Company D has substantial nexus with Washington during the current calendar year (~~(based on)~~) because the compensation paid to Employee during the immediately preceding calendar year exceeds the \$50,000 payroll threshold.

**Example 10.** Assume the same facts as Example 9 except only 50% of Employee's (~~(payroll is)~~) pay for the immediately preceding calendar year was properly reportable in Washington for unemployment compensation purposes (~~(for the calendar year)~~). Employee's Washington compensation of \$40,000 does not (~~(meet)~~) exceed the \$50,000 payroll threshold to establish substantial nexus with Washington during the current calendar year, unless this amount exceeds 25% of total payroll compensation in the immediately preceding calendar year.

(b) Third-party representatives receive payroll compensation in this state if the service(s) performed occurs entirely or primarily within this state.

(6) **Receipts threshold.** The receipts threshold is met if a (~~(taxpayer receives more than \$250,000)~~) taxpayer's receipts from apportionable and wholesaling activities (~~(that is)~~) attributed and sourced, respectively, to Washington totaled more than \$250,000 in the immediately preceding calendar year.

(a) All receipts from all apportionable and wholesaling activities are accumulated to determine if the receipts threshold is satisfied. Receipts from activities (~~(that are not subject to apportionment)~~) other than apportionable and wholesaling activities (e.g., retailing (~~(wholesaling)~~), and extracting) are not used to determine if the receipts threshold has been satisfied.

(b) Apportionable receipts are attributed to Washington per WAC 458-20-19402 (general attribution), WAC 458-20-19403 (royalties), (~~(and)~~) WAC 458-20-19404 (financial institutions(~~+~~), after 2015), and WAC 458-20-19404A (financial institutions, before 2016). Receipts from wholesale sales are sourced to Washington in accordance with RCW 82.32.730.

**Example 11.** Company E is organized and commercially domiciled in State X. In a calendar year it (~~(has \$150,000)~~)

had \$100,000 in receipts from wholesale sales sourced to Washington in accordance with RCW 82.32.730, \$50,000 in royalty receipts attributed to Washington per WAC 458-20-19403, and \$150,000 in gross receipts from other apportionable activities attributed to Washington per WAC 458-20-19402. Company E has substantial nexus with Washington in the following calendar year because (~~(it has a)~~) its total of \$300,000 in receipts from apportionable activities attributed to Washington and wholesale sales sourced to Washington in a calendar year exceeded the \$250,000 receipts threshold. It does not matter that a portion of the receipts were from apportionable activities that are subject to tax under different B&O tax classifications or that the receipts from apportionable activities or wholesaling activities did not separately exceed the receipts threshold. The receipts threshold is determined by the totality of the taxpayer's apportionable and wholesaling activities in Washington.

~~(Example 12. Calculation of minimum nexus thresholds during the 2010 transition year. Company F receives \$200,000 in gross receipts attributed to Washington on March 15, 2010; \$100,000 on July 12, 2010; and \$100,000 on November 1, 2010. Company F has substantial nexus with Washington for the period June 1, 2010, through December 31, 2010, because it received \$400,000 in gross receipts during 2010.)~~

(7) **Application of 25% threshold.** If, in the immediately preceding year, at least twenty-five percent of an out-of-state taxpayer's property, payroll, or receipts from apportionable and wholesaling activities (~~(is it)~~) consisted of Washington property, Washington payroll, or Washington receipts, then the taxpayer has substantial nexus with Washington. The twenty-five percent threshold is determined by dividing:

(a) The value of property located in Washington by the total value of taxpayer's property;

(b) Payroll located in Washington by taxpayer's total payroll; or

(c) Apportionable and wholesaling receipts attributed and sourced to Washington by total apportionable and wholesaling receipts.

**Example (~~(13)~~) 12.** Company G is organized and commercially domiciled in State X. In (~~(a)~~) the immediately preceding calendar year it (~~(has)~~) had \$45,000 in property, \$45,000 in payroll, and \$240,000 in gross receipts attributed to Washington. In that year, its total property (~~(is)~~) was valued at \$200,000; its worldwide payroll (~~(is)~~) was \$150,000; and its total gross receipts (~~(are)~~) were \$2,000,000. Company G (~~(has)~~) had twenty-two and a half percent of its property, thirty percent of its payroll, and twelve percent of its receipts attributed to Washington. Company G has substantial nexus with Washington because (~~(more than)~~) at least twenty-five percent of its payroll (~~(is)~~) in the immediately preceding year was located in Washington.

(8) **Application to local gross receipts business and occupations taxes.** This rule does not apply to the nexus requirements for local gross receipts business and occupation taxes.

(9) **Continuing substantial nexus.** Pursuant to RCW 82.04.220, if a person (~~(meets any of the minimum nexus thresholds in subsection (2) of this section)~~) has substantial nexus with Washington in a calendar year, because, for



example, it exceeds a minimum nexus threshold in subsection (3) of this rule, the person has substantial nexus for the following calendar year and will owe B&O tax on its gross receipts attributable to Washington for that additional year.

~~(Example 14. Assume Corporation J earns receipts attributable to Washington that do not exceed the minimum threshold from apportionable activities in any year, and whose physical presence in Washington ends on July 20, 2008. Corporation J's B&O tax reporting obligation for any gross receipts earned in Washington ends on December 31, 2010.)~~ **Example 13.** Assume Corporation N, which is not commercially domiciled or organized in Washington, earns receipts attributable to Washington from January 1, 2017, through March 1, 2017. These receipts exceed the minimum nexus receipts threshold for determining substantial nexus for 2018. Assuming Corporation N's 2018 payroll, property, and receipts do not exceed any of the minimum nexus thresholds for determining substantial nexus in 2019, its B&O tax reporting obligation for any gross receipts attributable to Washington ends on December 31, 2019.

**(10) Periods from June 1, 2010, through August 31, 2015.**

(a) Apportionable activities. From June 1, 2010, through August 31, 2015, substantial nexus with Washington of a nonresident individual or a business entity organized and commercially domiciled outside this state was established with respect to that person's apportionable activities in a particular calendar year by measuring the person's payroll, property, and receipts in that calendar year rather than by measuring the person's payroll, property, and receipts in the immediately preceding calendar year. Pursuant to RCW 82.04.220, once established, substantial nexus continued through the following calendar year.

**Example 14.** Calculation of minimum nexus thresholds during the 2010 transition year. Company F receives \$200,000 in gross receipts attributed to Washington on March 15, 2010; \$100,000 on July 12, 2010; and \$100,000 on November 1, 2010. Company F has substantial nexus with Washington for the period June 1, 2010, through December 31, 2010, because it received \$400,000 in gross receipts during 2010. Pursuant to RCW 82.04.220, its substantial nexus with Washington also continues through 2011.

**Example 15.** Company E is organized and commercially domiciled in State X. In 2013 it had \$275,000 in gross receipts from apportionable activities attributed to Washington per WAC 458-20-19402. Company E has substantial nexus with Washington in 2013 because its total receipts from apportionable activities attributed to Washington in that calendar year, \$275,000, exceeded the receipts threshold. Therefore, Company E is subject to B&O taxes for the entire 2013 calendar year and its substantial nexus continues through at least the 2014 calendar year.

**Example ((45)) 16.** Assume Corporation K earns receipts attributable to Washington from July 1, 2008 through March 1, 2010 and exceeds the minimum threshold from apportionable activities in 2010. Assuming Corporation K does not exceed any of the minimum nexus thresholds in 2011, the taxpayer's B&O tax reporting obligation for any gross receipts attributable to Washington ends on December 31, 2011.

**Example ((46)) 17.** Assume Corporation L exceeded Washington's minimum nexus thresholds for apportionable income from 2010 through 2012, but does not ((meet)) exceed them in 2013. Corporation L's B&O tax reporting obligation for any gross receipts earned in Washington ends on December 31, 2013.

(b) Wholesaling activity. Prior to September 1, 2015, other than as a result of continuing substantial nexus pursuant to RCW 82.04.220, a nonresident individual or a business entity organized and commercially domiciled outside of Washington was deemed to have substantial nexus with this state with respect to its wholesaling activity in a calendar year only if it had a physical presence in Washington in the calendar year. See WAC 458-20-193 regarding the continuing application of the physical presence substantial nexus standard on wholesaling activity not subject to the economic nexus thresholds discussed in this rule.

**WSR 16-13-049**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed June 9, 2016, 9:08 a.m., effective July 10, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement the provisions of SHB 1883, Laws of 2013, and to update or remove obsolete language and provisions in chapter 308-77 WAC, Special fuel tax rules and regulations. SHB 1883 merges motor fuel and special fuel.

Title: Changed to "fuel tax rules and regulations."

Citation of Existing Rules Affected by this Order: Amending WAC 308-77-005, 308-77-015, 308-77-035, 308-77-04401, 308-77-075, 308-77-099, 308-77-102, 308-77-103, 308-77-104, 308-77-109, 308-77-112, 308-77-114, 308-77-116, 308-77-240, 308-77-265, and 308-77-280.

Statutory Authority for Adoption: RCW 82.38.260.

Adopted under notice filed as WSR 16-09-095 on April 19, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 16, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 16, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 16, Repealed 0.

Date Adopted: June 9, 2016.

Damon G. Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-005 Definitions.** (1) (~~"Special fuel" as defined in RCW 82.38.020(23) includes diesel fuel, propane, natural gas, kerosene, biodiesel, and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by chapter 82.36 RCW.~~

(2)) "Biodiesel" a nonpetroleum-based diesel fuel consisting of short chain alkyl (methyl or ethyl) esters, made by transesterification of vegetable oil or animal fat (tallow), which can be used alone, or blended with conventional petrodiesel in unmodified diesel-engine vehicles.

(~~3) "Publicly owned firefighting equipment" means equipment owned and used for firefighting by any agency or political subdivision of the state of Washington and will include fire engines, aid cars, ambulances, and vehicles used to transport firefighting personnel.~~) (2) "Billed gallons" a gallon of fuel, whether net or gross as billed to the purchaser.

(3) "Ethanol" an anhydrous denatured aliphatic alcohol intended for gasoline blending.

(4) "Export" means to obtain (~~special~~) fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the (~~special~~) fuel tax, (~~special~~) fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country. The exporter must be licensed or registered, if required, in the state, province, or country of destination.

(5) (~~"Invoice" means any document, paper or electronic, evidencing the transfer of ownership of special fuel.~~) "Gasoline" means finished gasoline and gasoline blendstocks as defined in Code of Federal Regulations (C.F.R.) 48.4081. Finished gasoline means all products (including gasohol) that are commonly or commercially known or sold as gasoline and are suitable for use as motor vehicle fuel. The product must have an octane rating of 75 or more.

(6) ("~~Net~~) Gross gallons" a standard gallon unit of petroleum of 231 cubic inches (~~at 60 degrees Fahrenheit (U.S. petroleum gallon)~~) as measured at the terminal rack.

(7) "Invoice" means any document, paper or electronic, proving the ownership transfer of fuel.

(8) "Motor vehicle fuel" is any product sold as gasoline and fuel ethanol. The blending of any products or chemicals with gasoline or any other flammable liquid when the resultant product is sold or used for the propulsion of motor vehicles is considered a motor vehicle fuel subject to the provisions of chapter 82.38 RCW.

(9) "Net gallons" a standard gallon unit of petroleum of 231 cubic inches at 60 degrees Fahrenheit (U.S. petroleum gallon).

(10) "Publicly owned firefighting equipment" means equipment owned and used for firefighting by any agency or political subdivision of the state of Washington and will include fire engines, aid cars, ambulances, and vehicles used to transport firefighting personnel.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-015 Incidental use or exemptions.** (1) **When is the incidental operation of a nonlicensed vehicle exempt the (~~special~~) fuel tax?** Fuel is exempt the (~~special~~) fuel tax if (~~the~~) used in a vehicle which is not licensed or required to be licensed under chapter 46.16 or 46.87 RCW and is operated between two pieces of private property for a distance not exceeding (~~fifteen~~) twenty-five miles. The movement of the vehicle must be incidental to the primary use of the vehicle.

(2) **When is off-highway fuel use taxable?** If special fuel is used in a continuous trip, which is partly on and partly off the highway, the tax applies to all the fuel used when the total distance traveled off the highway does not exceed one mile.

A continuous trip involves the use of a highway for the transportation of persons or property from one place to another; or, in a round trip, from the origin to the destination and return to the origin.

(3) **Are cash sales to qualified foreign diplomats and consular missions tax exempt?** No, only credit card purchases are exempt.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-035 Cancellation, suspension, or revocation of (~~special~~) fuel licenses. What happens when my license is canceled, suspended, or revoked?** The department will (~~notify all special fuel~~) post information about these changes in license status for all licensees, except for IFTA(~~of the change in license status~~).

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-04401 Waiving of bond requirements.** (1) **Can the department waive the requirement to maintain a fuel tax bond?** Yes, if the department determines (~~that the~~) a licensed distributor has sufficient financial assets to cover any Washington state fuel tax liability, including penalties and interest.

(2) **What is considered a financial asset?**

(a) A line of credit with a financial institution or supplier covering the cost of product and fuel tax liability; or

(b) United States dollars, bonds, or other obligations of the United States, the state, or any county of the state, deposited with the state treasurer.

(3) **How can I qualify to have my bonding requirement waived?**

(a) By filing a notarized statement with the department stating that your lines of credit with your financial institutions and your fuel suppliers (~~is at a~~) are sufficient (~~amount to include~~) to cover product cost and state fuel taxes. You must list the name of (~~the~~) each financial institution(~~s~~), the account numbers and dollar value of your lines of credit, and the names of your fuel suppliers. You must authorize the department to access this information with your financial institutions and suppliers; or

(b) ~~((Depositing in a financial institution))~~ Deposit an amount equal to the estimated monthly fuel tax ~~((payments and assigning))~~ liability in a financial institution and assign this deposit to the department as security for performance under chapter 82.38 RCW; and

(c) ~~((Providing))~~ Provide the department with ~~((satisfactory))~~ documentation indicating that the suppliers will not allow the licensed distributor to incur a liability, including fuel tax, in excess of the lines of credit.

(4) **What if the department denies my request for a waiver of the bond requirement?** You can appeal this decision as provided in chapters 82.38 RCW and 308-77 WAC.

(5) **What if I no longer maintain a line of credit or financial asset?** You must provide a surety bond to the department in the amount required by chapter 82.38 RCW, with a coverage beginning on or before the date the line of credit or financial asset became insufficient.

#### NEW SECTION

**WAC 308-77-048 Collateral requirements in lieu of surety bonds.** (1) **What other forms of collateral will the department accept in lieu of a surety bond?** The department will accept cash or certificates of deposit in U.S. dollars in any of the following forms:

(a) Automatically renewable certificates of deposit insured by the Federal Deposit Insurance Corporation, made in the name of the licensee of applicant for the license, payable to or assigned to the Washington state treasurer;

(b) Certificates of deposit or share account issued by a savings and loan association insured by the federal savings and loan corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook must be filed with the department along with a properly executed assignment form where the fund on deposit is assigned to the Washington state treasurer;

(c) Certificates of deposit of share account, issued by a credit union doing business in the state of Washington and insured by the Washington credit union share guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form where the fund on deposit is assigned to the Washington state treasurer; or

(d) Cash deposits with the department, however no interest will accrue or be paid to the licensee.

(2) **Do I earn interest on my certificates of deposit?** Yes, the assignment forms will contain the provision that interest earned will be payable to the depositor.

(3) **How is an assignment canceled?** Assignments may only be canceled with written authorization by the department.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-075 Payment due dates for ~~((special))~~ fuel ~~((taxes))~~ tax not paid by electronic funds. What if my payment due date falls on a Saturday, Sunday, or state legal holiday?** Payment is due on the next state business day.

For example, if the payment due date falls on Saturday, the payment must be postmarked by Monday.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-099 Invoices issued by licensees.** (1) **When is an invoice issued?** Every licensee must issue an invoice at the time of sale. ~~((If an electronic invoice is issued, a paper copy of the invoice is required to support a refund claim.))~~

(2) **What information is required on an invoice?**

(a) The name and address of the seller;

(b) The name~~((;))~~ and address~~((, and special fuel tax license number, if applicable.))~~ of the purchaser;

(c) The date of delivery month, day, and year;

(d) The location of the point of shipment. Alphanumeric codes are allowed if the definition keys are provided to the department;

(e) The physical address of the fuel delivery or exchange, if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definition keys are provided to the department;

(f) In the case of a delivery into a federally recognized Indian reservation or onto Indian country, the invoice must identify the state, U.S. possession, or Canadian Province ~~((# which))~~ where the delivery took place;

(g) Name of carrier transporting fuel;

(h) Name of product sold;

(i) The number of U.S. gallons of product sold in ~~((net or gross))~~ billed gallons;

(j) The price per gallon and total amount charged; and

(k) A statement on the invoice indicating if the fuel has been sold without the Washington state fuel tax.

(3) **What happens if a purchaser's invoice is lost or destroyed?** The seller can issue a duplicate or copy containing all information on the original invoice, if requested by the purchaser. The copies must be plainly marked "copy" or "duplicate."

(4) **What happens if an incorrect invoice is issued to the purchaser?** The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

AMENDATORY SECTION (Amending WSR 01-22-073, filed 11/1/01, effective 12/2/01)

**WAC 308-77-102 Appeals.** (1) **What are the appeal procedures?** Any person having been issued a notice of assessment for taxes, penalties, ~~((and/or interest who wishes to contest such notice may petition))~~ or interest may contest the notice by petitioning the department for an informal hearing in lieu of proceeding directly to a formal hearing. ~~((A))~~ This written petition ~~((for a hearing must be in writing and))~~ must be received by the department within thirty days ~~((after the receipt))~~ of the mailing date of the notice of assessment ~~((A petition shall set forth))~~ and list the specific reasons ~~((why reassessment is sought and))~~ for reassessment. Include the amount of tax, interest, ~~((and/or penalties which you believe))~~ or penalties believed to be due.

(2) **What happens after the department receives the petition for an informal hearing?** Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify you by mail at least ten days prior to the scheduled date. If you are unable to attend the hearing on the date or time scheduled, you may request that the department ~~((to))~~ reschedule the hearing.

(3) **What happens if I fail to appear for my informal hearing without prior notification?** Failure to appear may result in the loss of your informal administrative appeal rights.

(4) **What happens following my informal hearing?** The department will make a determination in accordance with the Revised Code of Washington, administrative rules, and policies established by the department.

(5) **What if I do not agree with the department's informal hearing determination?** You may, within thirty days after the date of the mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal ~~((shall))~~ must indicate the portions of the determination you feel are in error and ~~((set forth))~~ list the reasons for believing the decision should be amended. The department will establish a time and place for a formal hearing and give you at least ten days' notice.

(6) **When does my reassessment become final?** The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon you unless you appeal further.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-103 Mitigation of penalties and interest.** (1) **What fee, penalty or interest may be mitigated or reduced?** The department may mitigate fees, penalties, ~~((dyed special fuel penalties,))~~ or interest from:

- Late or missing fuel tax returns;
- Unpaid or underpaid taxes;
- Incomplete records to support reported fuel usage;
- License reinstatement fees;
- Assessments; or
- Unlawful use of dyed special fuel.

(2) **How will the department make the decision?** The department may review records, account history, or other information.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-104 Filing of refund claims for non-licensees.** (1) **How do I apply for a refund?** Contact the department for a refund permit application and instructions or sign up electronically.

(2) **What time period can I file for a refund claim?** You must file within thirteen months of the fuel purchase date. The department will use the postmark date to determine ~~((the thirteen-month time frame))~~ eligibility. We will not accept multiple refund claims for the same month. For example, if you ~~((have))~~ made a claim for purchases in June you ~~((cannot))~~ could not claim additional purchases for June on another claim form.

(3) **What do I need to send with my refund claim?** You must ~~((send in))~~ include your fuel purchase invoices, schedules, and other documents listed on the refund claim form. ~~((If electronic invoices were issued, you must provide paper copies.))~~

(4) **How do I account for my inventory?** Any fuel on hand by physical measurement at the end of the claim period, should be reported as ending inventory. This figure ~~((should))~~ must be reported as the beginning inventory on your next claim form.

~~((5))~~ ~~((What does a licensed distributor send with their refund claim?))~~ Summary schedules must be provided and the department may request invoices.

~~((6))~~ ~~((The following))~~ **Who can sign a refund claim form~~((?))~~?**

- (a) Individuals - Permit holder;
- (b) Partnership - Any one of the partners;
- (c) Business firm or corporation - Owner, corporate officer or other authorized agent.

~~((7))~~ ~~((Can invoices have a different name than what is on the claim form?))~~ (6) **Can I claim a refund using another person's fuel invoices?** No.

~~((8))~~ (7) **Can I request that my refund be assigned to another person?** Yes~~((, if we receive a letter stating whom))~~. You must submit a written request naming the person you would like ~~((the claim assigned))~~ to receive the refund.

~~((9))~~ (8) **How long will it take ~~((until I receive))~~ to process my refund?** Within thirty business days after we receive a properly ~~((completed))~~ submitted claim.

~~((10))~~ (9) **How long do I maintain my refund records?** Keep them for five years after submitting your claim.

#### NEW SECTION

**WAC 308-77-108 Special rules and requirements for fuel tax refunds. Can I claim a refund for motor vehicle fuel used in my unlicensed off-road vehicles, alterrain vehicles, and snowmobiles?** Yes, only if the motor vehicle fuel is used for nonrecreational purposes such as farming, logging, and construction. An off-road vehicle (ORV) permit is considered a license. Off-road vehicles, alterrain vehicles, and snowmobiles are defined in RCW 46.09.310 and 46.10.-300.

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

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-109 Invoice requirements for refund to nonlicensees and IFTA licensees.** (1) **What is a valid invoice?** A ~~((separate invoice must be issued for each fuel purchase. A single invoice may list multiple deliveries of fuel purchases made during a calendar month.))~~

~~((2))~~ ~~((The following information must be included on the invoice))~~ valid invoice must include:

- (a) Name and address of the seller;
- (b) The type of fuel and number of gallons purchased;

- (c) Complete date of sale including month, day, and year;
- (d) Price per gallon; and
- (e) Total amount of sale.

**(2) A separate invoice must be issued for each fuel purchase.** A single invoice may list multiple deliveries of fuel purchases made during a calendar month.

**(3) The department will not accept invoices with altered, corrected, or erased information.**

**~~(4) ((What happens if the seller issues an electronic invoice? A paper copy must be submitted with your refund claim.~~**

**~~(5))~~ **What happens if I get an incorrect invoice?** The seller must issue a new invoice marked "correction" and reference the original.**

**~~((6))~~ **(5) What happens if I lose or destroy my invoice?** The seller may issue a copy. The copies must be plainly marked "copy" or "duplicate."**

**AMENDATORY SECTION** (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-112 Power take-off (PTO) use.** (1) **What is PTO use?** It is fuel used in a motor vehicle engine to operate auxiliary equipment. The ~~((fuel must be supplied from))~~ **equipment must be fueled by the propulsion tank of the motor vehicle.**

(2) **What is not considered auxiliary equipment?** Equipment such as air conditioning, power steering, generator, etc., that ~~((is))~~ **are** considered ~~((an))~~ **integral** ~~((part of))~~ **to the operation of the vehicle.**

(3) **What formula does the department use in determining PTO usage?** The tax exemption is calculated as a percentage of the total Washington taxable fuel:

Cement mixer	25%
Fire trucks (private)	25%
Mobile cranes	25%
Garbage trucks (with load compactor)	25%
Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%
Pneumatic tank truck	15%
Salt spreader on dump truck	15%

Seeder truck	15%
Semiwrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%
Others	7.5%

**(4) What if my fuel consumption is greater than the percentages indicated above?** If you can provide satisfactory documentation and records to show that the fuel consumed by the PTO is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

**(5) What documents must accompany the refund claims?** All claims must be accompanied by valid purchase invoices to cover the total gallons of ~~((special))~~ fuel purchased, except that invoices for ~~((special))~~ fuel used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington PTO and power pumping credits must accompany each claim for refund.

**(6) What records do I need to keep?** All individual vehicle mileage and fuel records that reflect total mileage, total fuel, Washington taxable mileage, and Washington taxable fuel by vehicle.

**AMENDATORY SECTION** (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-114 Unauthorized use of dyed diesel.** (1) ~~**(Is there any dye concentration in diesel fuel that the department cannot assess penalties for unlawful use? No.)**~~ **What is the minimum dye concentration allowed for on-road use?** None. The department may assess on any dye concentration found in licensed vehicles, vehicles required to be licensed, or in bulk storage tanks used to fuel licensed or required to be licensed vehicles.

**(2) Who can be assessed a penalty for unlawful use of dyed diesel or dyed biodiesel?**

- (a) The operator of the vehicle;
- (b) The registered owners of the vehicle;
- (c) Any person responsible for the operation, maintenance, or fueling of the vehicle.

**(3) If dyed diesel or dyed biodiesel is discovered in the fuel supply tanks of a vehicle, when must the fuel be removed?** The dyed ~~((diesel))~~ fuel must be removed from the vehicles within twenty-four hours from the time of discovery. Detection of dyed ~~((diesel))~~ fuel in the same vehicles after the twenty-four-hour period will be ~~((considered))~~ **treated** as a separate violation.

(4) **Will I be assessed (~~dyed diesel~~) penalties (~~on the~~) for dyed fuel in bulk storage tanks?** Yes, if any dyed (~~diesel~~) fuel from the bulk storage tanks has been used for unlawful purposes.

(5) **How is the dyed (~~diesel~~) fuel in a bulk storage tank assessed?** The assessment is based on the capacity or estimated quantity of dyed (~~diesel~~) fuel in the bulk storage tanks without regard to how this fuel will be used.

(6) **What if I refuse the department or authorized representative access to inspect the vehicles or bulk storage tanks?** The penalty in RCW (~~(82.38.170(13))~~) 82.38.072(2) will be calculated on the capacity of the bulk storage tanks and the number of vehicles subject to the refusal.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-116 Records.** (1) **What (~~special~~) fuel records must be kept?** Every person licensed or required to be licensed must maintain a complete monthly stock summary of the gallons of (~~special~~) fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary must be supported by:

(a) Physical inventories of bulk storage plants taken at the close of each calendar month.

(b) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.

(c) A record of fuel receipts, invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel.

(d) A record of fuel disbursements, invoices, bills of lading and other documents relative to the disbursement of fuel.

(2) **If I am a licensed dyed fuel user or someone who is required to be licensed, do I keep the same records?** Yes.

#### NEW SECTION

**WAC 308-77-121 Tax computation in the absence of records.** In the absence of records showing the number of miles operated per gallon of fuel consumed, fuel consumption will be calculated by the department. The department may adopt a mileage per gallon basis for determining the taxable use of fuel used in motor vehicles which travel on and off the highways within the state of Washington.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-240 Refund records. What records do I need to keep to claim a refund of fuel taxes?**

- All (~~special~~) fuel receipts;
- The gallons of fuel used in each piece of equipment, both refundable and nonrefundable;
- Fuel inventory in bulk storage;
- Detailed fuel records for all withdrawals from bulk storage;
- Fuel purchased in small containers (ten gallons or less) for nonhighway use must show the type of equipment being used, i.e., boats, tractors, power saws, etc.

Each claimant using special fuel must also keep on-highway and off-highway mileage records for each licensed vehicle.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-265 Tax exempt losses.** (1) (~~What is acceptable proof of loss~~) **How can I document lost fuel for a credit or refund of fuel tax paid?**

(a) A notarized affidavit by a person having actual knowledge of the circumstances of the loss explaining the origin and destination of the shipment, the circumstances surrounding the quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedures used in the determination of the quantity of fuel lost; or

(b) A signed statement by a federal, state, local or provincial official who has authority to investigate fuel loss; and

(c) A bill of lading or other shipping documents; and

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(2) **Are deductions for losses from bulk storage allowed?** Yes, (~~special~~) fuel that has been proven lost or destroyed, prior to distribution from a licensee's bulk storage facility outside of the bulk transfer terminal system may be considered a tax exempt loss.

(3) **How long do I retain my evidence substantiating my loss?** Five years from date of claim.

(4) **May I claim a deduction for stolen fuel?** No.

AMENDATORY SECTION (Amending WSR 09-07-075, filed 3/16/09, effective 4/16/09)

**WAC 308-77-280 Natural gas, propane decal as evidence of payment of annual license fees.** (~~(1) Do I pay fuel tax when I purchase natural gas or liquefied petroleum gas (propane) for my licensed vehicle?~~) No, once you have licensed your vehicle as being powered by natural gas or propane, you will pay an annual license fee in lieu of the fuel tax.

(2) ~~What proof is required to purchase natural gas or propane for my vehicle?~~ A decal will be issued that must be displayed on your vehicle that allows the purchase of natural gas or propane. This decal must be displayed in plain view on the vehicle near the fuel supply tank.

(3) ~~What~~) **Am I required to buy a decal if my vehicle operates with both motor fuel gasoline and natural gas or propane?** (~~You will~~) Yes, you must pay fuel tax on the gasoline purchases as well as purchasing a decal.

#### NEW SECTION

The following section of the Washington Administrative Code is decodified and recodified as follows:

Old WAC Number	New WAC Number
308-77-04401	308-77-046

**WSR 16-13-051**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 9, 2016, 9:19 a.m., effective July 10, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement the provisions of SHB 1883, Laws of 2013, and to update or remove obsolete language and provisions in chapter 308-78 WAC, Aircraft fuel tax.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-78-040; and amending WAC 308-78-010, 308-78-020, 308-78-030, 308-78-035, 308-78-045, 308-78-070, 308-78-075, 308-78-080, 308-78-090, and 308-78-100.

Statutory Authority for Adoption: RCW 82.42.130.

Adopted under notice filed as WSR 16-09-096 on April 19, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 10, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 1.

Date Adopted: June 9, 2016.

Damon G. Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-010 Definitions.** (1) "Certified user" means any person other than a distributor who ~~((is certified to acquire))~~ holds an Aircraft Bulk Fuel Exemption certificate to purchase aircraft fuel without payment of the aircraft fuel tax ~~((at time of acquisition))~~.

(2) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

(3) "Emergency medical air transport entities" means entities that own or lease, and operate aircraft used solely for air ambulance services.

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-020 Bond requirements and collection.** (1) **Are bonds required for aircraft fuel distributors?** Yes, every aircraft fuel distributor must be bonded as provided in ~~((chapter 82.36 RCW and))~~ chapter 82.42 RCW.

(2) **What action can the department take to collect ~~((on bonds for))~~ unpaid aircraft fuel ~~((taxes))~~ tax?** ~~((Yes;))~~ The department may:

- Issue a notice of assessment;
- Revoke license;
- File tax liens or warrant;
- Execute bonds on file under the provisions of chapter

~~((s 82.36 and))~~ 82.42 RCW ~~((for unpaid aircraft fuel taxes)).~~

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-030 ~~((Required reports))~~ Agencies sharing tax return information.** ~~((1) What reports are required by the department for aircraft fuel tax and when are they due?~~ Every licensed distributor of aircraft fuel will submit signed tax returns and schedules to the department, on or before the 25th day of each month, or as required by the department. Forms will be furnished or approved by the department.

~~(2) What if the payment due date falls on a Saturday, Sunday, or state legal holiday?~~ Payment is due by the state business day immediately preceding the due date. For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.

~~(3) Is a report due if I have no activity for the month?~~ Yes, a report must be filed with the department for each calendar month.

~~(4) Can~~) Will tax return information be ~~((made available to))~~ shared with other government agencies? Yes, the department routinely ~~((furnishes))~~ provides copies of schedules to government agencies or foreign jurisdictions.

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-035 What is the minimum ~~((payment or))~~ refund~~((s))~~ amount?** ~~((1) What is the minimum payment or refund for licensed accounts?~~ Ten dollars or less will not be owed or refunded.

~~(2) What is the minimum refund for unlicensed refund claims?~~ Claims for less than twenty dollars will not be refunded.) The minimum refund amount for both licensed and unlicensed accounts is twenty dollars.

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-045 Tax exempt use and circumstances.** (1) ~~((What are the conditions under which a))~~ When can an aircraft fuel tax refund ~~((of aircraft fuel tax am))~~ be claimed? When fuel is:

(a) ~~((Operation of aircraft))~~ Used by air carriers, supplemental air carriers, and foreign flag carriers, operating under the Federal Aviation Administration Regulations, and local service commuters.

(b) Used for testing and experimental purposes in the manufacture or ~~((remanufacture))~~ repair of aircraft ~~((and for))~~, including flight operations ~~((or experimental testing~~

following manufacture, repair prior to delivery to a customer, or experimental testing of another aircraft).

(c) ~~Used in aircraft crew training in Washington state for certified air carriers.~~

(d) ~~((When applying)) Used to apply pesticides, herbicides, or other agricultural chemicals ((under conditions defined in RCW 82.42.020)).~~

(e) ~~((Exportation of fuel)) Exported from this state for use outside this state ((under the same conditions as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW)).~~

(f) ~~((Use of fuel)) Used in nonhighway equipment, other than aircraft((, as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW)).~~

(g) ~~((Sales to the United States or foreign government agencies by a distributor who has paid the aircraft fuel tax. The distributor will file an exemption certificate provided by the department. This certificate will contain an assignment to the distributor of the purchaser's right to a refund.)) Sold with taxes to the United States or foreign government agencies.~~

(h) ~~((Users of aircraft fuel placed into)) In helicopters or ((the wing tanks of)) aircraft that are used solely for air ambulance services ((are eligible for a refund of the aircraft fuel tax. Aircraft fuel consumed during)) or for training activities directly related to ((providing air ambulance)) these services ((is considered to be exempt from the aircraft fuel tax)). For aircraft, the fuel must be placed directly into the wing tanks.~~

(2) **What records must be kept when claiming an exemption of aircraft fuel tax?** Each person must keep records of each flight or series of flights for which tax exempt use is claimed. Records will include:

- (a) Flight or block time of each flight or series of flights;
- (b) Type of aircraft;
- (c) Purpose of each flight or series of flights;
- (d) Dates; and
- (e) Gallons consumed for each flight or series of flights.

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-070 Records.** ~~((1) What aircraft fuel records must be kept? Every person licensed or required to be licensed must maintain a complete monthly stock summary of the gallons of aircraft fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary must be supported by:~~

~~(a) Physical inventories of bulk storage plants taken at the close of each calendar month.~~

~~(b) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.~~

~~(c) A record of fuel receipts, invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel.~~

~~(d) A record of fuel disbursements, invoices, bills of lading and other documents relative to the disbursement of fuel.~~

~~((2)) How long must I ((retain)) keep my records? ((Records will be maintained and kept for a period of not less than five years in their original form. The department may make such examinations of the records, facilities, equipment,~~

~~and aircraft of distributors, certified users and consumers of aircraft fuel as necessary in carrying out the provisions of this chapter.)) Licensees must keep records for at least five years from the reporting period. Refund claimants must keep records for at least five years from the filing date.~~

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-075 Invoices issued by licensees.** (1) **When is an invoice issued?** Every licensee must issue an invoice at the time of sale. ~~((If an electronic invoice is issued, a paper copy of the invoice is required to support a refund claim.))~~

(2) **What information is required on an invoice?**

(a) The name and address of the seller;

(b) The name((s)) and address((, and aircraft fuel tax number, if applicable,)) of the purchaser ~~((for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers));~~

(c) The date of delivery, month, day, and year;

(d) The location of the point of shipment. Alphanumeric codes are ~~((not))~~ allowed if the definition keys are provided to the department;

(e) The physical address of the fuel delivery or exchange if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are not allowed;

(f) In the case of a delivery onto a federally recognized Indian reservation or into Indian country, the invoice must identify the state, U.S. possession, or Canadian Province ~~((in which))~~ where the delivery took place;

(g) Name of carrier transporting fuel;

(h) Name of product sold;

(i) The number of U.S. gallons of product sold in ~~((net or gross))~~ billed gallons;

(j) The price per gallon and the total amount charged; and

(k) A statement on the invoice indicating if the fuel has been sold without the Washington state fuel tax.

(3) **What happens if a purchaser's invoice is lost or destroyed?** The seller can issue a duplicate or copy containing all information on the original invoice, if requested by the purchaser. The copies must be plainly marked "copy" or "duplicate."

(4) **What happens if an incorrect invoice is issued to the purchaser?** The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-080 Filing of refund claims for non-licensees.** (1) **How do I apply for a refund ((for aircraft fuel))?** Contact the department for a refund permit application and instructions or sign up electronically.

(2) **What time period can I file for a refund?** You must file within thirteen months of the fuel purchase date. The department will use the postmark date to determine ~~((the thirteen-month time frame))~~ eligibility. We will not accept mul-



multiple refund claims for the same month. For example, if you ~~((have))~~ made a claim for purchases in June you ~~((cannot))~~ could not claim additional purchases for June on another claim form.

(3) **What do I need to send with my refund claim?** You must ~~((send in))~~ include your fuel purchase invoices, schedules, and other documents listed on the refund claim form. ~~((If electronic invoices were issued, you must provide paper copies.))~~

(4) **How do I account for my inventory?** Any fuel on hand ~~((;))~~ by physical measurement ~~((;))~~ at the end of the claim period, should be reported as ending inventory. This figure ~~((should))~~ must be reported as the beginning inventory on your next claim form.

(5) ~~((What does a licensed distributor send with their refund claim?))~~ Summary schedules must be provided and the department may request invoices.

~~((6))~~ **The following)) Who can sign a refund claim form ~~((;))~~?**

- (a) Individuals - Permit holder;
- (b) Partnership - Any one of the partners;
- (c) Business firm or corporation - Owner, corporate officer, or other authorized agent.

~~((7))~~ (6) ~~((invoices have a different name than what is on the claim form))~~ I claim a refund using another person's invoices? No.

~~((8))~~ (7) **Can I request that my refund be assigned to another person?** Yes ~~((, if we receive a letter stating whom))~~. You must submit a written request naming the person you would like ~~((the claim assigned))~~ to receive the refund.

~~((9))~~ (8) **How long will it take ~~((until I receive))~~ to process my refund?** Within thirty business days after we receive a properly ~~((completed))~~ submitted claim.

(9) **How long do I maintain my refund records?** Keep them for five years after submitting your claim.

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-090 Mitigation of penalties and interest.** (1) **What fee, penalty or interest may be mitigated or reduced?** The department may mitigate fees, penalties, or interest from:

- Late or missing fuel tax returns;
- Unpaid or underpaid taxes;
- Incomplete records to support reported fuel usage;
- License reinstatement fee; or
- Assessments.

(2) **How will the department make the decision?** The department may review records, account history, or other information.

AMENDATORY SECTION (Amending WSR 09-07-077, filed 3/16/09, effective 4/16/09)

**WAC 308-78-100 Dishonored checks.** (1) **What will happen if my check is dishonored?** The department will take collection action to recover any amounts owing and require all subsequent payments to be made in ~~((guaranteed funds, such as))~~ cash, cashier's check, or money order.

(2) **Are there any additional fees charged for a dishonored check?** Yes, a handling fee will be charged by the department for each dishonored check.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-78-040 Tax exempt sales by licensed distributors.

### **WSR 16-13-054**

#### **PERMANENT RULES**

#### **DEPARTMENT OF HEALTH**

[Filed June 10, 2016, 10:38 a.m., effective July 11, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapters 246-220, 246-221, 246-231, 246-232, 246-233, 246-235, 246-237, 246-243 and 246-252 WAC, the department is revising these rules to be consistent with Nuclear Regulatory Commission's (NRC) rules. This is done through rule amendments to make our state rules consistent with, and at least as stringent as, NRC rules. This rule making will also permanently adopt chapter 246-237 WAC that was an emergency rule adopted on March 19, 2016.

**Reviser's note:** The agency mentioned chapter 246-237 WAC on the CR-103P form, but did not attach a copy of that chapter. The agency will file that chapter in another filing.

Citation of Existing Rules Affected by this Order: Amending WAC 246-220-007, 246-220-010, 246-221-020, 246-221-160, 246-221-240, 246-221-250, 246-231-040, 246-231-200, 246-232-006, 246-232-007, 246-232-011, 246-232-012, 246-232-014, 246-232-120, 246-232-130, 246-233-001, 246-233-010, 246-233-015, 246-233-020, 246-235-010, 246-235-093, 246-235-095, 246-235-102, 246-243-001, 246-243-010, 246-243-020, 246-243-030, 246-243-040, 246-243-042, 246-243-044, 246-243-047, 246-243-100, 246-243-120, 246-243-130, 246-243-200, 246-243-205, 246-243-240, 246-243-250, and 246-252-030.

Statutory Authority for Adoption: RCW 70.98.050 and 70.98.110.

Adopted under notice filed as WSR 16-10-086 on May 3, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 33, Amended 39, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 33, Amended 39, Repealed 0.

Date Adopted: June 10, 2016.

Clark Halvorson  
Assistant Secretary

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-220-007 Statement of philosophy.** In accordance with the recommendations of the Environmental Protection Agency, formerly the Federal Radiation Council, approved by the president of the United States of America, persons engaged in activities under licenses issued by the Washington state department of health pursuant to the Atomic Energy Act of 1954, as amended, shall, in addition to complying with the requirements set forth in chapter 246-221 WAC, make every reasonable effort to maintain radiation exposures, and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable. Such persons should make particular efforts to keep the radiation exposure of an embryo or fetus as low as is reasonably achievable during the entire gestation period as recommended by the National Council on Radiation Protection and Measurements. The term "as low as is reasonably achievable" (~~means making every reasonable effort to maintain exposures to radiation as far below the dose limits in these regulations as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of nuclear energy, ionizing radiation, and radioactive materials in the public interest~~) has the same meaning as defined in WAC 246-220-010(10).

AMENDATORY SECTION (Amending WSR 15-06-015, filed 2/23/15, effective 3/26/15)

**WAC 246-220-010 Definitions, abbreviations, and acronyms.** The definitions, abbreviations, and acronyms in this section apply throughout chapters 246-220 through 246-254 WAC unless the context clearly indicates otherwise. Additional definitions used only in a certain chapter are included in that chapter.

(1) **"Absorbed dose"** means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(2) **"Accelerator produced material"** means any material made radioactive by exposing it in a particle accelerator.

(3) **"Act"** means (~~nuclear energy and radiation, chapter 70.98 RCW~~) the Atomic Energy Act of 1954, including any amendments thereto.

(4) **"Activity"** means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

(5) **"Adult"** means an individual eighteen or more years of age.

(6) **"Agreement state"** means any state with which the Atomic Energy Commission or the NRC has entered into an

effective agreement under subsection 274b of the (~~Atomic Energy Act of 1954, as amended~~) act. Nonagreement state means any other state.

(7) **"Airborne radioactive material"** means any radioactive material dispersed in the air in the form of particulates, dusts, fumes, mists, vapors, or gases.

(8) **"Airborne radioactivity area"** means a room, enclosure, or operating area in which airborne radioactive material exists in concentrations (a) in excess of the derived air concentration (DAC) specified in WAC 246-221-290, Appendix A, or (b) to the degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or twelve DAC-hours.

(9) **"Air purifying respirator"** means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

(10) **"ALARA"** (as low as reasonably achievable or as low as is reasonably achievable) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this chapter as is practical, consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to the benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of nuclear energy and licensed materials in the public interest.

(11) **"Alert"** means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by off-site response organizations to protect persons off-site.

(12) **"ALI (annual limit on intake)"** means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in WAC 246-221-290.

(13) **"APF (assigned protection factor)"** means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

(14) **"Atmosphere-supplying respirator"** means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes SARs and SCBA units.

(15) **"Background radiation"** means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that

contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive materials regulated by the department.

(16) "**Bq (becquerel)**" means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second ( $s^{-1}$ ).

(17) "**Bioassay**" means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these rules, "radiobioassay" is an equivalent term.

(18) "**By-product material**" means:

(a) Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or using special nuclear material;

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "by-product material" within this definition;

(c)(i) Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or

(ii) Any material that:

(A) Has been made radioactive by use of a particle accelerator; and

(B) Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

(d) Any discrete source of naturally occurring radioactive material, other than source material, that:

(i) The ~~((commission))~~ NRC, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines what would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(ii) Before, on, or after August 8, 2005, is extracted or converted after extraction for use for in a commercial, medical, or research activity.

(19) "**Calendar quarter**" means at least twelve but no more than fourteen consecutive weeks. The first calendar quarter of each year begins in January and subsequent calendar quarters shall be arranged so that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. A licensee or registrant may not change the method of determining calendar quarters for purposes of these rules.

(20) "**Calibration**" means the determination of (a) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or (b) the strength of a source of radiation relative to a standard.

(21) "**C.F.R.**" means Code of Federal Regulations.

(22) "**Class**" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: For Class D, Days, of less than ten days, for Class W, Weeks, from ten to one hundred days, and for Class Y, Years, of greater than one hundred days. For purposes of these rules, "lung class" and "inhalation class" are equivalent terms. For "class of waste" see WAC 246-249-040.

(23) "**Collective dose**" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

(24) "**Commencement of construction**" means taking any action defined as construction or any other activity at the site of a facility subject to the regulations in this chapter that has a reasonable nexus to radiological health and safety.

(25) "**Committed dose equivalent**" ( $H_{T,50}$ ) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the fifty-year period following the intake.

(26) "**Committed effective dose equivalent**" ( $H_{E,50}$ ) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ( $H_{E,50} = \sum w_T H_{T,50}$ ).

(27) "**Consortium**" means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for non-commercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution or a federal facility or a medical facility.

(28) "**Constraint**" or dose constraint means a value above which specified licensee actions are required.

(29) "**Construction**" means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the requirements in chapters 246-220 through 246-254 WAC that are related to radiological safety or security. The term construction does not include:

(a) Changes for temporary use of the land for public recreational purposes;

(b) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;

(c) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;

(d) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials;

(e) Excavation;

(f) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;

(g) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines);

(h) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final in-place location at the facility; or

(i) Taking any other action that has no reasonable nexus to radiological health and safety.

(30) "**Controlled area.**" See "Restricted area."

(31) "**Curie**" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of  $3.7 \times 10^{10}$  transformations per second (tps).

(32) "**Declared pregnant woman**" means a woman who has voluntarily informed the licensee or registrant, in writing, of her pregnancy, and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

(33) "**Deep dose equivalent**" ( $H_d$ ), which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter ( $1000 \text{ mg/cm}^2$ ).

(34) "**Demand respirator**" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

(35) "**Department**" means the Washington state department of health, which has been designated as the state radiation control agency under chapter 70.98 RCW.

(36) "**Depleted uranium**" means the source material uranium in which the isotope Uranium-235 is less than 0.711 percent by weight of the total uranium present. Depleted uranium does not include special nuclear material.

(37) "**Derived air concentration**" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of two thousand hours under conditions of light work, results in an intake of one ALI. For purposes of these rules, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for two thousand hours in a year. DAC values are given in WAC 246-221-290.

(38) "**DAC-hour (derived air concentration-hour)**" means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take two thousand DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(39) "**Discrete source**" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical or research activities.

(40) "**Disposable respirator**" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

(41) "**Dose**" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of these rules, "radiation dose" is an equivalent term.

(42) "**Dose commitment**" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed fifty years.

(43) "**Dose equivalent**" ( $H_T$ ) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

(44) "**Dose limits**" means the permissible upper bounds of radiation doses established in accordance with these rules. For purposes of these rules, "limits" is an equivalent term.

(45) "**Dosimetry processor**" means a person that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

(46) "**dpm**" means disintegrations per minute. See also "curie."

(47) "**Effective dose equivalent**" ( $H_E$ ) means the sum of the products of the dose equivalent to each organ or tissue ( $H_T$ ) and the weighting factor ( $w_T$ ) applicable to each of the body organs or tissues that are irradiated ( $H_E = \sum w_T H_T$ ).

(48) "**Embryo/fetus**" means the developing human organism from conception until the time of birth.

(49) "**Entrance or access point**" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, without respect to their intended use.

(50) "**Exposure**" means (a) being exposed to ionizing radiation or to radioactive material, or (b) the quotient of  $dQ$  by  $dm$  where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass "dm" are completely stopped in air. The special unit of exposure is the roentgen (R) and the SI equivalent is the coulomb per kilogram (C/kg). One roentgen is equal to  $2.58 \times 10^{-4}$  coulomb per kilogram of air.

(51) "**Exposure rate**" means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

(52) "**External dose**" means that portion of the dose equivalent received from any source of radiation outside the body.

(53) "**Extremity**" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

(54) "**Filtering facepiece**" (dust mask) means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

(55) "**Fit factor**" means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

(56) "**Fit test**" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

(57) "**Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities**" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

(58) "**Generally applicable environmental radiation standards**" means standards issued by the United States Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(59) "**Gray**" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule/kilogram (100 rad).

(60) "**Healing arts**" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

(61) "**Helmet**" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

(62) "**High radiation area**" means any area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in one hour at 30 centimeters from any source of radiation or 30 centimeters from any surface that the radiation penetrates. For purposes of these rules, rooms or areas in which diagnostic X-ray systems are used for healing arts purposes are not considered high radiation areas.

(63) "**Hood**" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

(64) "**Human use**" means the intentional internal or external administration of radiation or radioactive material to human beings.

(65) "**Immediate**" or "**immediately**" means as soon as possible but no later than four hours after the initiating condition.

(66) "**IND**" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act (Title 21 C.F.R.).

(67) "**Individual**" means any human being.

(68) "**Individual monitoring**" means the assessment of:

(a) Dose equivalent (i) by the use of individual monitoring devices or (ii) by the use of survey data; or

(b) Committed effective dose equivalent (i) by bioassay or (ii) by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

(69) "**Individual monitoring devices**" (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent e.g., as film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices.

(70) "**Inspection**" means an official examination or observation by the department including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, orders, requirements and conditions of the department.

(71) "**Interlock**" means a device arranged or connected so that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

(72) "**Internal dose**" means that portion of the dose equivalent received from radioactive material taken into the body.

(73) "**Irretrievable source**" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

(74) "**LDE (lens dose equivalent)**" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeters (300 mg/cm<sup>2</sup>).

(75) "**License**" means a license issued by the department.

(76) "**Licensed material**" means radioactive material received, possessed, used, transferred, or disposed under a general or specific license issued by the department.

(77) "**Licensee**" means any person who is licensed by the department under ~~((these rules and the act))~~ chapter 70.98 RCW.

(78) "**Loose-fitting facepiece**" means a respiratory inlet covering that is designed to form a partial seal with the face.

(79) "**Lost or missing licensed material**" means licensed material whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

(80) "**Member of the public**" means an individual except when the individual is receiving an occupational dose.

(81) "**Minor**" means an individual less than eighteen years of age.

(82) "**Monitoring**" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these rules, radiation monitoring and radiation protection monitoring are equivalent terms.

(83) "**NARM**" means any naturally occurring or accelerator-produced radioactive material. It does not include by-product, source, or special nuclear material.

(84) **"Nationally tracked source"** means a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in WAC 246-221-236. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

(85) **"Natural radioactivity"** means radioactivity of naturally occurring nuclides.

(86) **"NDA"** means a new drug application which has been submitted to the United States Food and Drug Administration.

(87) **"Negative pressure respirator"** (tight-fitting) means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

(88) **"Nonstochastic effect"** means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these rules, a "deterministic effect" is an equivalent term.

(89) **"NRC"** means the U.S. Nuclear Regulatory Commission.

(90) **"Occupational dose"** means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include dose received: From background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under chapter 246-240 WAC, from voluntary participation in medical research programs, or as a member of the public.

(91) **"Ore refineries"** means all processors of a radioactive material ore.

(92) **"Particle accelerator"** means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV. For purposes of this definition, "accelerator" is an equivalent term.

(93) **"Permittee"** means a person who has applied for, and received, a valid site use permit for use of the low-level waste disposal facility at Hanford, Washington.

(94) **"Person"** means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, and any legal successor, representative, agent or agency of the foregoing.

(95) **"Personal supervision"** means supervision where the supervisor is physically present at the facility and in sufficient proximity that contact can be maintained and immediate assistance given as required.

(96) **"Personnel monitoring equipment."** See individual monitoring devices.

(97) **"PET"** means positron emission tomography.

(98) **"Pharmacist"** means an individual licensed by this state to compound and dispense drugs, and poisons.

(99) **"Physician"** means a medical doctor or doctor of osteopathy licensed by this state to prescribe and dispense drugs in the practice of medicine.

(100) **"Planned special exposure"** means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

(101) **"Positive pressure respirator"** means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

(102) **"PAPR (powered air-purifying respirator)"** means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

(103) **"Practitioner"** means an individual licensed by the state for the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).

(104) **"Pressure demand respirator"** means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

(105) **"Public dose"** means the dose received by a member of the public from exposure to sources of radiation under the licensee's or registrant's control or to radiation or radioactive material released by the licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under chapter 246-240 WAC, or from voluntary participation in medical research programs.

(106) **"Qualified expert"** means an individual who has demonstrated to the satisfaction of the department the knowledge, training, and experience to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs. The department reserves the right to recognize the qualifications of an individual in specific areas of radiation protection.

(107) **"QLFT (qualitative fit test)"** means a pass/fail fit test to assess the adequacy of respirator fit which relies on the individual's response to the test agent.

(108) **"Quality factor (Q)"** means the modifying factor, listed in Tables I and II, that is used to derive dose equivalent from absorbed dose.

TABLE I  
QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to
		A Unit Dose Equivalent <sup>a</sup>
X, gamma, or beta radiation and high-speed electrons	1	1

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to A Unit Dose Equivalent <sup>a</sup>
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

<sup>a</sup> Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 Sv.

If it is more convenient to measure the neutron fluence rate rather than to determine the neutron dose equivalent rate in sievert per hour or rem per hour as required for Table I, then 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of these rules, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II  
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

Neutron Energy (MeV)	Quality Factor <sup>a</sup> (Q)	Fluence per Unit Dose Equivalent <sup>b</sup> (neutrons cm <sup>-2</sup> rem <sup>-1</sup> )	Fluence per Unit Dose Equivalent <sup>b</sup> (neutrons cm <sup>-2</sup> Sv <sup>-1</sup> )
(thermal) 2.5 x 10 <sup>-8</sup>	2	980 x 10 <sup>6</sup>	980 x 10 <sup>8</sup>
1 x 10 <sup>-7</sup>	2	980 x 10 <sup>6</sup>	980 x 10 <sup>8</sup>
1 x 10 <sup>-6</sup>	2	810 x 10 <sup>6</sup>	810 x 10 <sup>8</sup>
1 x 10 <sup>-5</sup>	2	810 x 10 <sup>6</sup>	810 x 10 <sup>8</sup>
1 x 10 <sup>-4</sup>	2	840 x 10 <sup>6</sup>	840 x 10 <sup>8</sup>
1 x 10 <sup>-3</sup>	2	980 x 10 <sup>6</sup>	980 x 10 <sup>8</sup>
1 x 10 <sup>-2</sup>	2.5	1010 x 10 <sup>6</sup>	1010 x 10 <sup>8</sup>
1 x 10 <sup>-1</sup>	7.5	170 x 10 <sup>6</sup>	170 x 10 <sup>8</sup>
5 x 10 <sup>-1</sup>	11	39 x 10 <sup>6</sup>	39 x 10 <sup>8</sup>
1	11	27 x 10 <sup>6</sup>	27 x 10 <sup>8</sup>
2.5	9	29 x 10 <sup>6</sup>	29 x 10 <sup>8</sup>
5	8	23 x 10 <sup>6</sup>	23 x 10 <sup>8</sup>
7	7	24 x 10 <sup>6</sup>	24 x 10 <sup>8</sup>
10	6.5	24 x 10 <sup>6</sup>	24 x 10 <sup>8</sup>
14	7.5	17 x 10 <sup>6</sup>	17 x 10 <sup>8</sup>
20	8	16 x 10 <sup>6</sup>	16 x 10 <sup>8</sup>
40	7	14 x 10 <sup>6</sup>	14 x 10 <sup>8</sup>
60	5.5	16 x 10 <sup>6</sup>	16 x 10 <sup>8</sup>
1 x 10 <sup>2</sup>	4	20 x 10 <sup>6</sup>	20 x 10 <sup>8</sup>
2 x 10 <sup>2</sup>	3.5	19 x 10 <sup>6</sup>	19 x 10 <sup>8</sup>
3 x 10 <sup>2</sup>	3.5	16 x 10 <sup>6</sup>	16 x 10 <sup>8</sup>
4 x 10 <sup>2</sup>	3.5	14 x 10 <sup>6</sup>	14 x 10 <sup>8</sup>

<sup>a</sup> Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

<sup>b</sup> Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

(109) **"QNFT (quantitative fit test)"** means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

(110) **"Quarter"** means a period of time equal to one-fourth of the year observed by the licensee, approximately thirteen consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

(111) **"Rad"** means the special unit of absorbed dose. One rad equals one-hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue. One rad is equal to an absorbed dose of 100 erg/gram or 0.01 joule/kilogram (0.01 gray).

(112) **"Radiation"** means alpha particles, beta particles, gamma rays, X rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. For purposes of these rules: Radiation does not include magnetic fields or nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light; and ionizing radiation is an equivalent term.

(113) **"Radiation area"** means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at thirty centimeters from the source of radiation or from any surface that the radiation penetrates.

(114) **"Radiation machine"** means any device capable of producing ionizing radiation except those devices with radioactive material as the only source of radiation.

(115) **"Radiation safety officer"** means an individual who has the knowledge and responsibility to apply appropriate radiation protection rules and has been assigned that responsibility by the licensee or registrant.

(116) **"Radiation source."** See "Source of radiation."

(117) **"Radioactive material"** means any material (solid, liquid, or gas) which emits radiation spontaneously.

(118) **"Radioactive waste"** means any radioactive material which is no longer of use and intended for disposal or treatment for the purposes of disposal.

(119) **"Radioactivity"** means the transformation of unstable atomic nuclei by the emission of radiation.

(120) **"Reference man"** means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

(121) **"Registrable item"** means any radiation-producing machine except those exempted by RCW 70.98.180 or exempted by the department under the authority of RCW 70.98.080.

(122) **"Registrant"** means any person who is registered by the department or is legally obligated to register with the department in accordance with these rules and the act.

(123) **"Registration"** means registration with the department in accordance with the rules adopted by the department.

(124) **"Regulations of the United States Department of Transportation"** means the regulations in 49 C.F.R. Parts 170-189, 14 C.F.R. Part 103, and 46 C.F.R. Part 146.

(125) **"Rem"** means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

(126) **"Research and development"** means: (a) Theoretical analysis, exploration, or experimentation; or (b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

(127) **"Respiratory protective equipment"** means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

(128) **"Restricted area"** means any area to which access is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to radiation and radioactive material. "Restricted area" does not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

(129) **"Roentgen"** (R) means the special unit of exposure. One roentgen equals  $2.58 \times 10^{-4}$  coulombs/kilogram of air.

(130) **"Sanitary sewerage"** means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

(131) **"Sealed source"** means any radioactive material that is encased in a capsule designed to prevent leakage or the escape of the radioactive material.

(132) **"SEPA"** means the State Environmental Policy Act under chapter 43.21C RCW.

(133) **"SCBA (self-contained breathing apparatus)"** means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

(134) **"Shallow dose equivalent"** ( $H_s$ ), which applies to the external exposure of the skin of the whole body or the skin of an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter ( $7 \text{ mg/cm}^2$ ).

(135) **"SI"** means an abbreviation of the International System of Units.

(136) **"Sievert"** means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

(137) **"Site area emergency"** means events which may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by off-site response organizations to protect persons off-site.

(138) **"Site boundary"** means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

(139) **"Source container"** means a device in which radioactive material is transported or stored.

(140) **"Source material"** means: (a) Uranium or thorium, or any combination thereof, in any physical or chemical form, or (b) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

(141) **"Source material milling"** means the extraction or concentration of uranium or thorium from any ore processing primarily for its source material content.

(142) **"Source of radiation"** means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

(143) **"Special nuclear material"** means:

(a) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the NRC, under the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(b) Any material artificially enriched in any of the foregoing, but does not include source material.

(144) **"Special nuclear material in quantities not sufficient to form a critical mass"** means uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty grams of contained U-235; uranium-233 in quantities not exceeding two hundred grams; plutonium in quantities not exceeding two hundred grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of the ratios for all of the kinds of special nuclear material in combination shall not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula:

175 (grams contained U-235)		+
350		
50 (grams U-233)		+
200		
50 (grams Pu)		< 1
200		

(145) **"Stochastic effect"** means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these rules, probabilistic effect is an equivalent term.

(146) **"SAR (supplied-air respirator)"** or **"airline respirator"** means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

(147) **"Survey"** means an evaluation of the radiological conditions and potential hazards incident to the production,



use, release, disposal, or presence of sources of radiation. When appropriate, the evaluation includes, but is not limited to, tests, physical examinations, calculations and measurements of levels of radiation or concentration of radioactive material present.

(148) **"Test"** means (a) the process of verifying compliance with an applicable rule, or (b) a method for determining the characteristics or condition of sources of radiation or components thereof.

(149) **"These rules"** mean all parts of the rules for radiation protection of the state of Washington.

(150) **"Tight-fitting facepiece"** means a respiratory inlet covering that forms a complete seal with the face.

(151) **"TEDE (total effective dose equivalent)"** means the sum of the effective dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

(152) **"TODE (total organ dose equivalent)"** means the sum of the deep dose equivalent and the committed dose equivalent to the organ or tissue receiving the highest dose.

(153) **"United States Department of Energy"** means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the United States Atomic Energy Commission, its chairman, members, officers and components and transferred to the United States Energy Research and Development Administration and to the administrator thereof under sections 104 (b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, 42 U.S.C. 5814 effective January 19, 1975) and retransferred to the Secretary of Energy under section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).

(154) **"Unrefined and unprocessed ore"** means ore in its natural form prior to any processing, such as grinding, roasting(±) or beneficiating, or refining. Processing does not include sieving or encapsulation of ore, or preparation of samples for laboratory analysis.

(155) **"Unrestricted area"** (uncontrolled area) means any area which is not a restricted area. Areas where the external dose exceeds 2 mrem in any one hour or where the public dose, taking into account occupancy factors, will exceed 100 mrem total effective dose equivalent in any one year must be restricted.

(156) **"User seal check"** (fit check) means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

(157) **"Very high radiation area"** means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in one hour at one meter from a source of radiation or one meter from any surface that the radiation penetrates.

(158) **"Waste"** means those low-level radioactive wastes containing source, special nuclear or by-product material that are acceptable for disposal in a land disposal

facility. For purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in subsection (17)(b), (c), and (d) of the definition of by-product material in this section.

(159) **"Waste handling licensees"** mean persons licensed to receive and store radioactive wastes prior to disposal or persons licensed to dispose of radioactive waste.

(160) **"Week"** means seven consecutive days starting on Sunday.

(161) **"Weighting factor"**  $w_T$  for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of  $w_T$  are:

ORGAN DOSE WEIGHTING FACTORS	
Organ or Tissue	$w_T$
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 <sup>a</sup>
Whole Body	1.00 <sup>b</sup>

<sup>a</sup> 0.30 results form 0.06 for each of 5 "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

<sup>b</sup> For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor,  $w_T=1.0$ , has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(162) **"Whole body"** means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

(163) **"Worker"** means an individual engaged in activities under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant. Where the licensee or registrant is an individual rather than one of the other legal entities defined under "person," the radiation exposure limits for the worker also apply to the individual who is the licensee or registrant. If students of age eighteen years or older are subjected routinely to work involving radiation, then the students are considered to be workers. Individuals of less than eighteen years of age shall meet the requirements of WAC 246-221-050.

(164) **"WL (working level)"** means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of  $1.3 \times 10^5$  MeV of potential alpha particle energy. The short-lived radon daughters are(---)- For radon-222: Polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: Polonium-216, lead-212, bismuth-212, and polonium-212.

(165) **"WLM (working level month)"** means an exposure to one working level for one hundred seventy hours (—) — Two thousand working hours per year divided by twelve months per year is approximately equal to one hundred seventy hours per month.

(166) **"Year"** means the period of time beginning in January used to determine compliance with the provisions of these rules. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-221-020 Determination of prior occupational dose.** (1) For each individual who is likely to receive, in a year, an occupational dose requiring monitoring pursuant to WAC 246-221-090 and 246-221-100, the licensee or registrant shall:

(a) Determine the occupational radiation dose received during the current year; and

(b) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

(2) Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

(a) The internal and external doses from all previous planned special exposures; and

(b) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual.

(3) In complying with the requirements of subsection (1) of this section, a licensee or registrant may:

(a) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year; and

(b) Accept, as the record of lifetime cumulative radiation dose, an up-to-date Form RHF-4A, or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and

(c) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, ~~(telegram)~~ facsimile, e-mail, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

(4) The licensee or registrant shall record the exposure history, as required by subsection (1) of this section, on Form RHF-4A, or other clear and legible record, of all the information required on that form. The form or record shall show each period in which the individual received occupational

exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing Form RHF-4A. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on Form RHF-4A indicating the periods of time for which data are not available.

(5) Licensees or registrants are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed under the regulations in effect before January 1, 1994. Further, occupational exposure histories obtained and recorded on Form RHF-4 before January 1, 1994, would not have included effective dose equivalent, but may be used in the absence of specific information on the intake of radionuclides by the individual.

(6) If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(a) In establishing administrative controls under WAC 246-221-010(6) for the current year, that the allowable dose limit for the individual is reduced by 12.5 mSv (1.25 rem) for each calendar quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(b) That the individual is not available for planned special exposures.

(7) The licensee or registrant shall retain the records on Form RHF-4A or equivalent until the department terminates each pertinent license requiring this record. The licensee or registrant shall retain records used in preparing Form RHF-4 or RHF-4A for three years after the record is made.

AMENDATORY SECTION (Amending WSR 14-01-077, filed 12/16/13, effective 1/16/14)

**WAC 246-221-160 Procedures for picking up, receiving, and opening packages.** (1) Each licensee who expects to receive a package containing quantities of radioactive material in excess of the Type A<sub>1</sub> or A<sub>2</sub> quantities specified in WAC 246-231-200 shall make arrangements to receive:

(a) The package when it is offered for delivery by the carrier; or

(b) Immediate notification from the carrier of the arrival of the package at the carrier's terminal.

(2) Each licensee who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.

(3) Each licensee shall:

(a) Monitor for radioactive contamination the external surfaces of any package labeled with a Radioactive White I, Yellow II or Yellow III label unless the package contains only radioactive material in the form of gas or in special form as defined in WAC 246-231-010; and

(b) Monitor the radiation levels of the external surfaces of any package labeled with a Radioactive White I, Yellow II or Yellow III label unless the package contains quantities of

radioactive material that are less than or equal to the Type A quantity, as defined in WAC 246-231-200; and

(c) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if the package has evidence of potential contamination, such as packages that are crushed, wet, or damaged.

(4) Monitoring shall be performed:

(a) Immediately upon receipt if there is evidence of package degradation or any other evidence of potential contamination or excessive radiation levels; or

(b) As soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or no later than three hours from the beginning of the next working day if received after normal working hours.

(5) The licensee shall immediately notify the final delivery carrier and, by telephone (~~and telegram, mailgram, or~~), facsimile, e-mail, or letter, the department when:

(a) For normal shipments, removable radioactive surface contamination exceeds either 22 dpm/cm<sup>2</sup> for beta-gamma emitting radionuclides, all radionuclides with half-lives less than ten days, natural uranium, natural thorium, uranium-235, uranium-238, thorium-232, and thorium-228 and thorium 230 when contained in ores or concentrates; or 2.2 dpm/cm<sup>2</sup> for all other alpha emitting radionuclides; or

(b) For exclusive use shipments, removable radioactive surface contamination exceeds either 220 dpm/cm<sup>2</sup> for beta-gamma emitting radionuclides, all radionuclides with half-lives less than ten days, natural uranium, natural thorium, uranium-235, uranium-238, thorium-232, and thorium-228 and thorium 230 when contained in ores or concentrates; or 22 dpm/cm<sup>2</sup> for all other alpha emitting radionuclides; or

(c) For normal or exclusive use shipments, external radiation levels exceed two mSv/hour (200 millirem per hour) at any point on the external surface of the package; or

(d) For exclusive use shipments where the shipment is made in a closed transport vehicle, packages are secured in a fixed position, and no loading or unloading occurs between the beginning and end of transportation, external radiation levels exceed ten mSv/hour (1000 millirem per hour) at any point on the external surface of the package.

(6) Each licensee shall establish and maintain procedures for safely opening packages in which radioactive material is received, and shall assure that such procedures are followed and that due consideration is given to instructions for the type of package being opened and the monitoring of potentially contaminated packaging material (including packages containing radioactive material in gaseous form) to assure that only background levels of radiation are present prior to disposal of such material as nonradioactive waste.

(7) Licensees transferring special form sources to and from a work site in vehicles owned or operated by the licensee are exempt from the contamination monitoring requirements of subsection (3)(a) of this section but are not exempt from the monitoring requirement in subsection (3)(b) of this section for measuring radiation levels to ensure that the source is still properly lodged in its shield.

AMENDATORY SECTION (Amending WSR 14-01-077, filed 12/16/13, effective 1/16/14)

**WAC 246-221-240 Reports of stolen, lost or missing radiation sources.** (1) Each licensee and registrant shall report by telephone (206-682-5327) and confirm promptly by letter, (~~telegram, mailgram, or~~) facsimile, or e-mail to the State Department of Health, Office of Radiation Protection, P.O. Box 47827, Olympia, Washington 98504-7827.

(a) Immediately after its occurrence becomes known to the licensee, stolen, lost, or missing radioactive material in an aggregate quantity equal to or greater than one thousand times the quantity specified in WAC 246-221-300, Appendix B; or

(b) Within thirty days after its occurrence becomes known to the licensee, lost, stolen, or missing radioactive material in an aggregate quantity greater than ten times the quantity specified in WAC 246-221-300, Appendix B that is still missing or any item not exempted in chapter 246-232 WAC; or

(c) Immediately after its occurrence becomes known to the registrant, a stolen, lost, or missing radiation machine.

(2) Each licensee or registrant required to make a report pursuant to subsection (1) of this section shall, within thirty days after making the telephone report, make a written report to the department setting forth the following information:

(a) A description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and, for radiation machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted; and

(b) A description of the circumstances under which the loss or theft occurred; and

(c) A statement of disposition, or probable disposition, of the licensed or registered source of radiation involved; and

(d) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas; and

(e) Actions that have been taken, or will be taken, to recover the source of radiation; and

(f) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

(3) Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within thirty days after the licensee or registrant learns of such information.

(4) The licensee or registrant shall prepare any report filed with the department pursuant to this section so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

AMENDATORY SECTION (Amending WSR 14-01-077, filed 12/16/13, effective 1/16/14)

**WAC 246-221-250 Notification of incidents.** (1) **Immediate notification.** Notwithstanding other requirements for notification, each licensee and registrant shall immediately (as soon as possible but no later than four hours after discovery of an incident) notify the State Department of

Health, Office of Radiation Protection, P.O. Box 47827, Olympia, Washington 98504-7827, by telephone (206-682-5327) and confirming letter, ~~((telegram, mailgram, or))~~ facsimile, or e-mail with a follow-up written report within thirty days of any incident involving any radiation source which may have caused or threatens to cause:

(a) An individual to receive:

(i) A total effective dose equivalent of 0.25 Sv (25 rem) or more;

(ii) A lens dose equivalent of 0.75 Sv (75 rem) or more; or

(iii) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 2.5 Sv (250 rem) or more;

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for twenty-four hours, the individual could have received an intake five times the occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures; or

(c) The loss of ability to take immediate protective actions necessary to avoid exposure to sources of radiation or releases of radioactive material that could exceed regulatory limits. Events which could cause such a loss of ability include fires, explosions, toxic gas releases, etc.

(2) **Twenty-four hour notification.** Each licensee and registrant shall within twenty-four hours of discovery of the event, notify the State Department of Health, Office of Radiation Protection, P.O. Box 47827, Olympia, Washington 98504-7827, by telephone (206-682-5327) and confirming letter, ~~((telegram, mailgram, or))~~ facsimile, or e-mail with a follow-up written report within thirty days of any incident involving any radiation source possessed which may have caused or threatens to cause:

(a) An individual to receive, in a period of twenty-four hours:

(i) A total effective dose equivalent exceeding 0.05 Sv (5 rem);

(ii) A lens dose equivalent exceeding 0.15 Sv (15 rem); or

(iii) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 0.5 Sv (50 rem);

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for twenty-four hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures;

(c) An unplanned contamination incident that:

(i) Requires access to the contaminated area, by workers or the general public, to be restricted for more than twenty-four hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) Involves a quantity of material greater than five times the lowest annual limit on intake specified in WAC 246-221-290; and

(iii) Has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than twenty-four hours to decay prior to decontamination;

(d) Equipment failure or inability to function as designed when:

(i) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive material exceeding regulatory limits or to mitigate the consequences of an accident;

(ii) The equipment is required to be available and operable at the time it becomes disabled or fails to function; and

(iii) No redundant equipment is available and operable to perform the required safety functions;

(e) An unplanned medical treatment at a medical facility of an individual with removable radioactive contamination on the individual's clothing or body; or

(f) An unplanned fire or explosion damaging any radioactive material or any device, container or equipment containing radioactive material when:

(i) The quantity of radioactive material involved is greater than five times the lowest annual limit on intake specified in WAC 246-221-290; and

(ii) The damage affects the integrity of the radioactive material or its container.

(3) For each occurrence requiring notification pursuant to this section, a prompt investigation of the situation shall be initiated by the licensee/registrant. A written report of the findings of the investigation shall be sent to the department within thirty days.

(4) The licensee or registrant shall prepare each report filed with the department under this section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

Any report filed with the department under this section shall contain the information described in WAC 246-221-260 (2) and (3).

(5) The provisions of this section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to WAC 246-221-265.

(6) Telephone notifications that do not involve immediate or twenty-four hour notification should be made to the Tumwater office (360-236-3300).

(7) Telephone notification required under this section shall include, to the extent that the information is available at the time of notification:

(a) The caller's name and call-back telephone number;

(b) A description of the incident including date and time;

(c) The exact location of the incident;

(d) The radionuclides, quantities, and chemical and physical forms of the radioactive materials involved; and

(e) Any personnel radiation exposure data available.

AMENDATORY SECTION (Amending WSR 14-09-017, filed 4/7/14, effective 5/8/14)

**WAC 246-231-040 Exemptions.** (1) Common and contract carriers, freight forwarders, ~~((and))~~ warehouse workers ~~((who are subject to the rules and regulations of the United States Department of Transportation (49 C.F.R. 170 through 189) or the United States Postal Service (Mailing Standards~~

of the United States Postal Service, Domestic Mail Manual, 39 C.F.R. 111.1)), and the U.S. Postal Service are exempt from this chapter and chapters 246-232, 246-233, 246-235, 246-237, 246-240, 246-243, and 246-244 WAC to the extent that they transport or store radioactive material in the regular course of their carriage for another or storage incident thereto. Common and contract carriers who are not subject to the rules and regulations of the DOT or United States Postal Service are subject to WAC 246-231-005 and other applicable sections of these regulations.

(2) Any licensee who delivers radioactive material to a carrier for transport, where such transport is subject to the regulations of the United States Postal Service, is exempt from the provisions of WAC 246-231-005.

(3) **Exemption of physicians.** Any physician as defined in WAC 246-220-010 who is licensed by the department, NRC or an agreement state, to dispense drugs in the practice of medicine, is exempt from WAC 246-220-030 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption must be licensed under chapter 246-240 WAC, 10 C.F.R. 35, or the equivalent agreement state regulations.

(4) **Exemption for low-level materials.** A licensee is exempt from all requirements of this chapter with respect to shipment or carriage of the following low-level materials:

(a) Natural material and ores containing naturally occurring radionuclides that are not intended to be processed for use of these radionuclides, provided the activity concentration of the material does not exceed ten times the values specified in WAC 246-231-200, Table A-2.

(b) Materials for which the activity concentration is not greater than the activity concentration values specified in WAC 246-231-200, Table A-2, or for which the consignment activity is not greater than the limit for an exempt consignment found in WAC 246-231-200, Table A-2.

(5) **Exemption from classification as fissile material.** Fissile material meeting at least one of the requirements in (a) through (f) of this subsection is exempt from classification as fissile material and from the fissile material package standards of 10 C.F.R. 71.55 and 71.59, but are subject to all other requirements of this chapter, except as noted.

(a) Individual package containing 2 grams or less fissile material.

(b) Individual or bulk packaging containing 15 grams or less of fissile material provided the package has at least 200 grams of solid nonfissile material for every gram of fissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass for solid nonfissile material.

(c)(i) Low concentrations of solid fissile material commingled with solid nonfissile material, provided that:

(A) There are at least 2000 grams of solid nonfissile material for every gram of fissile material; and

(B) There are no more than 180 grams of fissile material distributed within 360 kg of contiguous nonfissile material.

(ii) Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must

not be included in determining the required mass of solid nonfissile material.

(d) Uranium enriched in uranium-235 to a maximum of 1 percent by weight, and with total plutonium and uranium-233 content of up to 1 percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than 5 percent of the uranium mass.

(e) Liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of 2 percent by mass, with a total plutonium and uranium-233 content not exceeding 0.002 percent of the mass of uranium, and with a minimum nitrogen to uranium atomic ratio (N/U) of 2. The material must be contained in at least a DOT Type A package.

(f) Packages containing, individually, a total plutonium mass of not more than 1000 grams, of which not more than 20 percent by mass may consist of plutonium-239, plutonium-241, or any combination of these radionuclides.

**AMENDATORY SECTION** (Amending WSR 14-09-017, filed 4/7/14, effective 5/8/14)

**WAC 246-231-200 Appendix A—Determination of A1 and A2.** (1) Values of A1 and A2 for individual radionuclides, which are the basis for many activity limits elsewhere in these regulations, are given in this section, Table A-1. The curie (Ci) values specified are obtained by converting from the Terabecquerel (TBq) value. The Terabecquerel values are the regulatory standard. The curie values are for information only and are not intended to be the regulatory standard. Where values of A1 or A2 are unlimited, it is for radiation control purposes only. For nuclear criticality safety, some materials are subject to controls placed on fissile material.

(2)(a) For individual radionuclides whose identities are known, but which are not listed in this section, Table A-1, the A1 and A2 values contained in this section, Table A-3 may be used. Otherwise, the licensee shall obtain prior NRC approval of the A1 and A2 values for radionuclides not listed in this section, Table A-1, before shipping the material.

(b) For individual radionuclides whose identities are known, but which are not listed in this section, Table A-2, the exempt material activity concentration and exempt consignment activity values contained in this section, Table A-3 may be used. Otherwise, the licensee shall obtain prior NRC approval of the exempt material activity concentration and exempt consignment activity values for radionuclides not listed in this section, Table A-2, before shipping the material.

(c) The licensee shall submit requests for prior approval, described under (a) and (b) of this subsection, to NRC in accordance with 10 C.F.R. 71.1.

(3) In the calculations of A1 and A2 for a radionuclide not in this section, Table A-1, a single radioactive decay chain, in which radionuclides are present in their naturally occurring proportions, and in which no daughter radionuclide has a half-life either longer than ten days, or longer than that of the parent radionuclide, shall be considered as a single radionuclide, and the activity to be taken into account, and the A1 or A2 value to be applied shall be those corresponding to the parent radionuclide of that chain. In the case of radioactive decay chains in which any daughter radionuclide has a

half-life either longer than ten days, or greater than that of the parent radionuclide, the parent and those daughter radionuclides shall be considered as mixtures of different radionuclides.

(4) For mixtures of radionuclides whose identities and respective activities are known, the following conditions apply:

(a) For special form radioactive material, the maximum quantity transported in a Type A package:

$$\sum_I \frac{B(i)}{A1(i)} \text{ less than or equal to } 1$$

Where B(i) is the activity of radionuclide I, and A1(i) is the A1 value for radionuclide I.

(b) For normal form radioactive material, the maximum quantity transported in a Type A package:

$$\sum_I \frac{B(i)}{A2(i)} \text{ less than or equal to } 1$$

Where B(i) is the activity of radionuclide I and A2(i) is the A2 value for radionuclide I.

(c) Alternatively, the A1 value for mixtures of special form material may be determined as follows:

$$A1 \text{ for mixture} = \frac{1}{\sum_I \frac{f(i)}{A1(i)}}$$

Where f(i) is the fraction of activity for radionuclide I in the mixture and A1(i) is the appropriate A1 value for radionuclide I.

(d) Alternatively, the A2 value for mixtures of normal form material may be determined as follows:

$$A2 \text{ for mixture} = \frac{1}{\sum_I \frac{f(i)}{A2(i)}}$$

Where f(i) is the fraction of activity for radionuclide I in the mixture and A2(i) is the appropriate A2 value for radionuclide I.

(e) The exempt activity concentration for mixtures of nuclides may be determined as follows:

$$\text{Exempt activity concentration for mixture} = \frac{1}{\sum_I \frac{f(i)}{[A](i)}}$$

Where f(i) is the fraction of activity concentration of radionuclide I in the mixture, and A is the activity concentration of material containing radionuclide I.

(f) The activity limit for an exempt consignment for mixtures of radionuclides may be determined as follows:

$$\text{Exempt consignment activity limit for mixture} = \frac{1}{\sum_I \frac{f(i)}{A(i)}}$$

Where f(i) is the fraction of activity of radionuclide I in the mixture, and A is the activity limit for exempt consignments for radionuclide I.

(5) When the identity of each radionuclide is known, but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped and the lowest A1 or A2 value, as appropriate, for the radionuclides in each group may be used in applying the formulas in subsection (4) of this section. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest A1 or A2 values for the alpha emitters and beta/gamma emitters.

Table A-1.—A1 and A2 Values for Radionuclides

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
Ac-225 (a)	Actinium (89)	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	6.0X10 <sup>-3</sup>	1.6X10 <sup>-1</sup>	2.1X10 <sup>3</sup>	5.8X10 <sup>4</sup>
Ac-227 (a)		9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	9.0X10 <sup>-5</sup>	2.4X10 <sup>-3</sup>	2.7	7.2X10 <sup>1</sup>
Ac-228		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	8.4X10 <sup>4</sup>	2.2X10 <sup>6</sup>
Ag-105	Silver (47)	2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0X10 <sup>4</sup>
Ag-108m (a)		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	9.7X10 <sup>-1</sup>	2.6X10 <sup>1</sup>
Ag-110m (a)		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.8X10 <sup>2</sup>	4.7X10 <sup>3</sup>
Ag-111		2.0	5.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	5.8X10 <sup>3</sup>	1.6X10 <sup>5</sup>
Al-26	Aluminum (13)	1.0X10 <sup>-1</sup>	2.7	1.0X10 <sup>-1</sup>	2.7	7.0X10 <sup>-4</sup>	1.9X10 <sup>-2</sup>
Am-241	Americium (95)	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	1.3X10 <sup>-1</sup>	3.4

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
Am-242m (a)		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	3.6X10 <sup>-1</sup>	1.0X10 <sup>1</sup>
Am-243 (a)		5.0	1.4X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	7.4X10 <sup>-3</sup>	2.0X10 <sup>-1</sup>
Ar-37	Argon (18)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.7X10 <sup>3</sup>	9.9X10 <sup>4</sup>
Ar-39		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	1.3	3.4X10 <sup>1</sup>
Ar-41		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	1.5X10 <sup>6</sup>	4.2X10 <sup>7</sup>
As-72	Arsenic (33)	3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	6.2X10 <sup>4</sup>	1.7X10 <sup>6</sup>
As-73		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	8.2X10 <sup>2</sup>	2.2X10 <sup>4</sup>
As-74		1.0	2.7X10 <sup>1</sup>	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	3.7X10 <sup>3</sup>	9.9X10 <sup>4</sup>
As-76		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	5.8X10 <sup>4</sup>	1.6X10 <sup>6</sup>
As-77		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	3.9X10 <sup>4</sup>	1.0X10 <sup>6</sup>
At-211 (a)	Astatine (85)	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	7.6X10 <sup>4</sup>	2.1X10 <sup>6</sup>
Au-193	Gold (79)	7.0	1.9X10 <sup>2</sup>	2.0	5.4X10 <sup>1</sup>	3.4X10 <sup>4</sup>	9.2X10 <sup>5</sup>
Au-194		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	1.5X10 <sup>4</sup>	4.1X10 <sup>5</sup>
Au-195		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	6.0	1.6X10 <sup>2</sup>	1.4X10 <sup>2</sup>	3.7X10 <sup>3</sup>
Au-198		1.0	2.7X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	9.0X10 <sup>3</sup>	2.4X10 <sup>5</sup>
Au-199		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	7.7X10 <sup>3</sup>	2.1X10 <sup>5</sup>
Ba-131 (a)	Barium (56)	2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	3.1X10 <sup>3</sup>	8.4X10 <sup>4</sup>
Ba-133		3.0	8.1X10 <sup>1</sup>	3.0	8.1X10 <sup>1</sup>	9.4	2.6X10 <sup>2</sup>
Ba-133m		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.2X10 <sup>4</sup>	6.1X10 <sup>5</sup>
Ba-140 (a)		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	3.0X10 <sup>-1</sup>	8.1	2.7X10 <sup>3</sup>	7.3X10 <sup>4</sup>
Be-7	Beryllium (4)	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	1.3X10 <sup>4</sup>	3.5X10 <sup>5</sup>
Be-10		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	8.3X10 <sup>-4</sup>	2.2X10 <sup>-2</sup>
Bi-205	Bismuth (83)	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	1.5X10 <sup>3</sup>	4.2X10 <sup>4</sup>
Bi-206		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	3.8X10 <sup>3</sup>	1.0X10 <sup>5</sup>
Bi-207		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	1.9	5.2X10 <sup>1</sup>
Bi-210		1.0	2.7X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	4.6X10 <sup>3</sup>	1.2X10 <sup>5</sup>
Bi-210m (a)		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	2.1X10 <sup>-5</sup>	5.7X10 <sup>-4</sup>
Bi-212 (a)		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	5.4X10 <sup>5</sup>	1.5X10 <sup>7</sup>
Bk-247	Berkelium (97)	8.0	2.2X10 <sup>2</sup>	8.0X10 <sup>-4</sup>	2.2X10 <sup>-2</sup>	3.8X10 <sup>-2</sup>	1.0
Bk-249 (a)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0X10 <sup>-1</sup>	8.1	6.1X10 <sup>1</sup>	1.6X10 <sup>3</sup>
Br-76	Bromine (35)	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	9.4X10 <sup>4</sup>	2.5X10 <sup>6</sup>
Br-77		3.0	8.1X10 <sup>1</sup>	3.0	8.1X10 <sup>1</sup>	2.6X10 <sup>4</sup>	7.1X10 <sup>5</sup>
Br-82		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>4</sup>	1.1X10 <sup>6</sup>
C-11	Carbon (6)	1.0	2.7X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.1X10 <sup>7</sup>	8.4X10 <sup>8</sup>
C-14		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0	8.1X10 <sup>1</sup>	1.6X10 <sup>-1</sup>	4.5
Ca-41	Calcium (20)	Unlimited	Unlimited	Unlimited	Unlimited	3.1X10 <sup>-3</sup>	8.5X10 <sup>-2</sup>
Ca-45		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0	2.7X10 <sup>1</sup>	6.6X10 <sup>2</sup>	1.8X10 <sup>4</sup>
Ca-47 (a)		3.0	8.1X10 <sup>1</sup>	3.0X10 <sup>-1</sup>	8.1	2.3X10 <sup>4</sup>	6.1X10 <sup>5</sup>
Cd-109	Cadmium (48)	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	2.0	5.4X10 <sup>1</sup>	9.6X10 <sup>1</sup>	2.6X10 <sup>3</sup>
Cd-113m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	8.3	2.2X10 <sup>2</sup>
Cd-115 (a)		3.0	8.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.9X10 <sup>4</sup>	5.1X10 <sup>5</sup>
Cd-115m		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	9.4X10 <sup>2</sup>	2.5X10 <sup>4</sup>
Ce-139	Cerium (58)	7.0	1.9X10 <sup>2</sup>	2.0	5.4X10 <sup>1</sup>	2.5X10 <sup>2</sup>	6.8X10 <sup>3</sup>
Ce-141		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.8X10 <sup>4</sup>
Ce-143		9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.5X10 <sup>4</sup>	6.6X10 <sup>5</sup>
Ce-144 (a)		2.0X10 <sup>-1</sup>	5.4	2.0X10 <sup>-1</sup>	5.4	1.2X10 <sup>2</sup>	3.2X10 <sup>3</sup>
Cf-248	Californium (98)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	6.0X10 <sup>-3</sup>	1.6X10 <sup>-1</sup>	5.8X10 <sup>1</sup>	1.6X10 <sup>3</sup>

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
Cf-249		3.0	8.1X10 <sup>1</sup>	8.0X10 <sup>-4</sup>	2.2X10 <sup>-2</sup>	1.5X10 <sup>-1</sup>	4.1
Cf-250		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0X10 <sup>-3</sup>	5.4X10 <sup>-2</sup>	4.0	1.1X10 <sup>2</sup>
Cf-251		7.0	1.9X10 <sup>2</sup>	7.0X10 <sup>-4</sup>	1.9X10 <sup>-2</sup>	5.9X10 <sup>-2</sup>	1.6
Cf-252 (h)		5.0X10 <sup>-2</sup>	1.4	3.0X10 <sup>-3</sup>	8.1X10 <sup>-2</sup>	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>
Cf-253 (a)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>-2</sup>	1.1	1.1X10 <sup>3</sup>	2.9X10 <sup>4</sup>
Cf-254		1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	3.1X10 <sup>2</sup>	8.5X10 <sup>3</sup>
Cl-36	Chlorine (17)	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.2X10 <sup>-3</sup>	3.3X10 <sup>-2</sup>
Cl-38		2.0X10 <sup>-1</sup>	5.4	2.0X10 <sup>-1</sup>	5.4	4.9X10 <sup>6</sup>	1.3X10 <sup>8</sup>
Cm-240	Curium (96)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	7.5X10 <sup>2</sup>	2.0X10 <sup>4</sup>
Cm-241		2.0	5.4X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	6.1X10 <sup>2</sup>	1.7X10 <sup>4</sup>
Cm-242		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0X10 <sup>-2</sup>	2.7X10 <sup>-1</sup>	1.2X10 <sup>2</sup>	3.3X10 <sup>3</sup>
Cm-243		9.0	2.4X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	1.9X10 <sup>-3</sup>	5.2X10 <sup>1</sup>
Cm-244		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0X10 <sup>-3</sup>	5.4X10 <sup>-2</sup>	3.0	8.1X10 <sup>1</sup>
Cm-245		9.0	2.4X10 <sup>2</sup>	9.0X10 <sup>-4</sup>	2.4X10 <sup>-2</sup>	6.4X10 <sup>-3</sup>	1.7X10 <sup>-1</sup>
Cm-246		9.0	2.4X10 <sup>2</sup>	9.0X10 <sup>-4</sup>	2.4X10 <sup>-2</sup>	1.1X10 <sup>-2</sup>	3.1X10 <sup>-1</sup>
Cm-247 (a)		3.0	8.1X10 <sup>1</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	3.4X10 <sup>-6</sup>	9.3X10 <sup>-5</sup>
Cm-248		2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	3.0X10 <sup>-4</sup>	8.1X10 <sup>-3</sup>	1.6X10 <sup>-4</sup>	4.2X10 <sup>-3</sup>
Co-55	Cobalt (27)	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	1.1X10 <sup>5</sup>	3.1X10 <sup>6</sup>
Co-56		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	1.1X10 <sup>3</sup>	3.0X10 <sup>4</sup>
Co-57		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	3.1X10 <sup>2</sup>	8.4X10 <sup>3</sup>
Co-58		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	1.2X10 <sup>3</sup>	3.2X10 <sup>4</sup>
Co-58m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.2X10 <sup>5</sup>	5.9X10 <sup>6</sup>
Co-60		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.2X10 <sup>1</sup>	1.1X10 <sup>3</sup>
Cr-51	Chromium (24)	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	3.4X10 <sup>3</sup>	9.2X10 <sup>4</sup>
Cs-129	Cesium (55)	4.0	1.1X10 <sup>2</sup>	4.0	1.1X10 <sup>2</sup>	2.8X10 <sup>4</sup>	7.6X10 <sup>5</sup>
Cs-131		3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	3.8X10 <sup>3</sup>	1.0X10 <sup>5</sup>
Cs-132		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	5.7X10 <sup>3</sup>	1.5X10 <sup>5</sup>
Cs-134		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	4.8X10 <sup>1</sup>	1.3X10 <sup>3</sup>
Cs-134m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.0X10 <sup>5</sup>	8.0X10 <sup>6</sup>
Cs-135		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0	2.7X10 <sup>1</sup>	4.3X10 <sup>-5</sup>	1.2X10 <sup>-3</sup>
Cs-136		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	2.7X10 <sup>3</sup>	7.3X10 <sup>4</sup>
Cs-137 (a)		2.0	5.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.2	8.7X10 <sup>1</sup>
Cu-64	Copper (29)	6.0	1.6X10 <sup>2</sup>	1.0	2.7X10 <sup>1</sup>	1.4X10 <sup>5</sup>	3.9X10 <sup>6</sup>
Cu-67		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	2.8X10 <sup>4</sup>	7.6X10 <sup>5</sup>
Dy-159	Dysprosium (66)	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.1X10 <sup>2</sup>	5.7X10 <sup>3</sup>
Dy-165		9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.0X10 <sup>5</sup>	8.2X10 <sup>6</sup>
Dy-166 (a)		9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	3.0X10 <sup>-1</sup>	8.1	8.6X10 <sup>3</sup>	2.3X10 <sup>5</sup>
Er-169	Erbium (68)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0	2.7X10 <sup>1</sup>	3.1X10 <sup>3</sup>	8.3X10 <sup>4</sup>
Er-171		8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	9.0X10 <sup>4</sup>	2.4X10 <sup>6</sup>
Eu-147	Europium (63)	2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	1.4X10 <sup>3</sup>	3.7X10 <sup>4</sup>
Eu-148		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	6.0X10 <sup>2</sup>	1.6X10 <sup>4</sup>
Eu-149		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	3.5X10 <sup>2</sup>	9.4X10 <sup>3</sup>
Eu-150 (short lived)		2.0	5.4X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	6.1X10 <sup>4</sup>	1.6X10 <sup>6</sup>
Eu-150 (long lived)		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	6.1X10 <sup>4</sup>	1.6X10 <sup>6</sup>
Eu-152		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	6.5	1.8X10 <sup>2</sup>
Eu-152m		8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	8.2X10 <sup>4</sup>	2.2X10 <sup>6</sup>
Eu-154		9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	9.8	2.6X10 <sup>2</sup>



Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
Eu-155		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	1.8X10 <sup>1</sup>	4.9X10 <sup>2</sup>
Eu-156		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	2.0X10 <sup>3</sup>	5.5X10 <sup>4</sup>
F-18	Fluorine (9)	1.0	2.7X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.5X10 <sup>6</sup>	9.5X10 <sup>7</sup>
Fe-52 (a)	Iron (26)	3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	2.7X10 <sup>5</sup>	7.3X10 <sup>6</sup>
Fe-55		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	8.8X10 <sup>1</sup>	2.4X10 <sup>3</sup>
Fe-59		9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	1.8X10 <sup>3</sup>	5.0X10 <sup>4</sup>
Fe-60 (a)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>-1</sup>	5.4	7.4X10 <sup>-4</sup>	2.0X10 <sup>-2</sup>
Ga-67	Gallium (31)	7.0	1.9X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	2.2X10 <sup>4</sup>	6.0X10 <sup>5</sup>
Ga-68		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	1.5X10 <sup>6</sup>	4.1X10 <sup>7</sup>
Ga-72		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.1X10 <sup>5</sup>	3.1X10 <sup>6</sup>
Gd-146 (a)	Gadolinium (64)	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	6.9X10 <sup>2</sup>	1.9X10 <sup>4</sup>
Gd-148		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0X10 <sup>-3</sup>	5.4X10 <sup>-2</sup>	1.2	3.2X10 <sup>1</sup>
Gd-153		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	9.0	2.4X10 <sup>2</sup>	1.3X10 <sup>2</sup>	3.5X10 <sup>3</sup>
Gd-159		3.0	8.1X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.9X10 <sup>4</sup>	1.1X10 <sup>6</sup>
Ge-68 (a)	Germanium (32)	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	2.6X10 <sup>2</sup>	7.1X10 <sup>3</sup>
Ge-71		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	5.8X10 <sup>3</sup>	1.6X10 <sup>5</sup>
Ge-77		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	1.3X10 <sup>5</sup>	3.6X10 <sup>6</sup>
Hf-172 (a)	Hafnium (72)	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	4.1X10 <sup>1</sup>	1.1X10 <sup>3</sup>
Hf-175		3.0	8.1X10 <sup>1</sup>	3.0	8.1X10 <sup>1</sup>	3.9X10 <sup>2</sup>	1.1X10 <sup>4</sup>
Hf-181		2.0	5.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	6.3X10 <sup>2</sup>	1.7X10 <sup>4</sup>
Hf-182		Unlimited	Unlimited	Unlimited	Unlimited	8.1X10 <sup>-6</sup>	2.2X10 <sup>-4</sup>
Hg-194 (a)	Mercury (80)	1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	1.3X10 <sup>-1</sup>	3.5
Hg-195m (a)		3.0	8.1X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	1.5X10 <sup>4</sup>	4.0X10 <sup>5</sup>
Hg-197		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	9.2X10 <sup>3</sup>	2.5X10 <sup>5</sup>
Hg-197m		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	2.5X10 <sup>4</sup>	6.7X10 <sup>5</sup>
Hg-203		5.0	1.4X10 <sup>2</sup>	1.0	2.7X10 <sup>1</sup>	5.1X10 <sup>2</sup>	1.4X10 <sup>4</sup>
Ho-166	Holmium (67)	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	2.6X10 <sup>4</sup>	7.0X10 <sup>5</sup>
Ho-166m		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	6.6X10 <sup>-2</sup>	1.8
I-123	Iodine (53)	6.0	1.6X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	7.1X10 <sup>4</sup>	1.9X10 <sup>6</sup>
I-124		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	9.3X10 <sup>3</sup>	2.5X10 <sup>5</sup>
I-125		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	6.4X10 <sup>2</sup>	1.7X10 <sup>4</sup>
I-126		2.0	5.4X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	2.9X10 <sup>3</sup>	8.0X10 <sup>4</sup>
I-129		Unlimited	Unlimited	Unlimited	Unlimited	6.5X10 <sup>-6</sup>	1.8X10 <sup>-4</sup>
I-131		3.0	8.1X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	4.6X10 <sup>3</sup>	1.2X10 <sup>5</sup>
I-132		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	3.8X10 <sup>5</sup>	1.0X10 <sup>7</sup>
I-133		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	4.2X10 <sup>4</sup>	1.1X10 <sup>6</sup>
I-134		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	9.9X10 <sup>5</sup>	2.7X10 <sup>7</sup>
I-135 (a)		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.3X10 <sup>5</sup>	3.5X10 <sup>6</sup>
In-111	Indium (49)	3.0	8.1X10 <sup>1</sup>	3.0	8.1X10 <sup>1</sup>	1.5X10 <sup>4</sup>	4.2X10 <sup>5</sup>
In-113m		4.0	1.1X10 <sup>2</sup>	2.0	5.4X10 <sup>1</sup>	6.2X10 <sup>5</sup>	1.7X10 <sup>7</sup>
In-114m (a)		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	8.6X10 <sup>2</sup>	2.3X10 <sup>4</sup>
In-115m		7.0	1.9X10 <sup>2</sup>	1.0	2.7X10 <sup>1</sup>	2.2X10 <sup>5</sup>	6.1X10 <sup>6</sup>
Ir-189 (a)	Iridium (77)	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.9X10 <sup>3</sup>	5.2X10 <sup>4</sup>
Ir-190		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	2.3X10 <sup>3</sup>	6.2X10 <sup>4</sup>
Ir-192 (c)		1.0	2.7X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.4X10 <sup>2</sup>	9.2X10 <sup>3</sup>
Ir-194		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	3.1X10 <sup>4</sup>	8.4X10 <sup>5</sup>
K-40	Potassium (19)	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	2.4X10 <sup>-7</sup>	6.4X10 <sup>-6</sup>

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
K-42		2.0X10 <sup>-1</sup>	5.4	2.0X10 <sup>-1</sup>	5.4	2.2X10 <sup>5</sup>	6.0X10 <sup>6</sup>
K-43		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.2X10 <sup>5</sup>	3.3X10 <sup>6</sup>
Kr-81	Krypton (36)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	7.8X10 <sup>-4</sup>	2.1X10 <sup>-2</sup>
Kr-85		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.5X10 <sup>1</sup>	3.9X10 <sup>2</sup>
Kr-85m		8.0	2.2X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	3.0X10 <sup>5</sup>	8.2X10 <sup>6</sup>
Kr-87		2.0X10 <sup>-1</sup>	5.4	2.0X10 <sup>-1</sup>	5.4	1.0X10 <sup>6</sup>	2.8X10 <sup>7</sup>
La-137	Lanthanum (57)	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	6.0	1.6X10 <sup>2</sup>	1.6X10 <sup>-3</sup>	4.4X10 <sup>-2</sup>
La-140		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	2.1X10 <sup>4</sup>	5.6X10 <sup>5</sup>
Lu-172	Lutetium (71)	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	4.2X10 <sup>3</sup>	1.1X10 <sup>5</sup>
Lu-173		8.0	2.2X10 <sup>2</sup>	8.0	2.2X10 <sup>2</sup>	5.6X10 <sup>1</sup>	1.5X10 <sup>3</sup>
Lu-174		9.0	2.4X10 <sup>2</sup>	9.0	2.4X10 <sup>2</sup>	2.3X10 <sup>1</sup>	6.2X10 <sup>2</sup>
Lu-174m		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	2.0X10 <sup>2</sup>	5.3X10 <sup>3</sup>
Lu-177		3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	4.1X10 <sup>3</sup>	1.1X10 <sup>5</sup>
Mg-28 (a)	Magnesium (12)	3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	2.0X10 <sup>5</sup>	5.4X10 <sup>6</sup>
Mn-52	Manganese (25)	3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	1.6X10 <sup>4</sup>	4.4X10 <sup>5</sup>
Mn-53		Unlimited	Unlimited	Unlimited	Unlimited	6.8X10 <sup>-5</sup>	1.8X10 <sup>-3</sup>
Mn-54		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	2.9X10 <sup>2</sup>	7.7X10 <sup>3</sup>
Mn-56		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	8.0X10 <sup>5</sup>	2.2X10 <sup>7</sup>
Mo-93	Molybdenum (42)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	4.1X10 <sup>-2</sup>	1.1
Mo-99 (a) (i)		1.0	2.7X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.8X10 <sup>4</sup>	4.8X10 <sup>5</sup>
N-13	Nitrogen (7)	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	5.4X10 <sup>7</sup>	1.5X10 <sup>9</sup>
Na-22	Sodium (11)	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	2.3X10 <sup>2</sup>	6.3X10 <sup>3</sup>
Na-24		2.0X10 <sup>-1</sup>	5.4	2.0X10 <sup>-1</sup>	5.4	3.2X10 <sup>5</sup>	8.7X10 <sup>6</sup>
Nb-93m	Niobium (41)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	8.8	2.4X10 <sup>2</sup>
Nb-94		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	6.9X10 <sup>-3</sup>	1.9X10 <sup>-1</sup>
Nb-95		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	1.5X10 <sup>3</sup>	3.9X10 <sup>4</sup>
Nb-97		9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	9.9X10 <sup>5</sup>	2.7X10 <sup>7</sup>
Nd-147	Neodymium (60)	6.0	1.6X10 <sup>2</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.0X10 <sup>3</sup>	8.1X10 <sup>4</sup>
Nd-149		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	4.5X10 <sup>5</sup>	1.2X10 <sup>7</sup>
Ni-59	Nickel (28)	Unlimited	Unlimited	Unlimited	Unlimited	3.0X10 <sup>-3</sup>	8.0X10 <sup>-2</sup>
Ni-63		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	2.1	5.7X10 <sup>1</sup>
Ni-65		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	7.1X10 <sup>5</sup>	1.9X10 <sup>7</sup>
Np-235	Neptunium (93)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	5.2X10 <sup>1</sup>	1.4X10 <sup>3</sup>
Np-236 (short-lived)		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0	5.4X10 <sup>1</sup>	4.7X10 <sup>-4</sup>	1.3X10 <sup>-2</sup>
Np-236 (long-lived)		9.0X10 <sup>0</sup>	2.4X10 <sup>2</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	4.7X10 <sup>-4</sup>	1.3X10 <sup>-2</sup>
Np-237		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0X10 <sup>-3</sup>	5.4X10 <sup>-2</sup>	2.6X10 <sup>-5</sup>	7.1X10 <sup>-4</sup>
Np-239		7.0	1.9X10 <sup>2</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	8.6X10 <sup>3</sup>	2.3X10 <sup>5</sup>
Os-185	Osmium (76)	1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	2.8X10 <sup>2</sup>	7.5X10 <sup>3</sup>
Os-191		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	2.0	5.4X10 <sup>1</sup>	1.6X10 <sup>3</sup>	4.4X10 <sup>4</sup>
Os-191m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	4.6X10 <sup>4</sup>	1.3X10 <sup>6</sup>
Os-193		2.0	5.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.0X10 <sup>4</sup>	5.3X10 <sup>5</sup>
Os-194 (a)		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	1.1X10 <sup>1</sup>	3.1X10 <sup>2</sup>
P-32	Phosphorus (15)	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	1.1X10 <sup>4</sup>	2.9X10 <sup>5</sup>
P-33		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0	2.7X10 <sup>1</sup>	5.8X10 <sup>3</sup>	1.6X10 <sup>5</sup>
Pa-230 (a)	Protactinium (91)	2.0	5.4X10 <sup>1</sup>	7.0X10 <sup>-2</sup>	1.9	1.2X10 <sup>3</sup>	3.3X10 <sup>4</sup>
Pa-231		4.0	1.1X10 <sup>2</sup>	4.0X10 <sup>-4</sup>	1.1X10 <sup>-2</sup>	1.7X10 <sup>-3</sup>	4.7X10 <sup>-2</sup>
Pa-233		5.0	1.4X10 <sup>2</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.7X10 <sup>2</sup>	2.1X10 <sup>4</sup>

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
Pb-201	Lead (82)	1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	6.2X10 <sup>4</sup>	1.7X10 <sup>6</sup>
Pb-202		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	1.2X10 <sup>-4</sup>	3.4X10 <sup>-3</sup>
Pb-203		4.0	1.1X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	1.1X10 <sup>4</sup>	3.0X10 <sup>5</sup>
Pb-205		Unlimited	Unlimited	Unlimited	Unlimited	4.5X10 <sup>-6</sup>	1.2X10 <sup>-4</sup>
Pb-210 (a)		1.0	2.7X10 <sup>1</sup>	5.0X10 <sup>-2</sup>	1.4	2.8	7.6X10 <sup>1</sup>
Pb-212 (a)		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	2.0X10 <sup>-1</sup>	5.4	5.1X10 <sup>4</sup>	1.4X10 <sup>6</sup>
Pd-103 (a)	Palladium (46)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.8X10 <sup>3</sup>	7.5X10 <sup>4</sup>
Pd-107		Unlimited	Unlimited	Unlimited	Unlimited	1.9X10 <sup>-5</sup>	5.1X10 <sup>-4</sup>
Pd-109		2.0	5.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	7.9X10 <sup>4</sup>	2.1X10 <sup>6</sup>
Pm-143	Promethium (61)	3.0	8.1X10 <sup>1</sup>	3.0	8.1X10 <sup>1</sup>	1.3X10 <sup>2</sup>	3.4X10 <sup>3</sup>
Pm-144		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	9.2X10 <sup>1</sup>	2.5X10 <sup>3</sup>
Pm-145		3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	5.2	1.4X10 <sup>2</sup>
Pm-147		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0	5.4X10 <sup>1</sup>	3.4X10 <sup>1</sup>	9.3X10 <sup>2</sup>
Pm-148m (a)		8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	7.9X10 <sup>2</sup>	2.1X10 <sup>4</sup>
Pm-149		2.0	5.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.5X10 <sup>4</sup>	4.0X10 <sup>5</sup>
Pm-151		2.0	5.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.7X10 <sup>4</sup>	7.3X10 <sup>5</sup>
Po-210	Polonium (84)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	1.7X10 <sup>2</sup>	4.5X10 <sup>3</sup>
Pr-142	Praseodymium (59)	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.3X10 <sup>4</sup>	1.2X10 <sup>6</sup>
Pr-143		3.0	8.1X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.5X10 <sup>3</sup>	6.7X10 <sup>4</sup>
Pt-188 (a)	Platinum (78)	1.0	2.7X10 <sup>1</sup>	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	2.5X10 <sup>3</sup>	6.8X10 <sup>4</sup>
Pt-191		4.0	1.1X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	8.7X10 <sup>3</sup>	2.4X10 <sup>5</sup>
Pt-193		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.4	3.7X10 <sup>1</sup>
Pt-193m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.8X10 <sup>3</sup>	1.6X10 <sup>5</sup>
Pt-195m		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	6.2X10 <sup>3</sup>	1.7X10 <sup>5</sup>
Pt-197		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.2X10 <sup>4</sup>	8.7X10 <sup>5</sup>
Pt-197m		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.7X10 <sup>5</sup>	1.0X10 <sup>7</sup>
Pu-236	Plutonium (94)	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	3.0X10 <sup>-3</sup>	8.1X10 <sup>-2</sup>	2.0X10 <sup>1</sup>	5.3X10 <sup>2</sup>
Pu-237		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	4.5X10 <sup>2</sup>	1.2X10 <sup>4</sup>
Pu-238		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	6.3X10 <sup>-1</sup>	1.7X10 <sup>1</sup>
Pu-239		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	2.3X10 <sup>-3</sup>	6.2X10 <sup>-2</sup>
Pu-240		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	8.4X10 <sup>-3</sup>	2.3X10 <sup>-1</sup>
Pu-241 (a)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	6.0X10 <sup>-2</sup>	1.6	3.8	1.0X10 <sup>2</sup>
Pu-242		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	1.5X10 <sup>-4</sup>	3.9X10 <sup>-3</sup>
Pu-244 (a)		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	6.7X10 <sup>-7</sup>	1.8X10 <sup>-5</sup>
Ra-223 (a)	Radium (88)	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	7.0X10 <sup>-3</sup>	1.9X10 <sup>-1</sup>	1.9X10 <sup>3</sup>	5.1X10 <sup>4</sup>
Ra-224 (a)		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	5.9X10 <sup>3</sup>	1.6X10 <sup>5</sup>
Ra-225 (a)		2.0X10 <sup>-1</sup>	5.4	4.0X10 <sup>-3</sup>	1.1X10 <sup>-1</sup>	1.5X10 <sup>3</sup>	3.9X10 <sup>4</sup>
Ra-226 (a)		2.0X10 <sup>-1</sup>	5.4	3.0X10 <sup>-3</sup>	8.1X10 <sup>-2</sup>	3.7X10 <sup>-2</sup>	1.0
Ra-228 (a)		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>
Rb-81	Rubidium (37)	2.0	5.4X10 <sup>1</sup>	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	3.1X10 <sup>5</sup>	8.4X10 <sup>6</sup>
Rb-83 (a)		2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	6.8X10 <sup>2</sup>	1.8X10 <sup>4</sup>
Rb-84		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	1.8X10 <sup>3</sup>	4.7X10 <sup>4</sup>
Rb-86		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	3.0X10 <sup>3</sup>	8.1X10 <sup>4</sup>
Rb-87		Unlimited	Unlimited	Unlimited	Unlimited	3.2X10 <sup>-9</sup>	8.6X10 <sup>-8</sup>
Rb (nat)		Unlimited	Unlimited	Unlimited	Unlimited	6.7X10 <sup>6</sup>	1.8X10 <sup>8</sup>
Re-184	Rhenium (75)	1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	6.9X10 <sup>2</sup>	1.9X10 <sup>4</sup>
Re-184m		3.0	8.1X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	1.6X10 <sup>2</sup>	4.3X10 <sup>3</sup>

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
Re-186		2.0	5.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.9X10 <sup>3</sup>	1.9X10 <sup>5</sup>
Re-187		Unlimited	Unlimited	Unlimited	Unlimited	1.4X10 <sup>-9</sup>	3.8X10 <sup>-8</sup>
Re-188		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	3.6X10 <sup>4</sup>	9.8X10 <sup>5</sup>
Re-189 (a)		3.0	8.1X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.5X10 <sup>4</sup>	6.8X10 <sup>5</sup>
Re (nat)		Unlimited	Unlimited	Unlimited	Unlimited	0.0	2.4X10 <sup>-8</sup>
Rh-99	Rhodium (45)	2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	3.0X10 <sup>3</sup>	8.2X10 <sup>4</sup>
Rh-101		4.0	1.1X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	4.1X10 <sup>1</sup>	1.1X10 <sup>3</sup>
Rh-102		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	4.5X10 <sup>1</sup>	1.2X10 <sup>3</sup>
Rh-102m		2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	2.3X10 <sup>2</sup>	6.2X10 <sup>3</sup>
Rh-103m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.2X10 <sup>6</sup>	3.3X10 <sup>7</sup>
Rh-105		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	3.1X10 <sup>4</sup>	8.4X10 <sup>5</sup>
Rn-222 (a)	Radon (86)	3.0X10 <sup>-1</sup>	8.1	4.0X10 <sup>-3</sup>	1.1X10 <sup>-1</sup>	5.7X10 <sup>3</sup>	1.5X10 <sup>5</sup>
Ru-97	Ruthenium (44)	5.0	1.4X10 <sup>2</sup>	5.0	1.4X10 <sup>2</sup>	1.7X10 <sup>4</sup>	4.6X10 <sup>5</sup>
Ru-103 (a)		2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	1.2X10 <sup>3</sup>	3.2X10 <sup>4</sup>
Ru-105		1.0	2.7X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.5X10 <sup>5</sup>	6.7X10 <sup>6</sup>
Ru-106 (a)		2.0X10 <sup>-1</sup>	5.4	2.0X10 <sup>-1</sup>	5.4	1.2X10 <sup>2</sup>	3.3X10 <sup>3</sup>
S-35	Sulphur (16)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0	8.1X10 <sup>1</sup>	1.6X10 <sup>3</sup>	4.3X10 <sup>4</sup>
Sb-122	Antimony (51)	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.5X10 <sup>4</sup>	4.0X10 <sup>5</sup>
Sb-124		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.5X10 <sup>2</sup>	1.7X10 <sup>4</sup>
Sb-125		2.0	5.4X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	3.9X10 <sup>1</sup>	1.0X10 <sup>3</sup>
Sb-126		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	3.1X10 <sup>3</sup>	8.4X10 <sup>4</sup>
Sc-44	Scandium (21)	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	6.7X10 <sup>5</sup>	1.8X10 <sup>7</sup>
Sc-46		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	1.3X10 <sup>3</sup>	3.4X10 <sup>4</sup>
Sc-47		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	3.1X10 <sup>4</sup>	8.3X10 <sup>5</sup>
Sc-48		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	5.5X10 <sup>4</sup>	1.5X10 <sup>6</sup>
Se-75	Selenium (34)	3.0	8.1X10 <sup>1</sup>	3.0	8.1X10 <sup>1</sup>	5.4X10 <sup>2</sup>	1.5X10 <sup>4</sup>
Se-79		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0	5.4X10 <sup>1</sup>	2.6X10 <sup>-3</sup>	7.0X10 <sup>-2</sup>
Si-31	Silicon (14)	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.4X10 <sup>6</sup>	3.9X10 <sup>7</sup>
Si-32		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	3.9	1.1X10 <sup>2</sup>
Sm-145	Samarium (62)	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	9.8X10 <sup>1</sup>	2.6X10 <sup>3</sup>
Sm-147		Unlimited	Unlimited	Unlimited	Unlimited	8.5X10 <sup>-1</sup>	2.3X10 <sup>-8</sup>
Sm-151		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	9.7X10 <sup>-1</sup>	2.6X10 <sup>1</sup>
Sm-153		9.0	2.4X10 <sup>2</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.6X10 <sup>4</sup>	4.4X10 <sup>5</sup>
Sn-113 (a)	Tin (50)	4.0	1.1X10 <sup>2</sup>	2.0	5.4X10 <sup>1</sup>	3.7X10 <sup>2</sup>	1.0X10 <sup>4</sup>
Sn-117m		7.0	1.9X10 <sup>2</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	3.0X10 <sup>3</sup>	8.2X10 <sup>4</sup>
Sn-119m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	1.4X10 <sup>2</sup>	3.7X10 <sup>3</sup>
Sn-121m (a)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>
Sn-123		8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	3.0X10 <sup>2</sup>	8.2X10 <sup>3</sup>
Sn-125		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>3</sup>	1.1X10 <sup>5</sup>
Sn-126 (a)		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.0X10 <sup>-3</sup>	2.8X10 <sup>-2</sup>
Sr-82 (a)	Strontium (38)	2.0X10 <sup>-1</sup>	5.4	2.0X10 <sup>-1</sup>	5.4	2.3X10 <sup>3</sup>	6.2X10 <sup>4</sup>
Sr-85		2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	8.8X10 <sup>2</sup>	2.4X10 <sup>4</sup>
Sr-85m		5.0	1.4X10 <sup>2</sup>	5.0	1.4X10 <sup>2</sup>	1.2X10 <sup>6</sup>	3.3X10 <sup>7</sup>
Sr-87m		3.0	8.1X10 <sup>1</sup>	3.0	8.1X10 <sup>1</sup>	4.8X10 <sup>5</sup>	1.3X10 <sup>7</sup>
Sr-89		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.9X10 <sup>4</sup>
Sr-90 (a)		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	5.1	1.4X10 <sup>2</sup>
Sr-91 (a)		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	1.3X10 <sup>5</sup>	3.6X10 <sup>6</sup>

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
Sr-92 (a)		1.0	2.7X10 <sup>1</sup>	3.0X10 <sup>-1</sup>	8.1	4.7X10 <sup>5</sup>	1.3X10 <sup>7</sup>
T(H-3)	Tritium (1)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.6X10 <sup>2</sup>	9.7X10 <sup>3</sup>
Ta-178 (long-lived)	Tantalum (73)	1.0	2.7X10 <sup>1</sup>	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	4.2X10 <sup>6</sup>	1.1X10 <sup>8</sup>
Ta-179		3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	4.1X10 <sup>1</sup>	1.1X10 <sup>3</sup>
Ta-182		9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	2.3X10 <sup>2</sup>	6.2X10 <sup>3</sup>
Tb-157	Terbium (65)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	5.6X10 <sup>-1</sup>	1.5X10 <sup>1</sup>
Tb-158		1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	5.6X10 <sup>-1</sup>	1.5X10 <sup>1</sup>
Tb-160		1.0	2.7X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	4.2X10 <sup>2</sup>	1.1X10 <sup>4</sup>
Tc-95m (a)	Technetium (43)	2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	8.3X10 <sup>2</sup>	2.2X10 <sup>4</sup>
Tc-96		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.2X10 <sup>4</sup>	3.2X10 <sup>5</sup>
Tc-96m (a)		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.4X10 <sup>6</sup>	3.8X10 <sup>7</sup>
Tc-97		Unlimited	Unlimited	Unlimited	Unlimited	5.2X10 <sup>-5</sup>	1.4X10 <sup>-3</sup>
Tc-97m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0	2.7X10 <sup>1</sup>	5.6X10 <sup>2</sup>	1.5X10 <sup>4</sup>
Tc-98		8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	3.2X10 <sup>-5</sup>	8.7X10 <sup>-4</sup>
Tc-99		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	6.3X10 <sup>-4</sup>	1.7X10 <sup>-2</sup>
Tc-99m		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	4.0	1.1X10 <sup>2</sup>	1.9X10 <sup>5</sup>	5.3X10 <sup>6</sup>
Te-121	Tellurium (52)	2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	2.4X10 <sup>3</sup>	6.4X10 <sup>4</sup>
Te-121m		5.0	1.4X10 <sup>2</sup>	3.0	8.1X10 <sup>1</sup>	2.6X10 <sup>2</sup>	7.0X10 <sup>3</sup>
Te-123m		8.0	2.2X10 <sup>2</sup>	1.0	2.7X10 <sup>1</sup>	3.3X10 <sup>2</sup>	8.9X10 <sup>3</sup>
Te-125m		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	6.7X10 <sup>2</sup>	1.8X10 <sup>4</sup>
Te-127		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	9.8X10 <sup>4</sup>	2.6X10 <sup>6</sup>
Te-127m (a)		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	3.5X10 <sup>2</sup>	9.4X10 <sup>3</sup>
Te-129		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	7.7X10 <sup>5</sup>	2.1X10 <sup>7</sup>
Te-129m (a)		8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0X10 <sup>4</sup>
Te-131m (a)		7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	3.0X10 <sup>4</sup>	8.0X10 <sup>5</sup>
Te-132 (a)		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	((3.1X10 <sup>4</sup> )) 1.1X10 <sup>4</sup>	3.0X10 <sup>5</sup>
Th-227	Thorium (90)	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	5.0X10 <sup>-3</sup>	1.4X10 <sup>-1</sup>	1.1X10 <sup>3</sup>	3.1X10 <sup>4</sup>
Th-228 (a)		5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	3.0X10 <sup>1</sup>	8.2X10 <sup>2</sup>
Th-229		5.0	1.4X10 <sup>2</sup>	5.0X10 <sup>-4</sup>	1.4X10 <sup>-2</sup>	7.9X10 <sup>-3</sup>	2.1X10 <sup>-1</sup>
Th-230		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	7.6X10 <sup>-4</sup>	2.1X10 <sup>-2</sup>
Th-231		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	2.0X10 <sup>4</sup>	5.3X10 <sup>5</sup>
Th-232		Unlimited	Unlimited	Unlimited	Unlimited	4.0X10 <sup>-9</sup>	1.1X10 <sup>-7</sup>
Th-234 (a)		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	8.6X10 <sup>2</sup>	2.3X10 <sup>4</sup>
Th(nat)		Unlimited	Unlimited	Unlimited	Unlimited	8.1X10 <sup>-9</sup>	2.2X10 <sup>-7</sup>
Ti-44 (a)	Titanium (22)	5.0X10 <sup>-1</sup>	1.4X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	6.4	1.7X10 <sup>2</sup>
Tl-200	Thallium (81)	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	2.2X10 <sup>4</sup>	6.0X10 <sup>5</sup>
Tl-201		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	4.0	1.1X10 <sup>2</sup>	7.9X10 <sup>3</sup>	2.1X10 <sup>5</sup>
Tl-202		2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	2.0X10 <sup>3</sup>	5.3X10 <sup>4</sup>
Tl-204		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	1.7X10 <sup>1</sup>	4.6X10 <sup>2</sup>
Tm-167	Thulium (69)	7.0	1.9X10 <sup>2</sup>	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	3.1X10 <sup>3</sup>	8.5X10 <sup>4</sup>
Tm-170		3.0	8.1X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.2X10 <sup>2</sup>	6.0X10 <sup>3</sup>
Tm-171		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>
U-230 (fast lung absorption) (a)(d)	Uranium (92)	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0X10 <sup>-1</sup>	2.7	1.0X10 <sup>3</sup>	2.7X10 <sup>4</sup>
U-230 (medium lung absorption) (a)(e)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>-3</sup>	1.1X10 <sup>-1</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>4</sup>

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
U-230 (slow lung absorption) (a)(f)		3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	3.0X10 <sup>-3</sup>	8.1X10 <sup>-2</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>4</sup>
U-232 (fast lung absorption) (d)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	1.0X10 <sup>-2</sup>	2.7X10 <sup>-1</sup>	8.3X10 <sup>-1</sup>	2.2X10 <sup>1</sup>
U-232 (medium lung absorption) (e)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	7.0X10 <sup>-3</sup>	1.9X10 <sup>-1</sup>	8.3X10 <sup>-1</sup>	2.2X10 <sup>1</sup>
U-232 (slow lung absorption) (f)		1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	1.0X10 <sup>-3</sup>	2.7X10 <sup>-2</sup>	8.3X10 <sup>-1</sup>	2.2X10 <sup>1</sup>
U-233 (fast lung absorption) (d)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	9.0X10 <sup>-2</sup>	2.4	3.6X10 <sup>-4</sup>	9.7X10 <sup>-3</sup>
U-233 (medium lung absorption) (e)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	3.6X10 <sup>-4</sup>	9.7X10 <sup>-3</sup>
U-233 (slow lung absorption) (f)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	6.0X10 <sup>-3</sup>	1.6X10 <sup>-1</sup>	3.6X10 <sup>-4</sup>	9.7X10 <sup>-3</sup>
U-234 (fast lung absorption) (d)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	9.0X10 <sup>-2</sup>	2.4	2.3X10 <sup>-4</sup>	6.2X10 <sup>-3</sup>
U-234 (medium lung absorption) (e)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	2.3X10 <sup>-4</sup>	6.2X10 <sup>-3</sup>
U-234 (slow lung absorption) (f)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	6.0X10 <sup>-3</sup>	1.6X10 <sup>-1</sup>	2.3X10 <sup>-4</sup>	6.2X10 <sup>-3</sup>
U-235 (all lung absorption types) (a), (d), (e), (f)		Unlimited	Unlimited	Unlimited	Unlimited	8.0X10 <sup>-8</sup>	2.2X10 <sup>-6</sup>
U-236 (fast lung absorption) (d)		Unlimited	Unlimited	Unlimited	Unlimited	2.4X10 <sup>-6</sup>	6.5X10 <sup>-5</sup>
U-236 (medium lung absorption) (e)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	2.0X10 <sup>-2</sup>	5.4X10 <sup>-1</sup>	2.4X10 <sup>-6</sup>	6.5X10 <sup>-5</sup>
U-236 (slow lung absorption) (f)		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	6.0X10 <sup>-3</sup>	1.6X10 <sup>-1</sup>	2.4X10 <sup>-6</sup>	6.5X10 <sup>-5</sup>
U-238 (all lung absorption types) (d), (e), (f)		Unlimited	Unlimited	Unlimited	Unlimited	1.2X10 <sup>-8</sup>	3.4X10 <sup>-7</sup>
U (nat)		Unlimited	Unlimited	Unlimited	Unlimited	2.6X10 <sup>-8</sup>	7.1X10 <sup>-7</sup>
U (enriched to 20% or less) (g)		Unlimited	Unlimited	Unlimited	Unlimited	See Table A-4	See Table A-4
U (dep)		Unlimited	Unlimited	Unlimited	Unlimited	See Table A-4	See Table A-3
V-48	Vanadium (23)	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	6.3X10 <sup>3</sup>	1.7X10 <sup>5</sup>
V-49		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.0X10 <sup>2</sup>	8.1X10 <sup>3</sup>
W-178 (a)	Tungsten (74)	9.0	2.4X10 <sup>2</sup>	5.0	1.4X10 <sup>2</sup>	1.3X10 <sup>3</sup>	3.4X10 <sup>4</sup>
W-181		3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	2.2X10 <sup>2</sup>	6.0X10 <sup>3</sup>
W-185		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	3.5X10 <sup>2</sup>	9.4X10 <sup>3</sup>
W-187		2.0	5.4X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	2.6X10 <sup>4</sup>	7.0X10 <sup>5</sup>
W-188 (a)		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	3.0X10 <sup>-1</sup>	8.1	3.7X10 <sup>2</sup>	1.0X10 <sup>4</sup>
Xe-122 (a)	Xenon (54)	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.8X10 <sup>4</sup>	1.3X10 <sup>6</sup>
Xe-123		2.0	5.4X10 <sup>1</sup>	7.0X10 <sup>-1</sup>	1.9X10 <sup>1</sup>	4.4X10 <sup>5</sup>	1.2X10 <sup>7</sup>
Xe-127		4.0	1.1X10 <sup>2</sup>	2.0	5.4X10 <sup>1</sup>	1.0X10 <sup>3</sup>	2.8X10 <sup>4</sup>
Xe-131m		4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	4.0X10 <sup>1</sup>	1.1X10 <sup>3</sup>	3.1X10 <sup>3</sup>	8.4X10 <sup>4</sup>
Xe-133		2.0X10 <sup>1</sup>	5.4X10 <sup>2</sup>	1.0X10 <sup>1</sup>	2.7X10 <sup>2</sup>	6.9X10 <sup>3</sup>	1.9X10 <sup>5</sup>
Xe-135		3.0	8.1X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	9.5X10 <sup>4</sup>	2.6X10 <sup>6</sup>
Y-87 (a)	Yttrium (39)	1.0	2.7X10 <sup>1</sup>	1.0	2.7X10 <sup>1</sup>	1.7X10 <sup>4</sup>	4.5X10 <sup>5</sup>
Y-88		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	5.2X10 <sup>2</sup>	1.4X10 <sup>4</sup>
Y-90		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	2.0X10 <sup>4</sup>	5.4X10 <sup>5</sup>
Y-91		6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	9.1X10 <sup>2</sup>	2.5X10 <sup>4</sup>
Y-91m		2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	1.5X10 <sup>6</sup>	4.2X10 <sup>7</sup>
Y-92		2.0X10 <sup>-1</sup>	5.4	2.0X10 <sup>-1</sup>	5.4	3.6X10 <sup>5</sup>	9.6X10 <sup>6</sup>

Symbol of radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci) <sup>b</sup>	A2 (TBq)	A2 (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
Y-93		3.0X10 <sup>-1</sup>	8.1	3.0X10 <sup>-1</sup>	8.1	1.2X10 <sup>5</sup>	3.3X10 <sup>6</sup>
Yb-169	Ytterbium (70)	4.0	1.1X10 <sup>2</sup>	1.0	2.7X10 <sup>1</sup>	8.9X10 <sup>2</sup>	2.4X10 <sup>4</sup>
Yb-175		3.0X10 <sup>1</sup>	8.1X10 <sup>2</sup>	9.0X10 <sup>-1</sup>	2.4X10 <sup>1</sup>	6.6X10 <sup>3</sup>	1.8X10 <sup>5</sup>
Zn-65	Zinc (30)	2.0	5.4X10 <sup>1</sup>	2.0	5.4X10 <sup>1</sup>	3.0X10 <sup>2</sup>	8.2X10 <sup>3</sup>
Zn-69		3.0	8.1X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.8X10 <sup>6</sup>	4.9X10 <sup>7</sup>
Zn-69m (a)		3.0	8.1X10 <sup>1</sup>	6.0X10 <sup>-1</sup>	1.6X10 <sup>1</sup>	1.2X10 <sup>5</sup>	3.3X10 <sup>6</sup>
Zr-88	Zirconium (40)	3.0	8.1X10 <sup>1</sup>	3.0	8.1X10 <sup>1</sup>	6.6X10 <sup>2</sup>	1.8X10 <sup>4</sup>
Zr-93		Unlimited	Unlimited	Unlimited	Unlimited	9.3X10 <sup>-5</sup>	2.5X10 <sup>-3</sup>
Zr-95 (a)		2.0	5.4X10 <sup>1</sup>	8.0X10 <sup>-1</sup>	2.2X10 <sup>1</sup>	7.9X10 <sup>2</sup>	2.1X10 <sup>4</sup>
Zr-97 (a)		4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	4.0X10 <sup>-1</sup>	1.1X10 <sup>1</sup>	7.1X10 <sup>4</sup>	1.9X10 <sup>6</sup>

- (a) A<sub>1</sub> or A<sub>2</sub> values include contributions from daughter nuclides with half-lives less than ten days.
- (b) (Reserved.)
- (c) The quantity may be determined from a measurement of the rate of decay or a measurement of the radiation level at a prescribed distance from the source.
- (d) These values apply only to compounds of uranium that take the chemical form of UF<sub>6</sub>, UO<sub>2</sub>F<sub>2</sub> and UO<sub>2</sub>(NO<sub>3</sub>)<sub>2</sub> in both normal and accident conditions of transport.
- (e) These values apply only to compounds of uranium that take the chemical form of UO<sub>3</sub>, UF<sub>4</sub>, UCl<sub>4</sub> and hexavalent compounds in both normal and accident conditions of transport.
- (f) These values apply to all compounds of uranium other than those specified in notes (d) and (e) of this table.
- (g) These values apply to unirradiated uranium only.
- (h) A<sub>1</sub> = 0.1 TBq (2.7 Ci) and A<sub>2</sub> = 0.001 TBq (0.027 Ci) for Cf-252 for domestic use.
- (i) A<sub>2</sub> = 0.74 TBq (20 Ci) for Mo-99 for domestic use.

Table A-2.—Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Ac-225	Actinium (89)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Ac-227	-	1.0X10 <sup>-1</sup>	2.7X10 <sup>-12</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Ac-228	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ag-105	Silver (47)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ag-108m (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ag-110m	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ag-111	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Al-26	Aluminum (13)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Am-241	Americium (95)	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Am-242m (b)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Am-243 (b)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Ar-37	Argon (18)	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Ar-39	-	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Ar-41	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
As-72	Arsenic (33)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
As-73	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
As-74	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
As-76	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
As-77	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
At-211	Astatine (85)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Au-193	Gold (79)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Au-194	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Au-195	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Au-198	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Au-199	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ba-131	Barium (56)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ba-133	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ba-133m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ba-140 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Be-7	Beryllium (4)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Be-10	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Bi-205	Bismuth (83)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Bi-206	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Bi-207	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Bi-210	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Bi-210m	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Bi-212 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Bk-247	Berkelium (97)	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Bk-249	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Br-76	Bromine (35)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Br-77	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Br-82	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
C-11	Carbon (6)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
C-14	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ca-41	Calcium (20)	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ca-45	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ca-47	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cd-109	Cadmium (48)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cd-113m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cd-115	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cd-115m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-139	Cerium (58)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-141	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ce-143	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-144 (b)	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cf-248	Californium (98)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Cf-249	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Cf-250	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Cf-251	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Cf-252	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Cf-253	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cf-254	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Cl-36	Chlorine (17)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cl-38	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cm-240	Curium (96)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cm-241	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cm-242	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>



Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Cm-243	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Cm-244	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Cm-245	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Cm-246	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Cm-247	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Cm-248	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Co-55	Cobalt (27)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Co-56	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Co-57	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Co-58	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Co-58m	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Co-60	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cr-51	Chromium (24)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Cs-129	Cesium (55)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cs-131	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cs-132	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cs-134	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Cs-134m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cs-135	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Cs-136	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cs-137 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Cu-64	Copper (29)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cu-67	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Dy-159	Dysprosium (66)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Dy-165	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Dy-166	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Er-169	Erbium (68)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Er-171	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Eu-147	Europium (63)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Eu-148	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Eu-149	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Eu-150 (short lived)	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Eu-150 (long lived)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Eu-152	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Eu-152m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Eu-154	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Eu-155	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Eu-156	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
F-18	Fluorine (9)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Fe-52	Iron (26)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Fe-55	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Fe-59	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Fe-60	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ga-67	Gallium (31)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ga-68	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ga-72	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Gd-146	Gadolinium (64)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Gd-148	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Gd-153	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Gd-159	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ge-68	Germanium (32)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ge-71	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Ge-77	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Hf-172	Hafnium (72)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Hf-175	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Hf-181	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Hf-182	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Hg-194	Mercury (80)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Hg-195m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Hg-197	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Hg-197m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Hg-203	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ho-166	Holmium (67)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ho-166m	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
I-123	Iodine (53)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
I-124	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
I-125	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
I-126	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
I-129	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
I-131	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
I-132	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
I-133	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
I-134	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
I-135	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
In-111	Indium (49)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
In-113m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
In-114m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
In-115m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ir-189	Iridium (77)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ir-190	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ir-192	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Ir-194	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
K-40	Potassium (19)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
K-42	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
K-43	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Kr-81	Krypton (36)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Kr-85	-	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Kr-85m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>10</sup>	2.7X10 <sup>-1</sup>
Kr-87	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
La-137	Lanthanum (57)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
La-140	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Lu-172	Lutetium (71)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Lu-173	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Lu-174	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Lu-174m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Lu-177	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Mg-28	Magnesium (12)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Mn-52	Manganese (25)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Mn-53	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
Mn-54	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Mn-56	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Mo-93	Molybdenum (42)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Mo-99	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
N-13	Nitrogen (7)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
Na-22	Sodium (11)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Na-24	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Nb-93m	Niobium (41)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Nb-94	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Nb-95	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Nb-97	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Nd-147	Neodymium (60)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Nd-149	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ni-59	Nickel (28)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Ni-63	-	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Ni-65	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Np-235	Neptunium (93)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Np-236 (short-lived)	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Np-236 (long-lived)	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Np-237 (b)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Np-239	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Os-185	Osmium (76)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Os-191	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Os-191m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Os-193	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Os-194	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
P-32	Phosphorus (15)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
P-33	-	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Pa-230	Protactinium (91)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pa-231	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Pa-233	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Pb-201	Lead (82)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pb-202	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pb-203	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pb-205	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Pb-210 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Pb-212 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Pd-103	Palladium (46)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Pd-107	-	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Pd-109	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pm-143	Promethium (61)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pm-144	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pm-145	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Pm-147	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Pm-148m	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pm-149	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pm-151	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Po-210	Polonium (84)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Pr-142	Praseodymium (59)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Pr-143	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pt-188	Platinum (78)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pt-191	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pt-193	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Pt-193m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Pt-195m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pt-197	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pt-197m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Pu-236	Plutonium (94)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Pu-237	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Pu-238	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Pu-239	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Pu-240	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Pu-241	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Pu-242	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Pu-244	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Ra-223 (b)	Radium (88)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ra-224 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ra-225	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ra-226 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Ra-228 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Rb-81	Rubidium (37)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Rb-83	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Rb-84	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Rb-86	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Rb-87	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Rb (nat)	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Re-184	Rhenium (75)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Re-184m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Re-186	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Re-187	-	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
Re-188	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Re-189	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Re (nat)	-	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
Rh-99	Rhodium (45)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Rh-101	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Rh-102	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Rh-102m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Rh-103m	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Rh-105	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Rn-222 (b)	Radon (86)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Ru-97	Ruthenium (44)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ru-103	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ru-105	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ru-106 (b)	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
S-35	Sulphur (16)	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Sb-122	Antimony (51)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Sb-124	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sb-125	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sb-126	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Sc-44	Scandium (21)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Sc-46	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sc-47	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sc-48	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Se-75	Selenium (34)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Se-79	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Si-31	Silicon (14)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Si-32	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sm-145	Samarium (62)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Sm-147	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Sm-151	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Sm-153	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sn-113	Tin (50)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Sn-117m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sn-119m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Sn-121m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Sn-123	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sn-125	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Sn-126	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Sr-82	Strontium (38)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Sr-85	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sr-85m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Sr-87m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sr-89	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Sr-90 (b)	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Sr-91	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Sr-92	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
T(H-3)	Tritium (1)	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
Ta-178 (long-lived)	Tantalum (73)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ta-179	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ta-182	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Tb-157	Terbium (65)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Tb-158	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tb-160	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tc-95m	Technetium (43)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tc-96	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tc-96m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Tc-97	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
Tc-97m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Tc-98	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tc-99	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Tc-99m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Te-121	Tellurium (52)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Te-121m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Te-123m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Te-125m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Te-127	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Te-127m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Te-129	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Te-129m	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Te-131m	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Te-132	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Th-227	Thorium (90)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Th-228 (b)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Th-229 (b)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Th-230	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Th-231	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Th-232	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Th-234 (b)	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Th (nat) (b)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Ti-44	Titanium (22)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Tl-200	Thallium (81)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tl-201	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tl-202	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tl-204	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Tm-167	Thulium (69)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tm-170	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Tm-171	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>
U-230 (fast lung absorption) (b), (d)	Uranium (92)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
U-230 (medium lung absorption) (e)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U-230 (slow lung absorption) (f)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U-232 (fast lung absorption) (b), (d)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
U-232 (medium lung absorption) (e)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U-232 (slow lung absorption) (f)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U-233 (fast lung absorption) (d)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U-233 (medium lung absorption) (e)	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
U-233 (slow lung absorption) (f)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
U-234 (fast lung absorption) (d)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
U-234 (medium lung absorption) (e)	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
U-234 (slow lung absorption) (f)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
U-235 (all lung absorption types) (b), (d), (e), (f)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U-236 (fast lung absorption) (d)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U-236 (medium lung absorption) (e)	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
U-236 (slow lung absorption) (f)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U-238 (all lung absorption types) (b), (d), (e), (f)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
U (nat) (b)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
U (enriched to 20% or less) (g)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
U (dep)	-	1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
V-48	Vanadium (23)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
V-49	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
W-178	Tungsten (74)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
W-181	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
W-185	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
W-187	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
W-188	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Xe-122	Xenon (54)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
Xe-123	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>9</sup>	2.7X10 <sup>-2</sup>
Xe-127	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Xe-131m	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Xe-133	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Xe-135	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>10</sup>	2.7X10 <sup>-1</sup>
Y-87	Yttrium (39)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Y-88	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Y-90	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Y-91	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Y-91m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Y-92	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Y-93	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Yb-169	Ytterbium (70)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Yb-175	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Zn-65	Zinc (30)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Zn-69	-	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Zn-69m	-	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Zr-88	Zirconium (40)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Zr-93 (b)	-	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Zr-95	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Zr-97 (b)	-	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>

(a) (Reserved)

(b) Parent nuclides and their progeny included in secular equilibrium are listed in the following:

Sr-90	Y-90
Zr-93	Nb-93m
Zr-97	Nb-97
Ru-106	Rh-106

Cs-137	Ba-137m
Ce-134	La-134
Ce-144	Pr-144
Ba-140	La-140
Bi-212	Tl-208 (0.36), Po-212 (0.64)
Pb-210	Bi-210, Po-210
Pb-212	Bi-212, Tl-208 (0.36), Po-212 (0.64)
Rn-220	Po-216
Rn-222	Po-218, Pb-214, Bi-214, Po-214
Ra-223	Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224	Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Ra-226	Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Ra-228	Ac-228
Th-226	Ra-222, Rn-218, Po-214
Th-228	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-229	Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
Th-nat	Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-234	Pa-234m
U-230	Th-226, Ra-222, Rn-218, Po-214
U-232	Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
U-235	Th-231
U-238	Th-234, Pa-234m
U-nat	Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
U-240	Np-240m
Np-237	Pa-233
Am-242m	Am-242
Am-243	Np-239

- (c) (Reserved)
- (d) These values apply only to compounds of uranium that take the chemical form of UF<sub>6</sub>, UO<sub>2</sub>F<sub>2</sub> and UO<sub>2</sub>(NO<sub>3</sub>)<sub>2</sub> in both normal and accident conditions of transport.
- (e) These values apply only to compounds of uranium that take the chemical form of UO<sub>3</sub>, UF<sub>4</sub>, UCl<sub>4</sub> and hexavalent compounds in both normal and accident conditions of transport.
- (f) These values apply to all compounds of uranium other than those specified in notes (d) and (e) of this table.
- (g) These values apply to unirradiated uranium only.

Table A-3. General Values for A1 and A2

Contents	A <sub>1</sub>		A <sub>2</sub>		Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limits for exempt consignments (Bq)	Activity limits for exempt consignments (Ci)
	(TBq)	(Ci)	(TBq)	(Ci)				
Only beta or gamma emitting radionuclides are known to be present	1 x 10 <sup>-1</sup>	2.7 x 10 <sup>0</sup>	2 x 10 <sup>-2</sup>	5.4 x 10 <sup>-1</sup>	1 x 10 <sup>1</sup>	2.7 x 10 <sup>-10</sup>	1 x 10 <sup>4</sup>	2.7 x 10 <sup>-7</sup>
Only alpha emitting radionuclides are known to be present	2 x 10 <sup>-1</sup>	5.4 x 10 <sup>0</sup>	9 x 10 <sup>-5</sup>	2.4 x 10 <sup>-3</sup>	1 x 10 <sup>-1</sup>	2.7 x 10 <sup>-12</sup>	1 x 10 <sup>3</sup>	2.7 x 10 <sup>-8</sup>
No relevant data are available	1 x 10 <sup>-3</sup>	2.7 x 10 <sup>-2</sup>	9 x 10 <sup>-5</sup>	2.4 x 10 <sup>-3</sup>	1 x 10 <sup>-1</sup>	2.7 x 10 <sup>-12</sup>	1 x 10 <sup>3</sup>	2.7 x 10 <sup>-8</sup>



Table A-4.  
Activity-Mass Relationships for Uranium

Uranium Enrichment <sup>1</sup> wt % U-235 present	Specific Activity	
	TBq/g	Ci/g
0.45	$1.8 \times 10^{-8}$	$5.0 \times 10^{-7}$
0.72	$2.6 \times 10^{-8}$	$7.1 \times 10^{-7}$
1	$2.8 \times 10^{-8}$	$7.6 \times 10^{-7}$
1.5	$3.7 \times 10^{-8}$	$1.0 \times 10^{-6}$
5	$1.0 \times 10^{-7}$	$2.7 \times 10^{-6}$
10	$1.8 \times 10^{-7}$	$4.8 \times 10^{-6}$
20	$3.7 \times 10^{-7}$	$1.0 \times 10^{-5}$
35	$7.4 \times 10^{-7}$	$2.0 \times 10^{-5}$
50	$9.3 \times 10^{-7}$	$2.5 \times 10^{-5}$
90	$2.2 \times 10^{-6}$	$5.8 \times 10^{-5}$
93	$2.6 \times 10^{-6}$	$7.0 \times 10^{-5}$
95	$3.4 \times 10^{-6}$	$9.1 \times 10^{-5}$

<sup>1</sup> The figures for uranium include representative values for the activity of the uranium-234 that is concentrated during the enrichment process.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-232-006 Exemption of certain source material.** (1) A person is exempt from the requirements for a license and from this chapter and chapters 246-233 and 246-235 WAC to the extent that the person receives, possesses, uses, transfers, or delivers, source material in any chemical mixture, compound, solution or alloy in which the source material is by weight less than 1/20 of one percent (0.05 percent) of the mixture, compound, solution, or alloy.

(2) A person is exempt from the requirements for a license and from this chapter and chapters 246-233 and 246-235 WAC to the extent that the person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material, provided such person shall not refine or process such ore unless authorized to do so in a specific license.

(3) A person is exempt from the requirements for a license and from this chapter and chapters 246-221, 246-246, 246-222, 246-233, and 246-235 WAC to the extent that the person receives, possesses, uses or transfers:

(a) Any quantities of thorium contained in:

(i) Incandescent gas mantles;

(ii) Vacuum tubes;

(iii) Welding rods;

(iv) Electric lamps for illuminating purposes if each lamp contains fifty milligrams or less of thorium;

(v) Germicidal lamps, sunlamps and lamps for outdoor or industrial lighting if each lamp contains two grams or less of thorium;

(vi) Rare earth metals and compounds, mixtures, and products containing 0.25 percent or less by weight thorium, uranium, or any combination of these; or

(vii) Personnel neutron dosimeters if each dosimeter contains 1.85 gigabecquerels (50 milligrams) or less of thorium;

(b) Source material contained in the following products:

(i) Glazed ceramic tableware manufactured before August 27, 2013, if the glaze contains twenty percent or less by weight source material; (~~and~~)

(ii) Piezoelectric ceramic containing two percent or less by weight source material; and

(iii) Glassware containing not more than two percent by weight source material or, for glassware manufactured before August 27, 2013, ten percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction;

(c) Photographic film, negatives and prints containing uranium or thorium;

(d) Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys if the thorium content of the alloy is four percent or less by weight. The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part;

(e) Thorium or uranium contained in or on finished optical lenses (~~if each lens contains~~) and mirrors, provided that each lens or mirror does not contain more than ten percent by weight of thorium or uranium or, for lenses manufactured before August 27, 2013, thirty percent ((or less)) by weight of thorium. The exemption contained in this subparagraph shall not be deemed to authorize either:

(i) The shaping, grinding or polishing of such lens or mirror or manufacturing processes other than the assembly of such lens or mirror into optical systems and devices without alteration of the lens or mirror; or

(ii) The receipt, possession, use or transfer of thorium or uranium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments;

(f) Uranium contained in detector heads for use in fire detection units if each detector head contains 185 becquerels (0.005 microcuries) or less of uranium; or

(g) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy if:

(i) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(ii) The thorium content in the nickel-thoria alloy is four percent or less by weight.

(4) The exemptions in subsection (3) of this section do not authorize the manufacture of any of the products described.

(5) No person may initially transfer for sale or distribution a product containing source material to persons exempt under this section, or equivalent regulations of an agreement state, unless authorized by a license issued under 10 C.F.R. 40.52, chapter 246-235 WAC, or equivalent regulations of an agreement state to initially transfer such products for sale or distribution.

(a) Persons initially distributing source material in products covered by the exemptions in this section before August 27, 2013, without specific authorization may continue such distribution for one year beyond this date. Initial distribution may also be continued until NRC takes final action on a pending application for license or license amendment to specifically authorize distribution submitted no later than one year beyond this date.

(b) Persons authorized by an agreement state to manufacture, process, or produce these materials or products containing source material, and persons who import finished products or parts for sale or distribution must be authorized by a license issued under 10 C.F.R. 40.52 for distribution only and are exempt from the requirements of chapters 246-221 and 246-222 WAC, and WAC 246-235-020 (1) and (2).

AMENDATORY SECTION (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-232-007 Exemption of certain depleted uranium items.** (1) A person is exempt from the requirements for a license and from this chapter and chapters 246-233 and 246-235 WAC to the extent that the person receives, possesses, uses or transfers:

(a) Depleted uranium contained in counterweights installed in aircraft, rockets, projectiles and missiles, or stored or handled in connection with installation or removal of such counterweights if:

~~(i) (The counterweights are manufactured in accordance with a specific license issued by the NRC authorizing distribution by the licensee pursuant to 10 C.F.R. Part 40;~~

~~(ii))~~ Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM"\*;

~~((iii))~~ (ii) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED"\*; and

~~((iv))~~ (iii) The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such counterweight other than repair or restoration of any plating or other covering;

\*Note: The requirements specified in ~~((e)(v)(B) and (C))~~ (1)(a)(i) and (ii) of this subsection need not be met by counterweights manufactured prior to December 31, 1969: Provided, That such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM," as previously required by the rules, provided that such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend required by WAC 246-232-007 (1)(a)(i) in effect on June 30, 1969.

(b) Natural or depleted uranium used as shielding constituting part of any shipping container which is conspicuously and legibly impressed with the legend "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and the uranium metal is encased in mild steel or in an equally fire resistant metal of a minimum wall thickness of 3.2 millimeters.

(2) The exemptions in this subsection do not authorize the manufacture of any of the products described.

AMENDATORY SECTION (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-232-011 Exemption of certain self-luminous products containing radioactive material(s).** (1) Hydrogen-3 (tritium), krypton-85, or promethium-147.

(a) A person is exempt from the requirements for a license and from this chapter and chapters 246-233 and 246-235 WAC to the extent that the person receives, possesses, uses, transfers, owns or acquires, and does not manufacture, process, produce, apply radioactive material to, incorporate radioactive material into, or initially transfer for sale or distribution, self-luminous products containing hydrogen-3 (tritium), krypton-85, or promethium-147 in self-luminous products manufactured, processed, produced, imported or initially transferred in accordance with a specific license issued by the NRC. The exemption in this subsection does not apply to hydrogen-3, (tritium), krypton-85, or promethium-147 used in products primarily for frivolous purposes or in toys or adornments.

(b) Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution self-luminous products containing tritium (H-3), krypton-85 (Kr-85), or promethium-147 (Pm-147) for use under (a) of this subsection shall apply for a license under chapter 246-235 WAC.

(2) No person may introduce radioactive material into a product or material knowing, or having reason to believe, that it will be transferred to persons exempt under this section or other sections or equivalent regulations of the NRC or an agreement state, except in accordance with a specific license issued by the NRC, Washington, D.C. 20555.

AMENDATORY SECTION (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-232-012 Exemption of certain gas and aerosol detectors containing radioactive material.** (1) ~~((A))~~ (a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas or aerosol detectors containing radioactive material, any person is exempt from the requirements for a license and from this chapter and chapters 246-233 and 246-235 WAC to the extent that the person receives, possesses, uses, transfers, owns or acquires ~~(, and does not apply radioactive material to, or incorporate radioactive material into, manufacture, process or produce,)~~ radioactive material in gas and aerosol detectors designed to protect ~~((life))~~ health, safety, or property ~~((from fires and airborne hazards if the detectors have been manufactured, imported, or transferred in accordance with a specific license issued by the NRC)), and manufactured, processed, produced, or initially transferred in accordance with a specific license issued by the department, NRC, or an agreement state which authorizes the initial transfer of the product for use under this chapter. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license authorizing distribution to persons exempt from regulatory requirements.~~

(b) Any person who desires to manufacture, process, or produce gas or aerosol detectors containing radioactive material, or to initially transfer such products for use under this

chapter shall apply for a license under chapter 246-235 WAC.

(2) No person may introduce radioactive material into a product or material knowing, or having reason to believe, that it will be transferred to persons exempt under this section or other sections or equivalent regulations of the NRC or an agreement state, except in accordance with a specific license issued by the NRC, Washington, D.C. 20555.

**AMENDATORY SECTION** (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-232-014 Exemption of C-14 urea diagnostic capsules for human use.** (1) Except as provided in subsections (2) and (3) of this section, a person is exempt from the requirements for a license and from this chapter and chapters 246-233 and 246-235 WAC if the person receives, possesses, uses, transfers, owns, or acquires, and does not apply radioactive material to, or incorporate radioactive material into, capsules containing 37 (~~kilobecquerels~~) kilobecquerels (1 microcurie) of carbon-14 urea (allowing for nominal variation that may occur during the manufacturing process) each, for "in-vivo" diagnostic use for humans.

(2) A person who desires to use the capsules for research involving human subjects must apply for and receive a specific license under chapters 246-240 and 246-235 WAC.

(3) A person who desires to manufacture, prepare, process, produce, package, repack, or transfer for commercial distribution these capsules must do so in accordance with a specific license issued by the NRC, Washington, D.C. 20555.

(4) Nothing in this section relieves persons from complying with applicable United States Food and Drug Administration, federal, and state requirements governing receipt, administration, and use of drugs.

**NEW SECTION**

**WAC 246-232-015 Certain industrial devices.** (1) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing radioactive material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license and from the regulations in chapters 246-222, 246-221, 246-232, 246-233, 246-235, 246-243, 246-240, and 246-244 WAC to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license which authorizes the initial transfer of the device for use under this chapter. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.

(2) Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing radioactive material for use under subsec-

tion (1) of this section, shall apply for a license under chapter 246-235 WAC.

**AMENDATORY SECTION** (Amending WSR 09-06-003, filed 2/18/09, effective 3/21/09)

**WAC 246-232-120 Schedule B, exempt quantities of radioactive materials.** (See also WAC 246-232-010(2).)

Radioactive Material	Microcuries
Antimony-122 (Sb-122)	100
Antimony-124 (Sb-124)	10
Antimony-125 (Sb-125)	10
Arsenic-73 (As-73)	100
Arsenic-74 (As-74)	10
Arsenic-76 (As-76)	10
Arsenic-77 (As-77)	100
Barium-131 (Ba-131)	10
Barium-133 (Ba-133)	10
Barium-140 (Ba-140)	10
Bismuth-210 (Bi-210)	1
Bromine-82 (Br-82)	10
Cadmium-109 (Cd-109)	10
Cadmium-115m (Cd-115m)	10
Cadmium-115 (Cd-115)	100
Calcium-45 (Ca-45)	10
Calcium-47 (Ca-47)	10
Carbon-14 (C-14)	100
Cerium-141 (Ce-141)	100
Cerium-143 (Ce-143)	100
Cerium-144 (Ce-144)	1
Cesium-129 (Cs-129)	100
Cesium-131 (Cs-131)	1,000
Cesium-134m (Cs-134m)	100
Cesium-134 (Cs-134)	1
Cesium-135 (Cs-135)	10
Cesium-136 (Cs-136)	10
Cesium-137 (Cs-137)	10
Chlorine-36 (Cl-36)	10
Chlorine-38 (Cl-38)	10
Chromium-51 (Cr-51)	1,000
Cobalt-57 (Co-57)	100
Cobalt-58m (Co-58m)	10
Cobalt-58 (Co-58)	10
Cobalt-60 (Co-60)	1
Copper-64 (Cu-64)	100
Dysprosium-165 (Dy-165)	10

Radioactive Material	Microcuries	Radioactive Material	Microcuries
Dysprosium-166 (Dy-166)	100	Manganese-52 (Mn-52)	10
Erbium-169 (Er-169)	100	Manganese-54 (Mn-54)	10
Erbium-171 (Er-171)	100	Manganese-56 (Mn-56)	10
Europium-152 (Eu-152) 9.2h	100	Mercury-197m (Hg-197m)	100
Europium-152 (Eu-152) 13 yr	1	Mercury-197 (Hg-197)	100
Europium-154 (Eu-154)	1	Mercury-203 (Hg-203)	10
Europium-155 (Eu-155)	10	Molybdenum-99 (Mo-99)	100
Fluorine-18 (F-18)	1,000	Neodymium-147 (Nd-147)	100
Gadolinium-153 (Gd-153)	10	Neodymium-149 (Nd-149)	100
Gadolinium-159 (Gd-159)	100	Nickel-59 (Ni-59)	100
Gallium-67 (Ga-67)	100	Nickel-63 (Ni-63)	10
Gallium-72 (Ga-72)	10	Nickel-65 (Ni-65)	100
Germanium-68 (Ge-68)	10	Niobium-93m (Nb-93m)	10
Germanium-71 (Ge-71)	100	Niobium-95 (Nb-95)	10
Gold-195 (Au-195)	10	Niobium-97 (Nb-97)	10
Gold-198 (Au-198)	100	Osmium-185 (Os-185)	10
Gold-199 (Au-199)	100	Osmium-191m (Os-191m)	100
Hafnium-181 (Hf-181)	10	Osmium-191 ( <del>(Os-191)</del> ) <u>Os-191</u>	100
Holmium-166 (Ho-166)	100	Osmium-193 ( <del>(Os-193)</del> ) <u>Os-193</u>	100
Hydrogen-3 (H-3)	1,000	Palladium-103 (Pd-103)	100
Indium-111 (In-111)	100	Palladium-109 (Pd-109)	100
Indium-113m (In-113m)	100	Phosphorus-32 (P-32)	10
Indium-114m (In-114m)	10	Platinum-191 (Pt-191)	100
Indium-115m (In-115m)	100	Platinum-193m (Pt-193m)	100
Indium-115 (In-115)	10	Platinum-193 (Pt-193)	100
Iodine-123 (I-123)	100	Platinum-197m (Pt-197m)	100
Iodine-125 (I-125)	1	Platinum-197 (Pt-197)	100
Iodine-126 (I-126)	1	Polonium-210 (Po-210)	0.1
Iodine-129 (I-129)	0.1	Potassium-42 (K-42)	10
Iodine-131 (I-131)	1	Potassium-43 (K-43)	10
Iodine-132 (I-132)	10	Praseodymium-142 (Pr-142)	100
Iodine-133 (I-133)	1	Praseodymium-143 (Pr-143)	100
Iodine-134 (I-134)	10	Promethium-147 (Pm-147)	10
Iodine-135 (I-135)	10	Promethium-149 (Pm-149)	10
Iridium-192 (Ir-192)	10	Radium-226 (Ra-226)	0.1
Iridium-194 (Ir-194)	100	Rhenium-186 (Re-186)	100
Iron-52 (Fe-52)	10	Rhenium-188 (Re-188)	100
Iron-55 (Fe-55)	100	Rhodium-103m (Rh-103m)	100
Iron-59 (Fe-59)	10	Rhodium-105 (Rh-105)	100
Krypton-85 (Kr-85)	100	Rubidium-81 (Rb-81)	10
Krypton-87 (Kr-87)	10	Rubidium-86 (Rb-86)	10
Lanthanum-140 (La-140)	10	Rubidium-87 (Rb-87)	10
Lutetium-177 (Lu-177)	100	Ruthenium-97 (Ru-97)	100

Radioactive Material	Microcuries	Radioactive Material	Microcuries
Ruthenium-103 (Ru-103)	10	Tungsten-181 (W-181)	10
Ruthenium-105 (Ru-105)	10	Tungsten-185 (W-185)	10
Ruthenium-106 (Ru-106)	1	Tungsten-187 (W-187)	100
Samarium-151 (Sm-151)	10	Vanadium-48 (V-48)	10
Samarium-153 (Sm-153)	100	Xenon-131m (Xe-131m)	1,000
Scandium-46 (Sc-46)	10	Xenon-133 (Xe-133)	100
Scandium-47 (Sc-47)	100	Xenon-135 (Xe-135)	100
Scandium-48 (Sc-48)	10	Ytterbium-169 (Yb-169)	10
Selenium-75 (Se-75)	10	Ytterbium-175 (Yb-175)	100
Silicon-31 ( <del>(Is-31))</del> <u>Si-31</u> )	100	Yttrium-87 (Y-87)	10
Silver-105 (Ag-105)	10	Yttrium-88 (Y-88)	10
Silver-110m (Ag-110m)	1	Yttrium-90 (Y-90)	10
Silver-111 (Ag-111)	100	Yttrium-91 (Y-91)	10
Sodium-22 (Na-22)	10	Yttrium-92 (Y-92)	100
Sodium-24 (Na-24)	10	Yttrium-93 (Y-93)	100
Strontium-85 (Sr-85)	10	Zinc-65 (Zn-65)	10
Strontium-89 (Sr-89)	1	Zinc-69m (Zn-69m)	100
Strontium-90 (Sr-90)	0.1	Zinc-69 (Zn-69)	1,000
Strontium-91 (Sr-91)	10	Zirconium-93 (Zr-93)	10
Strontium-92 (Sr-92)	10	Zirconium-95 (Zr-95)	10
Sulphur-35 (S-35)	100	Zirconium-97 (Zr-97)	10
Tantalum-182 (Ta-182)	10	Any radioactive material not listed above	
Technetium-96 (Tc-96)	10	other than alpha emitting radioactive	
Technetium-97m (Tc-97m)	100	material	0.1
Technetium-97 (Tc-97)	100		
Technetium-99m (Tc-99m)	100		
Technetium-99 (Tc-99)	10		
Tellurium-125m (Te-125m)	10		
Tellurium-127m (Te-127m)	10		
Tellurium-127 (Te-127)	100		
Tellurium-129m (Te-129m)	10		
Tellurium-129 (Te-129)	100		
Tellurium-131m (Te-131m)	10		
Tellurium-132 (Te-132)	10		
Terbium-160 (Tb-160)	10		
Thallium-200 (Tl-200)	100		
Thallium-201 (Tl-201)	100		
Thallium-202 (Tl-202)	100		
Thallium-204 (Tl-204)	10		
Thulium-170 (Tm-170)	10		
Thulium-171 (Tm-171)	10		
Tin-113 (Sn-113)	10		
Tin-125 (Sn-125)	10		

  

**AMENDATORY SECTION** (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-232-130 Schedule C, exempt concentrations.** (See WAC 246-232-010(1).)

Element (atomic number)	Radionuclide	Column I Gas concentration $\mu\text{Ci}/\text{ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci}/\text{ml}^2$
Antimony (51)	Sb-122		$3 \times 10^{-4}$
	Sb-124		$2 \times 10^{-4}$
	Sb-125		$1 \times 10^{-3}$
Argon (18)	Ar-37	$1 \times 10^{-3}$	
	Ar-41	$4 \times 10^{-7}$	
Arsenic (33)	As-73		$5 \times 10^{-3}$
	As-74		$5 \times 10^{-4}$
	As-76		$2 \times 10^{-4}$
	As-77		$8 \times 10^{-4}$
Barium (56)	Ba-131		$2 \times 10^{-3}$
	Ba-140		$3 \times 10^{-4}$

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml <sup>1</sup>	Column II Liquid and solid concentration μCi/ml <sup>2</sup>	Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml <sup>1</sup>	Column II Liquid and solid concentration μCi/ml <sup>2</sup>	
Beryllium (4)	Be-7		2x10 <sup>-2</sup>	Iodine (53)	I-125	3x10 <sup>-9</sup>	2x10 <sup>-5</sup>	
Bismuth (83)	Bi-206		4x10 <sup>-4</sup>		I-126	3x10 <sup>-9</sup>	2x10 <sup>-5</sup>	
Bromine (35)	Br-82	4x10 <sup>-7</sup>	3x10 <sup>-3</sup>		I-131	3x10 <sup>-9</sup>	2x10 <sup>-5</sup>	
Cadmium (48)	Cd-109		2x10 <sup>-3</sup>		I-132	8x10 <sup>-8</sup>	6x10 <sup>-4</sup>	
	Cd-115m		3x10 <sup>-4</sup>		I-133	1x10 <sup>-8</sup>	7x10 <sup>-5</sup>	
	Cd-115		3x10 <sup>-4</sup>		I-134	2x10 <sup>-7</sup>	1x10 <sup>-3</sup>	
Calcium (20)	Ca-45		9x10 <sup>-5</sup>	Iridium (77)	Ir-190		2x10 <sup>-3</sup>	
	Ca-47		5x10 <sup>-4</sup>			Ir-192		4x10 <sup>-4</sup>
Carbon (6)	C-14	1x10 <sup>-6</sup>	8x10 <sup>-3</sup>			Ir-194		3x10 <sup>-4</sup>
Cerium (58)	Ce-141		9x10 <sup>-4</sup>	Iron (26)	Fe-55		8x10 <sup>-3</sup>	
	Ce-143		4x10 <sup>-4</sup>			Fe-59		6x10 <sup>-4</sup>
	Ce-144		1x10 <sup>-4</sup>	Krypton (36)	Kr-85m	1x10 <sup>-6</sup>		
Cesium (55)	Cs-131		2x10 <sup>-2</sup>			Kr-85		3x10 <sup>-6</sup>
	Cs-134m		6x10 <sup>-2</sup>	Lanthanum (57)	La-140		2x10 <sup>-4</sup>	
	Cs-134		9x10 <sup>-5</sup>	Lead (82)	Pb-203		4x10 <sup>-3</sup>	
Chlorine (17)	Cl-38	9x10 <sup>-7</sup>	4x10 <sup>-3</sup>	Lutetium (71)	Lu-177		1x10 <sup>-3</sup>	
	Chromium (24)	Cr-51	2x10 <sup>-2</sup>	Manganese (25)	Mn-52		3x10 <sup>-4</sup>	
Cobalt (27)	Co-57		5x10 <sup>-3</sup>			Mn-54		1x10 <sup>-3</sup>
	Co-58		1x10 <sup>-3</sup>			Mn-56		1x10 <sup>-3</sup>
	Co-60		5x10 <sup>-4</sup>	Mercury (80)	Hg-197m		2x10 <sup>-3</sup>	
Copper (29)	Cu-64		3x10 <sup>-3</sup>			Hg-197		3x10 <sup>-3</sup>
	Dysprosium (66)	Dy-165	4x10 <sup>-3</sup>			Hg-203		2x10 <sup>-4</sup>
	Dy-166		4x10 <sup>-4</sup>	Molybdenum (42)	Mo-99		2x10 <sup>-3</sup>	
	Erbium (68)	Er-169	9x10 <sup>-4</sup>		Neodymium (60)	<del>(And-147)</del> <u>Nd-147</u>		6x10 <sup>-4</sup>
Er-171		1x10 <sup>-3</sup>		<del>(And-149)</del> <u>Nd-149</u>			3x10 <sup>-3</sup>	
Europium (63)	Eu-152 (9.2 h)		6x10 <sup>-4</sup>	Nickel (28)	Ni-65		1x10 <sup>-3</sup>	
	Eu-155		2x10 <sup>-3</sup>		Niobium <del>((Columbium))</del>	Nb-95		1x10 <sup>-3</sup>
Fluorine (9)	F-18	2x10 <sup>-6</sup>	8x10 <sup>-3</sup>	(41)		Nb-97		9x10 <sup>-3</sup>
	Gadolinium (64)	Gd-153		2x10 <sup>-3</sup>	Osmium (76)	<del>((So-185))</del> <u>Os-185</u>		7x10 <sup>-4</sup>
Gd-159			8x10 <sup>-4</sup>			<del>((So-191m))</del> <u>Os-191m</u>		3x10 <sup>-2</sup>
Gallium (31)	Ga-72		4x10 <sup>-4</sup>			<del>((So-191))</del> <u>Os-191</u>		2x10 <sup>-3</sup>
Germanium (32)	Ge-71		2x10 <sup>-2</sup>		<del>((So-193))</del> <u>Os-193</u>		6x10 <sup>-4</sup>	
Gold (79)	Au-196		2x10 <sup>-3</sup>	Palladium (46)	Pd-103		3x10 <sup>-3</sup>	
	Au-198		5x10 <sup>-4</sup>			Pd-109		9x10 <sup>-4</sup>
	Au-199		2x10 <sup>-3</sup>		Phosphorus (15)	P-32		2x10 <sup>-4</sup>
Hafnium (72)	Hf-181		7x10 <sup>-4</sup>	Platinum (78)		Pt-191		1x10 <sup>-3</sup>
	Hydrogen (1)	H-3	5x10 <sup>-6</sup>			3x10 <sup>-2</sup>		Pt-193m
Indium (49)	In-113m		1x10 <sup>-2</sup>			Pt-197m		1x10 <sup>-2</sup>
	In-114m		2x10 <sup>-4</sup>		Pt-197		1x10 <sup>-3</sup>	

Element (atomic number)	Radionuclide	Column I Gas concentration $\mu\text{Ci}/\text{ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci}/\text{ml}^2$	Element (atomic number)	Radionuclide	Column I Gas concentration $\mu\text{Ci}/\text{ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci}/\text{ml}^2$
Potassium (19)	K-42		$3 \times 10^{-3}$	Thallium (81)	Tl-200		$4 \times 10^{-3}$
Praseodymium (59)	Pr-142		$3 \times 10^{-4}$		Tl-201		$3 \times 10^{-3}$
	Pr-143		$5 \times 10^{-4}$		Tl-202		$1 \times 10^{-3}$
Promethium (61)	Pm-147		$2 \times 10^{-3}$		Tl-204		$1 \times 10^{-3}$
	Pm-149		$4 \times 10^{-4}$	Thulium (69)	Tm-170		$5 \times 10^{-4}$
Radium (88)	Ra-226		$1 \times 10^{-7}$		Tm-171		$5 \times 10^{-3}$
	Ra-228		$3 \times 10^{-7}$	Tin (50)	Sn-113		$9 \times 10^{-4}$
Rhenium (75)	Re-183		$6 \times 10^{-3}$		Sn-125		$2 \times 10^{-4}$
	Re-186		$9 \times 10^{-4}$	Tungsten (Wolfram) (74)	W-181		$4 \times 10^{-3}$
	Re-188		$6 \times 10^{-4}$		W-187		$7 \times 10^{-4}$
Rhodium (45)	Rh-103m		$1 \times 10^{-1}$	Vanadium (23)	V-48		$3 \times 10^{-4}$
	Rh-105		$1 \times 10^{-3}$	Xenon (54)	Xe-131m	$4 \times 10^{-6}$	
Rubidium (37)	Rb-86		$7 \times 10^{-4}$		Xe-133	$3 \times 10^{-6}$	
Ruthenium (44)	Ru-97		$4 \times 10^{-3}$		Xe-135	$1 \times 10^{-6}$	
	Ru-103		$8 \times 10^{-4}$	Ytterbium (70)	Yb-175		$1 \times 10^{-3}$
	Ru-105		$1 \times 10^{-3}$	Yttrium (39)	Y-90		$2 \times 10^{-4}$
	Ru-106		$1 \times 10^{-4}$		Y-91m		$3 \times 10^{-2}$
Samarium (62)	Sm-153		$8 \times 10^{-4}$		Y-91		$3 \times 10^{-4}$
Scandium (21)	Sc-46		$4 \times 10^{-4}$		Y-92		$6 \times 10^{-4}$
	Sc-47		$9 \times 10^{-4}$		Y-93		$3 \times 10^{-4}$
	Sc-48		$3 \times 10^{-4}$	Zinc (30)	Zn-65		$1 \times 10^{-3}$
Selenium (34)	Se-75		$3 \times 10^{-3}$		Zn-69m		$7 \times 10^{-4}$
Silicon (14)	(( <del>Is-31</del> ) Si-31)		$9 \times 10^{-3}$		Zn-69		$2 \times 10^{-2}$
Silver (47)	Ag-105		$1 \times 10^{-3}$	Zirconium (40)	Zr-95		$6 \times 10^{-4}$
	Ag-110m		$3 \times 10^{-4}$		Zr-97		$2 \times 10^{-4}$
	Ag-111		$4 \times 10^{-4}$	Beta or gamma emitting radioactive material not listed above with half-life less than 3 years		$1 \times 10^{-10}$	$1 \times 10^{-6}$
Sodium (11)	Na-24		$2 \times 10^{-3}$	Notes:	<sup>1</sup> Values are given in Column I only for those materials normally used as gases		
Strontium (38)	Sr-85		$1 \times 10^{-3}$		<sup>2</sup> $\mu\text{Ci}/\text{gm}$ for solids		
	Sr-89		$1 \times 10^{-4}$	Note 1:	Many radionuclides decay into nuclides which are also radioactive. In expressing the concentrations in Schedule C the activity stated is that of the parent nuclide and takes into account the daughters.		
	Sr-91		$7 \times 10^{-4}$	Note 2:	For purposes of WAC 246-232-010(1) where there is involved a combination of nuclides, the limit for the combination should be derived as follows: Determine for each nuclide in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule C for the specific nuclide when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).		
	Sr-92		$7 \times 10^{-4}$				
Sulfur (16)	S-35	$9 \times 10^{-8}$	$6 \times 10^{-4}$				
Tantalum (73)	Ta-182		$4 \times 10^{-4}$				
Technetium (43)	Tc-96m		$1 \times 10^{-1}$				
	Tc-96		$1 \times 10^{-3}$				
Tellurium (52)	Te-125m		$2 \times 10^{-3}$				
	Te-127m		$6 \times 10^{-4}$				
	Te-127		$3 \times 10^{-3}$				
	Te-129m		$3 \times 10^{-4}$				
	Te-131m		$6 \times 10^{-4}$				
	Te-132		$3 \times 10^{-4}$				
Terbium (65)	Tb-160		$4 \times 10^{-4}$				

Example:

$$\frac{\text{Concentration of Nuclide A in Product}}{\text{Exempt concentration of Nuclide A}} + \frac{\text{Concentration of Nuclide B in Product}}{\text{Exempt concentration of Nuclide B}} \leq 1$$

Note 3: For the purpose of determining concentration in a product or device, the total quantity of radioactive material present is divided by only that weight or volume of the discrete part or component throughout which the radioactive material is relatively uniformly distributed. If the weight or volume of this part or component cannot be determined then the product or device should be evaluated on the basis of the total quantity of radioactive material present.

AMENDATORY SECTION (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-233-001 Purpose and scope.** (1) This chapter establishes general licenses for the possession and use of radioactive material and a general license for ownership of radioactive material.

(2) Chapter 246-232 WAC also contains provisions applicable to the general licenses established in this part.

(3) The definitions contained in WAC 246-220-010 also apply to this chapter.

AMENDATORY SECTION (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-233-010 General licenses—Source material.** (1) A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and federal, state, and local government agencies to receive, possess, use, ((possession,)) and transfer ((of not more than fifteen pounds of source material at any one time by persons in the following categories:

(a) ~~Pharmacists using the source material solely for the preparation of medicinal compounds;~~

(b) ~~Physicians using the source material for medicinal purposes;~~

(c) ~~Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs;~~

(d) ~~Commercial and industrial firms, and research, educational, and medical institutions, and state and local government agencies for research, development, educational, operational, or commercial purposes: And provided, That no such person shall, pursuant to this general license, receive more than a total of one hundred fifty pounds of source material in any one calendar year-)) uranium and thorium, in their natural isotopic concentrations, and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in the following forms and quantities:~~

(a) No more than 1.5 kg (3.3 lbs.) of uranium and thorium in dispersible forms, for example, gaseous, liquid, or powder at any one time. Any material processed by the general licensee that alters the chemical or physical form of the

material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under this section may not receive more than a total of 7 kg (15.4 lbs.) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lbs.) of uranium and thorium at any one time for one year beyond this date, or until the department takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and receive up to 70 kg (154 lbs.) of uranium or thorium in any one calendar year until December 31, 2014, or until the department takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and

(b) No more than a total of 7 kg (15.4 lbs.) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under this section may not receive more than a total of 70 kg (154 lbs.) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this section unless it is accounted for under the limits of (a) of this subsection; or

(c) No more than 7 kg (15.4 lbs.) of uranium, removed during the treatment of drinking water, at any one time. A person may not remove more than 70 kg (154 lbs.) of uranium from drinking water during a calendar year under this section; or

(d) No more than 7 kg (15.4 lbs.) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use, and transfer source material under this section may not receive more than a total of 70 kg (154 lbs.) of source material in any one calendar year.

(2) Any person(s) who receives, ((possess)) possesses, uses, or transfers source material pursuant to the general license issued in subsection (1) of this section ((are exempt from the provisions of chapters 246-221 and 246-222 WAC to the extent that such receipt, possession, use, or transfer is within the terms of such general license: Provided, however, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to chapter 246-235 WAC:

~~(3)):~~

(a) Is prohibited from administering source material, or the radiation therefrom, either externally or internally, to humans except as may be authorized by the department, NRC, or an agreement state in a specific license.

(b) May not abandon such source material. Source material may be disposed as follows:

(i) A cumulative total of 0.5 kg (1.1 lbs.) of source material in a solid, nondispersible form may be transferred each calendar year, by a person authorized to receive, possess, use, and transfer source material under this general license, to persons receiving the material for permanent disposal. The recipient of source material transferred under the provisions of this section is exempt from the requirements to obtain a license under this chapter to the extent the source material is permanently disposed. This provision does not apply to any



person who is in possession of source material under a specific license issued under chapter 246-235 WAC; or

(ii) In accordance with WAC 246-221-170.

(c) Is subject to the provisions of chapters 246-221, 246-232, 246-233, and 246-235 WAC.

(d) Shall respond to written requests from the department to provide information relating to the general license within thirty calendar days of the date of the request, or other time period specified in the request. If the person cannot provide the requested information within the allotted time, the person shall, within that same time period, request a longer period to supply the information by providing the director, office of radiation protection, using an appropriate method of communication, a written justification for the request:

(e) May not export such source material except in accordance with 10 C.F.R. 110.

(3) Any person who receives, possesses, uses, or transfers source material in accordance with subsection (1) of this section shall conduct activities so as to minimize contamination of the facility and the environment. When activities involving such source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the director, office of radiation protection, by an appropriate method of communication about such contamination, and may consult with the department regarding the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under the general license is not likely to result in exposures that exceed the limits in WAC 246-246-020.

(4) Any person who receives, possesses, uses, or transfers source material in accordance with the general license granted in subsection (1) of this section is exempt from the provisions of chapters 246-221 and 246-222 WAC to the extent that such receipt, possession, use, and transfer are within the terms of this general license, except that such person shall comply with the provisions of WAC 246-246-020 and 246-221-170 to the extent necessary to meet the provisions of this section. However, this exemption does not apply to any person who also holds a specific license issued under chapter 246-235 WAC.

(5) No person may initially transfer or distribute source material to persons generally licensed under subsection (1)(a) or (b) of this section, or equivalent regulations of an agreement state or NRC, unless authorized by a specific license issued in accordance with chapter 246-235 WAC or equivalent provisions of an agreement state or NRC. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by subsection (1) of this section before August 27, 2013, without specific authorization may continue for one year beyond this date. Distribution may also be continued until the department takes final action on a pending application for license or license amendment to specifically authorize distribution submitted on or before August 27, 2014.

(6) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use, or transfer source material.

~~((4))~~ (7) Depleted uranium in industrial products and devices.

(a) A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of (b), (c), (d), and (e) of this subsection, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(b) The general license in (a) of this subsection applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to WAC 246-235-091 or in accordance with a specific license issued to the manufacturer by the department, NRC, or an agreement state which authorizes manufacture of the products or devices for distribution to persons generally licensed by the NRC or an agreement state.

(c)(i) Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by (a) of this subsection shall file department form RHF-20 "Registration certificate - Use of depleted uranium under general license," with the department. The form shall be submitted within thirty days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on department form RHF-20 the following information and such other information as may be required by that form:

(A) Name and address of the registrant;

(B) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in (a) of this subsection and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(C) Name and title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in (c)(i)(B) of this subsection.

(ii) The registrant possessing or using depleted uranium under the general license established by (a) of this subsection shall report in writing to the department any changes in information previously furnished on the "Registration certificate - Use of depleted uranium under general license." The report shall be submitted within thirty days after the effective date of such change.

(d) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by (a) of this subsection:

(i) Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium.

(ii) Shall not abandon such depleted uranium.

(iii) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provision of chapter 246-232 WAC. In the case where the transferee receives the depleted uranium pursuant to the general license established by (a) of this subsection the transferor shall furnish the transferee a copy of this regulation and a copy of department form RHF-20.

In the case where the transferee receives the depleted uranium pursuant to a general license contained in the NRC's or agreement state's regulation equivalent to (a) of this subsection the transferor shall furnish the transferee a copy of this regulation and a copy of department form RHF-20 accompanied by a note explaining that use of the product or device is regulated by the NRC or agreement state under requirements substantially the same as those in this regulation.

(iv) Shall maintain and make available to the department upon request the name and address of the person receiving the depleted uranium pursuant to such transfer.

(v) Shall not export such depleted uranium except in accordance with a license issued by the NRC pursuant to 10 C.F.R. Part 110.

(e) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by (a) of this subsection is exempt from the requirements of chapters 246-221 and 246-222 WAC of these regulations with respect to the depleted uranium covered by that general license.

AMENDATORY SECTION (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-233-015 Certain devices and equipment.** A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the NRC for use pursuant to (~~Section 31.3 of~~) 10 C.F.R. (~~Part 34~~) 30.15. This general license is subject to the provisions of WAC 246-220-020, 246-220-030, 246-220-040, 246-220-050, 246-220-060, 246-220-070, chapters 246-232, 246-221\*\* and 246-222 WAC.

(1) *Static elimination device.* Devices designed for use as static eliminators (~~which~~) that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 megabecquerels (500 microcuries) of Polonium-210 per device.

(2) *Ion generating tube.* Devices designed for ionization of air (~~which~~) that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 megabecquerels (500 microcuries) of Polonium-210 per device or a total of not more than 1.85 gigabecquerels (50 millicuries) of Hydrogen-3 (tritium) per device.

(3) Such devices authorized before October 23, 2012, for use under the general license provided in 10 C.F.R. 30.15, department license, or equivalent regulations of an agreement state and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the department or an agreement state.

\*\* Attention is directed particularly to the provisions of chapter 246-221 WAC which relate to the labeling of containers.

AMENDATORY SECTION (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-233-020 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.** (1) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and federal, state, or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of subsections (2), (3), and (4) of this section, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(2) The general license in subsection (1) of this section applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the department pursuant to WAC 246-235-093 or in accordance with an equivalent specific license issued by the department, NRC, or an agreement state, which authorizes distribution or transfer of devices to persons generally licensed by the department, NRC, or an agreement state\*\*. The devices must have been received from one of the specific licensees described in this subsection or through a transfer made under subsection (3)(h) of this section.

\*\*Note: Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 179.21 of 21 C.F.R. Part 179.

(3) Any person who acquires, receives, possesses, uses or transfers radioactive material in a device pursuant to the general license in subsection (1) of this section:

(a) Shall assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by such labels;

(b) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label, however:

(i) Devices containing only krypton need not be tested for leakage of radioactive material; and

(ii) Devices containing only tritium or not more than 3.7 megabecquerels (100 microcuries) of other beta or gamma emitting material or 370 kilobecquerels (10 microcuries) of alpha emitting material need not be tested for any purpose. Devices held in storage in the original shipping container prior to initial installation need not be tested until immediately prior to use;

(c) Shall assure that the tests required by (b) of this subsection and other testing, installing, servicing, and removing from installation involving the radioactive material, its shielding or containment, are performed:

(i) In accordance with the instructions provided by the labels; or

(ii) By a person holding a specific license issued by the department, the NRC or an agreement state to perform such activities;

(d) Shall maintain records showing compliance with the requirements of (b) and (c) of this subsection. The records must show the results of tests. The records also must show the dates of performance and the names of persons performing, testing, installing, servicing, and removing from installation radioactive material and its shielding or containment. Records of tests for leakage of radioactive material required by (b) of this subsection must be retained for three years after the next required leak test is performed or the sealed source is transferred or disposed. Records of tests of the on/off mechanism and indicator required by (b) of this subsection must be retained for three years after the next required test of the on/off mechanism and indicator is performed or the sealed source is transferred or disposed. Records of other testing, installation, servicing, and removal from installation required by (c) of this subsection must be retained for a period of three years from the date of the recorded event or until the device is transferred or disposed;

(e) Shall immediately suspend operation of the device if there is a failure of, or damage to, or any indication of a possible failure of, or damage to, the shielding of the radioactive material or the on/off mechanism or indicator, or upon the detection of 185 becquerels (0.005 microcurie) or more removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or other person holding a specific license issued by the department, the NRC or an agreement state to repair such devices, or disposed by transfer to a person authorized by a specific license to receive the radioactive material contained in the device or as otherwise approved by the department. Within thirty days, the licensee must send the department a written report containing a brief description of the event and the remedial action taken; and, in the case of detection of 185 becquerels (0.005 microcurie) or more of removable radioactive material, or failure of, or damage to, a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use (see WAC 246-246-020);

(f)(i) Shall not abandon the device containing radioactive material;

(ii) Shall not export the device containing radioactive material except in accordance with the provisions of 10 C.F.R. 110;

(g) Except as provided in (h) of this subsection, must transfer or dispose of the device containing radioactive material only by transfer to a person with a specific license issued by the department, the NRC, or an agreement state, which authorizes the person to receive the device. Within thirty days after export or transfer of a device to a specific licensee, the general licensee must send a report to the department, containing the identity of the device and manufacturer (or initial transferor), model number, serial number, the nuclide(s), and activity of radioactive material contained in the devices; the name, address, and license number of the person receiving the device, and the date of transfer. Prior written approval

from the department is required before transferring the device to any other specific licensee not specifically identified in this subsection; however, a specific licensee may transfer a device for possession and use under its own specific license without prior approval, if the specific licensee:

(i) Verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

(ii) Removes, alters, covers, or clearly and unambiguously augments the existing label, so that the device is labeled in compliance with WAC 246-221-120(9); however, the manufacturer, model number, and serial number must be retained;

(iii) Obtains the manufacturer's or initial transferor's maintenance information applicable under the specific license (such as leak test procedures); and

(iv) Reports the transfer under WAC 246-233-020 (3)(g)((-));

(h) Shall transfer the device to another general licensee only if:

(i) The device remains in use at a particular location. In such case, the transferor shall give the transferee a copy of this section, a copy of WAC 246-221-240, 246-221-250, 246-232-050, and 246-232-060, and any safety documents identified by the label of the device. Within thirty days of the transfer, the transferor shall report to the department: The name of the manufacturer (or initial transferor), model number, serial number, and the source, nuclide(s), and original activity contained in the device(s) transferred; the transferee's name and mailing address for the location of use, and the name, title, and phone number of the responsible individual identified by the transferee in accordance with (j) of this subsection to have knowledge of and authority to take action to ensure compliance with the appropriate regulations and requirements; or

(ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee;

(i) Shall comply with the provisions of WAC 246-221-240 and 246-221-250 for reporting radiation incidents, or theft or loss of radioactive material, but shall be exempt from other requirements of chapters 246-221 and 246-222 WAC;

(j) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any responsibility in this regard;

(k)(i) Shall register, in accordance with (k)(ii) and (iii) of this subsection, devices containing at least 370 megabecquerels (10 millicuries) of Cesium-137, 3.7 megabecquerels (0.1 millicurie(s)) of Strontium-90, 3.7 megabecquerels (100 microcuries) of Radium-226, 37 megabecquerels (1 millicurie) of Cobalt-60, or 37 megabecquerels (1 millicurie) of Americium-241, or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described under (k)(iii)(D) of this subsection, rep-

resents a separate general licensee and requires a separate registration and fee;

(ii) If in possession of a device meeting the criteria of (k)(i) of this subsection, shall register these devices annually with the department and shall pay the fee required by WAC 246-254-090. Registration must be done by verifying, correcting, or adding to the information provided in a request for registration received from the department. The registration information must be submitted to the department within thirty days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of (k)(i) of this subsection is subject to the bankruptcy notification requirement in WAC 246-232-050;

(iii) When registering devices, the general licensee shall provide the following information and any other information specifically requested by the department:

(A) Name and mailing address of the general licensee;

(B) Information about each device: The manufacturer (or initial transferor), model number, serial number, the radionuclide and activity (as indicated on the label);

(C) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under (j) of this subsection;

(D) Address or location at which the device(s) are used or stored. For portable devices, the address of the primary place of storage;

(E) Certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and verification of label information;

(F) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license;

(iv) WAC 246-232-040, Reciprocal recognition of licenses describes how persons licensed by the NRC or an agreement state may obtain approval to work in Washington(-);

(l) Shall report changes to the mailing address for the location of use (including change in name of general licensee) to the department within thirty days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage;

(m) Shall not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by subsection (3)(b) of this section need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby;

(n) Must respond to written requests from the department to provide information relating to the general license within thirty calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide

the requested information within the allotted time, it shall, within the same time period, request a longer period to supply the information by providing a written justification for the extension request.

(4) The general license in subsection (1) of this section does not authorize the manufacture, import, or export of devices containing radioactive material. A person must not export the device containing radioactive material except in accordance with NRC's regulations, including 10 C.F.R. Part 110, and in accordance with other applicable federal, state, and local regulations including, but not limited to, the U.S. Department of Commerce, U.S. Department of Revenue, U.S. Department of Transportation, and any other applicable jurisdiction for each export.

(5) The general license provided in this subsection is subject to the provisions of WAC 246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-100, 246-221-240, 246-221-250, 246-232-050, 246-232-060, 246-232-070, 246-232-080, and 246-232-090.

AMENDATORY SECTION (Amending WSR 15-06-015, filed 2/23/15, effective 3/26/15)

**WAC 246-235-010 Filing application for specific licenses.** (1) Applications for specific licenses must be filed on department form RHF-1.

(2) The department may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the department to determine whether the application should be granted or denied or whether a license should be modified or revoked.

(3) Each application must be signed by the applicant or licensee or a person duly authorized to act for and on the applicant's behalf.

(4) An application for a license may include a request for a license authorizing one or more activities.

(5) In the application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the department provided such references are clear and specific.

(6) Except as provided in (c), (d), and (e) of this subsection, an application for a specific license to use radioactive materials in the form of a sealed source or in a device that contains the sealed source must:

(a) Identify the source or device by manufacturer and model number; or

(b) Be registered with the NRC under 10 C.F.R. 32.210; or

(c) For sources or devices manufactured before October 23, 2012, that are not registered with the NRC(~~(-provide)) or an agreement state, and for which the applicant is unable to provide all categories of information specified in WAC 246-235-108(3), the application must include:~~

(i) All available information identified in WAC 246-235-108(3) concerning the source, and, if applicable, the device;

(ii) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must

include a description of the source or device, a description of radiation safety features, the intended use (~~(-relevant operational safety history)~~) and associated operating experience, and the results of the most recent leak test.

(d) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with 10 C.F.R. 32.210 or this section, the applicant may supply only the manufacturer, model number, and radionuclide and quantity.

(e) If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used, and the conditions under which they will be used, in lieu of identifying each sealed source and device.

(7) Applications and documents submitted to the department may be made available for public inspection except that the department may withhold any document or part thereof from public inspection if disclosure of its content is not required in the public interest and would adversely affect the interest of a person concerned.

#### NEW SECTION

**WAC 246-235-082 Special requirements for issuance of a specific license to initially transfer source material.** In addition to the requirements set forth in WAC 246-235-020, an application for a specific license to initially transfer source material for use under 10 C.F.R. 40.22 or WAC 246-233-010 or equivalent regulations of an agreement state will be approved if:

(1) The applicant satisfies the general requirements specified in WAC 246-235-020; and

(2) The applicant submits adequate information about, and the department approves, the methods to be used for quality control, labeling, and providing safety instructions to recipients.

#### NEW SECTION

**WAC 246-235-083 Conditions of licenses to initially transfer source material for use under general license—Quality control, labeling, safety instructions, and reports and records.** (1) Each person licensed under WAC 246-235-082 shall label the immediate container of each quantity of source material with the type and quantity of source material and the words "radioactive material."

(2) Each person licensed under WAC 246-235-082 shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.

(3) Each person licensed under WAC 246-235-082 shall provide the information specified in this section to each person to whom source material is transferred for use under WAC 246-233-010, 10 C.F.R. 40.22, or equivalent provisions in agreement state regulations. This information must be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:

(a) A copy of 10 C.F.R. 40.22 and 10 C.F.R. 40.51, or WAC 246-232-080 and 246-233-010, or equivalent agreement state regulations.

(b) Appropriate radiation safety precautions and instructions relating to handling, use, storage, and disposal of the material.

(4) Each person licensed under this section shall report transfers as follows:

(a) File a report with the director, Office of Radiation Protection, Radioactive Materials Section, P.O. Box 47827, Olympia, WA 98504. The report shall include the following information:

(i) The name, address, and license number of the person who transferred the source material;

(ii) For each general licensee under these rules, 10 C.F.R. 40.22, or equivalent agreement state regulations, to whom greater than 50 grams (0.11 lbs.) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and

(iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.

(b) File a report with each responsible agreement state agency that identifies all persons, operating under provisions of 10 C.F.R. 40.22 or equivalent regulations of the department or an agreement state, to whom greater than 50 grams (0.11 lbs.) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the agreement state being reported to:

(i) The name, address, and license number of the person who transferred the source material;

(ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and

(iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients within the agreement state.

(c) Submit each report by January 31st of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under 10 C.F.R. 40.22 or equivalent department rules or agreement state regulations during the current period, a report shall be submitted to the department so indicating. If no transfers have been made to general licensees in a particular agreement state during the reporting period, this information shall be reported to the responsible agreement state agency upon request by the agency.

(5) Each person licensed under 10 C.F.R. 40.54 or equivalent department or agreement state regulations shall maintain all information that supports the reports required by this section concerning each transfer to a general licensee for a period of one year after the event is included in a report to the department, NRC, or to an agreement state agency.

AMENDATORY SECTION (Amending WSR 15-06-015, filed 2/23/15, effective 3/26/15)

WAC 246-235-093 Manufacture, assembly or distribution of devices under general license. (1) An application for a specific license to manufacture or initially transfer or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under WAC 246-233-020 or equivalent regulations of the NRC or an agreement state will be approved if:

(a) The applicant satisfies the general requirements of WAC 246-235-020;

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(i) The device can be safely operated by persons not having training in radiological protection;

(ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in one year a dose in excess of ten percent of the limits specified in the table in WAC 246-221-010(1); and

(iii) Under accident conditions (such as fire and explosion) associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye . . . . . 15 centigray (15 rem)

Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than one square centimeter . . . . . 200 centigray (200 rem)

Other organs . . . . . 50 centigray (50 rem)

(c) Each device bears a durable, legible, clearly visible label or labels approved by the department, which contain in a clearly identified and separate statement:

(i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information);

(ii) The requirement, or lack of requirement, for leak testing, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by nuclide, quantity of radioactivity, and date of determination of the quantity; and

(iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

(A) The receipt, possession, use and transfer of this device, Model . . . . ., Serial No. . . . . Note\*, are subject to a general license or the equivalent, and the regulations of the NRC or a state with which the NRC has entered into an agreement for the exercise of regulatory authority. This label must be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

(Name of manufacturer or distributor)\*

(B) The receipt, possession, use and transfer of this device, Model . . . . ., Serial No. . . . . Note\*, are subject to a general license or the equivalent, and the rules of an agreement state. This label must be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

(Name of manufacturer or distributor)\*

\*Note: The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(d) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the nuclide and quantity, the words, "CAUTION - RADIOACTIVE MATERIAL," the radiation symbol described in WAC 246-221-120, and the name of the manufacturer or initial distributor;

(e) Each device meeting the criteria of WAC 246-233-020 (3)(k), bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, "CAUTION - RADIOACTIVE MATERIAL," and, if practicable, the radiation symbol described in WAC 246-221-120;

(f) The device has been registered in the sealed source and device registry.

(2) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, the applicant shall include in the application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the department will consider information which includes, but is not limited to:

- (a) Primary containment (source capsule);
(b) Protection of primary containment;
(c) Method of sealing containment;
(d) Containment construction materials;
(e) Form of contained radioactive material;
(f) Maximum temperature withstood during prototype tests;
(g) Maximum pressure withstood during prototype tests;
(h) Maximum quantity of contained radioactive material;
(i) Radiotoxicity of contained radioactive material; and
(j) Operating experience with identical devices or similarly designed and constructed devices.

(3) In the event the applicant desires that the general licensee under WAC 246-233-020, or under equivalent regulations of the NRC or an agreement state be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, the applicant must include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information must demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive in one year a radiation dose in excess of ten percent of the limits specified in the table in WAC 246-221-010(1).

(4) Each person licensed under subsection (1) of this section to distribute or initially transfer devices to generally licensed persons must provide the information specified in this section to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. If transfer is through an intermediate person, the information must also be provided to the intended user before initial transfer to the intermediate person.

(a) If a device containing radioactive material is to be transferred for use under the general license contained in WAC 246-233-020, the required information must include:

(i) A copy of the general license contained in WAC 246-233-020. If WAC 246-233-020 (3)(b), (c), and (d) or (k) do not apply, those subsections may be omitted;

(ii) A copy of WAC 246-232-050, 246-221-230, 246-221-240, and 246-221-250;

(iii) A list of the services that can only be performed by a specific licensee; and

(iv) Information on acceptable disposal options including estimated costs of disposal; and

(v) An indication that the NRC's policy is to issue high civil penalties for improper disposal.

(b) If a device containing radioactive material is to be transferred for use in another jurisdiction under a general license equivalent to WAC 246-233-020, the required information must include:

(i) A copy of the appropriate NRC or an agreement state's regulations, equivalent to WAC 246-233-020, 246-232-050, 246-221-230, 246-221-240, and 246-221-250. If a copy of WAC 246-233-020, 246-232-050, 246-221-230, 246-221-240, and 246-221-250 is provided to a prospective general licensee in lieu of the NRC's or the agreement state's regulations, it must be accompanied by a note explaining that the use of the device is regulated by the NRC or the agreement state. If certain subsections do not apply to the particular device, those subsections may be omitted;

(ii) A list of the services that can only be performed by a specific licensee;

(iii) Information on acceptable disposal options including estimated cost of disposal;

(iv) The name or title, address, and phone number of the contact at the appropriate NRC or an agreement state regula-

tory agency from which additional information may be obtained; and

(v) An indication that NRC policy is to issue high civil penalties for improper disposal;

(c) Each person licensed under subsection (1) of this section to distribute or initially transfer devices to persons generally licensed under WAC 246-233-020 must report to the department all transfers of devices to persons for use under the general license in WAC 246-233-020 and all receipts of devices from persons licensed under WAC 246-233-020.

(i) Each report must be clear and legible and contain all of the data required. The required information for transfers to general licensees includes:

(A) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternative address for the general licensee must be included with information on the actual location of use;

(B) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(C) The date of transfer;

(D) The manufacturer or initial transferor, the type, model number and serial number of the device transferred; and

(E) The source serial(s), nuclide(s), activity, and date(s) of original activity of radioactive material contained in the device.

(ii) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, clearly identify and designate each intermediate person by name, address, contact, and relationship to the intended user.

(iii) For devices received from a general licensee under WAC 246-233-020, the report must include:

(A) The identity of the general licensee by name and address;

(B) The type, model number, and serial number of the device received; and the source serial(s), nuclide(s), activity, and date(s) of original activity of radioactive material contained in the device;

(C) The date of receipt; and

(D) In the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(iv) If the licensee makes changes to a device possessed by a person generally licensed under WAC 246-233-020, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(v) If no transfers have been made to or from persons generally licensed under WAC 246-233-020 during the reporting period, the report must so indicate.

(vi) The report must cover each calendar quarter, must clearly indicate the period covered by the report, and must be filed within thirty days of the end of the calendar quarter.

(vii) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(d) Reports to NRC or an agreement state regulatory agency.

(i) Each person licensed under subsection (1) of this section to distribute or initially transfer devices to persons generally licensed under the NRC's regulations equivalent to WAC 246-233-020 must report to the NRC all transfers of devices to persons for use under a general license equivalent to WAC 246-233-020 and all receipts of devices from persons licensed under regulations equivalent to WAC 246-233-020.

(ii) Each person licensed under subsection (1) of this section to distribute or initially transfer devices to persons generally licensed under an agreement state's regulations equivalent to WAC 246-233-020 must report to the agreement state's regulatory authority all transfers of devices to persons for use under a general license equivalent to WAC 246-233-020 and all receipts of devices from persons licensed under regulations equivalent to WAC 243-233-020.

(iii) Such report must be clear and legible and contain all of the data required. The required information for transfers to general licenses must include:

(A) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternative address for the general licensee must be submitted along with information on the actual location of use;

(B) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(C) The date of transfer;

(D) The type, model number and serial number of the device transferred; and

(E) The quantity and type of radioactive material contained in the device.

(iv) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).

(v) For devices received from persons generally licensed under NRC's or an agreement state's regulations equivalent to WAC 246-233-020, the report must include:

(A) The identity of the general licensee by name and address;

(B) The type, model number, and serial number of the device received;

(C) The date of receipt; and

(D) In the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(vi) If the licensee makes changes to a device possessed by a person generally licensed under NRC's or an agreement state's regulations equivalent to WAC 246-233-020, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(vii) The report must cover each calendar quarter, must be filed within thirty days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(viii) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(ix) If no transfers have been made to or from NRC licensees during the reporting period, this information must be reported to the NRC.

(x) If no transfers have been made to or from general licensees within an agreement state during the reporting period, this information must be reported to the responsible agreement state agency upon request of the agency.

(e) The person shall maintain all information and keep records concerning transfers and receipts of devices that support the reports required by this section. Records required by this section must be maintained for a period of three years following the date of the recorded event.

(f) If a notification of bankruptcy has been made under WAC 246-233-050 or the license is to be terminated, each person licensed under this section shall provide, upon request, to the department, the NRC or an agreement state, records of final disposition required under ~~((this subsection (4)))~~(e) of this subsection.

AMENDATORY SECTION (Amending WSR 04-04-055, filed 1/30/04, effective 3/1/04)

**WAC 246-235-095 Manufacture, assembly, or distribution of luminous safety devices, certain calibration sources or ice detectors under general license.** (1) *Special requirements for the manufacture, assembly or repair of luminous safety devices for use in aircraft.* An application for a specific license to manufacture, assemble ~~((or)),~~ repair, or initially transfer luminous safety devices containing tritium or promethium-147 for use in aircraft for distribution to persons generally licensed under WAC 246-233-025 will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements specified in WAC 246-235-020; and

(b) The applicant satisfies the requirements of Sections 32.53, 32.54, 32.55, and 32.56 ~~((, 32.101))~~ of 10 C.F.R. Part 32 or their equivalent.

(2) *Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under WAC 246-233-035.* An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 to persons generally licensed under WAC 246-233-035 will be approved subject to the following conditions:

(a) The applicant satisfies the general requirement of WAC 246-235-020; and

(b) The applicant satisfies the requirements of Sections 32.57, 32.58, and 32.59 ~~((, 32.102))~~ of 10 C.F.R. Part 32 and Section 70.39 of 10 C.F.R. Part 70 or their equivalent.

(3) *Licensing the manufacture and distribution of ice detection devices.* An application for a specific license to manufacture and distribute ice detection devices to persons



generally licensed under WAC 246-233-030 will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements of WAC 246-235-020; and

(b) The criteria of Sections 32.61((;)) and 32.62((; 32-103)) of 10 C.F.R. Part 32 are met.

AMENDATORY SECTION (Amending WSR 13-24-025, filed 11/22/13, effective 12/23/13)

**WAC 246-235-102 Manufacture and distribution of sources or devices containing radioactive material for medical use.** An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed under chapter 246-240 WAC for use as a calibration, transmission, or reference source or for the uses listed in WAC 246-240-251, 246-240-301, and 246-240-351 will be approved if:

(1) The applicant satisfies the general requirements in WAC 246-235-020;

(2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(a) The radioactive material contained, its chemical and physical form and amount;

(b) Details of design and construction of the source or device;

(c) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

(d) For devices containing radioactive material, the radiation profile of a prototype device;

(e) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

(f) Procedures and standards for calibrating sources and devices;

(g) Legend and methods for labeling sources and devices as to their radioactive content; and

(h) Instructions for handling and storing the source or device from the radiation safety standpoint, these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device: Provided that instructions which are too lengthy for the label may be summarized on the label and printed in detail on a brochure which is referenced on the label.

(3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity and date of assay, and a statement that the named source or device is licensed by the department for distribution to persons licensed under chapter 246-240 WAC or under equivalent regulations of the NRC or an agreement state: Provided that the labeling for sources which do not require long term storage may be on a leaflet or brochure which accompanies the source((-);

(4) The source or device has been registered in the sealed source and device registry.

(5) If the applicant desires that the source or device be tested for leakage of radioactive material at intervals longer than six months, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source.

~~((5))~~ (6) In determining the acceptable interval for test of leakage of radioactive material, the department will consider information that includes, but is not limited to:

(a) Primary containment (source capsule);

(b) Protection of primary containment;

(c) Method of sealing containment;

(d) Containment construction materials;

(e) Form of contained radioactive material;

(f) Maximum temperature withstood during prototype tests;

(g) Maximum pressure withstood during prototype tests;

(h) Maximum quantity of contained radioactive material;

(i) Radiotoxicity of contained radioactive material; and

(j) Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

#### NEW SECTION

**WAC 246-235-108 Sealed source and device registration and inactivation.** (1) Any manufacturer or initial distributor of a sealed source or device containing a sealed source may submit a request to the department or NRC for evaluation of radiation safety information about its product and for its registration.

(2) Request for review must be sent to the department or to NRC's office of nuclear material safety and safeguards, ATTN: SDDR, by an appropriate method listed in 10 C.F.R. 30.6(a).

(3) The request for review of a sealed source or a device must include sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses and leak testing and, for a device, the request must also include sufficient information about installation, service and maintenance, operating and safety instructions, and its potential hazards, to provide reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property.

(4) The department normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the department formulates reasonable standards and criteria with the help of the manufacturer or distributor. The department shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. 10 C.F.R. 32 Subpart A includes specific criteria that apply to certain exempt products, Subpart B includes specific criteria applicable to certain generally licensed devices, and Subpart C includes specific provisions that apply to certain specifically licensed items.

(5) After completion of the evaluation, the department issues a certificate of registration to the person making the request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license as applicable for the category of certificate.

(6) The person submitting the request for evaluation and registration of safety information about the product shall manufacture and distribute the product in accordance with:

(a) The statements and representations, including quality control program, contained in the request; and

(b) The provisions of the registration certificate.

(7) Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases:

(a) Calibration and reference sources containing no more than:

(i) 37 megabecquerels (one millicurie) for beta or gamma emitting radionuclides; or

(ii) 0.37 megabecquerels (ten microcuries), for alpha emitting radionuclides; or

(b) The intended recipients are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in any form in the case of unregistered sources or, for registered sealed sources contained in unregistered devices, are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses and:

(i) The intended recipients are licensed under WAC 246-235-090 of this chapter, 10 C.F.R. 33, or comparable provisions of an agreement state;

(ii) The recipients are authorized for research and development; or

(iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 gigabecquerels (20 curies) of tritium (H-3) or 7.4 gigabecquerels (200 millicuries) of any other radionuclide.

(8) After the certificate is issued, the department may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the department will complete its evaluation in accordance with criteria specified in this section. The department may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information as requested.

(9)(a) A certificate holder who no longer manufactures or initially transfers any of the sealed sources or devices covered by a particular certificate issued by the department or NRC shall request inactivation of the registration certificate from the issuing regulatory authority. Such a request must be made to the department, or (as appropriate) to NRC's office of nuclear material safety and safeguards, ATTN: SDDR by an appropriate method listed in 10 C.F.R. 30.6(a) and must normally be made no later than two years after initial distribution of all of the sources or devices covered by the certificate has ceased. However if the certificate holder determines

that an initial transfer was in fact the last initial transfer more than two years after that transfer, the certificate holder shall request inactivation of the certificate within ninety days of this determination and briefly describe the circumstances of the delay.

(b) If a distribution license is to be terminated in accordance with chapters 246-232, 246-233, and 246-235 WAC, the licensee shall request inactivation of its registration certificates associated with that distribution license before the department will terminate the license. Such a request for inactivation of certificates must indicate that the license is being terminated and include the associated specific license number.

(c) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer such sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.

AMENDATORY SECTION (Amending WSR 91-02-049, filed 12/27/90, effective 1/31/91)

**WAC 246-243-001 Purpose.** The regulations in this chapter establish radiation safety requirements for persons utilizing sources of radiation for industrial radiography. The requirements of this ~~((part))~~ chapter are in addition to and not in substitution for ~~((the))~~ other requirements of these regulations.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-010 Scope.** The regulations in this chapter apply to all licensees who use sources of radiation for industrial radiography: Provided, however, that nothing in this ~~((part))~~ chapter shall apply to the use of sources of radiation in the healing arts.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-020 Definitions, abbreviations, and acronyms.** ((As used in this part:)) The definitions, abbreviations, and acronyms in this section and in WAC 246-220-010 apply throughout this chapter, unless the context clearly indicates otherwise.

(1) **"Annual refresher safety training"** means a review conducted or provided by the licensee for its employees on radiation safety aspects of industrial radiography. The review may include, as appropriate, the results of internal inspections, new procedures or equipment, new or revised regulations, accidents or errors that have been observed, and should also provide opportunities for employees to ask safety questions.

(2) **"Associated equipment"** means equipment that is used in conjunction with a radiographic exposure device to make radiographic exposures ~~((that))~~ which drives, guides, or comes in contact with the source, ~~((e.g.,))~~ for example guide tube, control tube, control (drive) cable, removable source

stop, "J" tube and collimator(~~(s)~~) when it is used as an exposure head.

(3) **"Certifying entity"** means an independent certifying organization meeting the requirements in WAC 246-243-250 Appendix C or an agreement state meeting the requirements in WAC 246-243-250 Appendix C, subsections (2) and (3).

(4) **"Collimator"** means a radiation shield that is placed on the end of the guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into position to make a radiographic exposure.

(5) **"Control (drive) cable"** means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.

(6) **"Control drive mechanism"** means a device that enables the source assembly to be moved to and from the exposure device.

(7) **"Control tube"** means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

(8) **"Exposure head"** means a device that locates the gamma radiography sealed source in the selected working position. (An exposure head is also known as a source stop.)

(9) **"Field station"** means a facility where licensed material may be stored or used and from which equipment is dispatched.

(10) **"Guide tube (projection sheath)"** means a flexible or rigid tube (~~((i.e., "J" tube))~~) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

(11) **"Hands-on experience"** means experience in all of those areas considered to be directly involved in the radiography process.

(12) **"Independent certifying organization"** means an independent organization that meets all of the criteria of WAC 246-243-250 Appendix C.

(13) **"Industrial radiography"** (~~((radiography))~~) means the examination of the macroscopic structure of materials by nondestructive methods utilizing sources of radiation to make radiographic images. Industrial radiography as used in this chapter does not include well logging operations.

(14) **"Lay-barge radiography"** means industrial radiography performed on any water vessel used for laying pipe.

(15) **"Offshore platform radiography"** means industrial radiography conducted from a platform over a body of water.

(16) **"Permanent radiographic installation"** means an enclosed shielded room, cell or vault, not located at a temporary job site, in which radiography is performed, regardless of ownership.

(17) **"Practical examination"** means a demonstration through practical application of the safety rules and principles in industrial radiography including use of all appropriate equipment and procedures.

(18) **"Radiation safety officer for industrial radiography"** means an individual with the responsibility for the

overall radiation safety program on behalf of the licensee and who meets the requirements of WAC 246-243-047.

(19) **"Radiographer"** means any individual who performs or who, in attendance at the site where sources of radiation are being used, personally supervises industrial radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of these regulations and all license conditions.

(20) **"Radiographer certification"** means written approval received from a certifying entity stating that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria.

(21) **"Radiographer's assistant"** means any individual who, under the personal supervision of a radiographer, uses sources of radiation, related handling tools, or radiation survey instruments in industrial radiography.

(22) **"Radiographic exposure device"** means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(23) **"Radiographic operations"** means all activities associated with the presence of radioactive sources in a radiographic exposure device during use of the device or transport (except when being transported by a common or contract carrier), to include surveys to confirm the adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

(24) **"S-tube"** means a tube through which the radioactive source travels when inside a radiographic exposure device.

(25) **"Shielded position"** means the location within the radiographic exposure device or source changer where the sealed source is secured and restricted from movement.

(26) **"Source assembly"** means an assembly that consists of the sealed source and a connector that attaches the source to the control cable. The source assembly may also include a stop ball used to secure the source in the shielded position.

(27) **"Source changer"** means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those also used for transporting and storage of sealed sources.

(28) **"Storage area"** means any location, facility, or vehicle which is used to store or to secure a radiographic exposure device, a storage container, or a sealed source when it is not in use and which is locked or has a physical barrier to prevent accidental exposure, tampering with, or unauthorized removal of the device, container, or source.

(29) **"Storage container"** means a container in which sealed sources are secured and stored.

(30) **"Temporary job site"** means a location where radiographic operations are conducted and where licensed material may be stored other than those (~~((location(s)))~~) locations of use authorized on the license.

(31) **"Underwater radiography"** means industrial radiography performed when the radiographic exposure device (~~((and/))~~) or related equipment are beneath the surface of the water.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-030 Conducting industrial radiography operations.** (1) Whenever radiography is performed at a location other than a permanent radiographic installation, the radiographer must be accompanied by at least one other qualified radiographer or an individual who has at a minimum met the requirements of WAC 246-243-130(2) (radiographer's assistant). The additional qualified individual shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography may not be performed if only one qualified individual is present.

(2) All radiographic operations conducted at locations of use authorized on the license must be conducted in a permanent radiographic installation, unless specifically authorized by the department.

(3) Offshore platform, lay-barge, ~~((and/))~~ or underwater radiography shall be performed only by licensees whose license specifically authorizes such activity. Such operations fall under the jurisdiction of the United States Nuclear Regulatory Commission when conducted outside of the territorial waters of the state of Washington.

~~((4) Licensees will have until January 1, 2001, to meet the requirement for having two qualified individuals present at locations other than a permanent radiographic installation as specified in subsection (1) of this section.))~~

AMENDATORY SECTION (Amending WSR 99-05-012, filed 2/5/99, effective 3/8/99)

**WAC 246-243-040 Equipment performance requirements.** Equipment used in industrial radiography operations must meet the following minimum criteria:

(1)(a) Each radiographic exposure device, source assembly or sealed source, and all associated equipment must meet the requirements specified in American National Standards Institute, N432-1980 "*Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography*," (published as NBS Handbook 136, issued January 1981). This publication may be purchased from American National Standards Institute, Inc., 25 West 43rd Street, New York, New York, 10036; telephone: 212-642-4900. Copies of the document are available for inspection at the Department of Health, ~~((Division))~~ Office of Radiation Protection, Olympia, Washington. A copy of the document is also on file at the National Archives and Records Administration. For information on the availability of this material at the National Archives and Records Administration call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) Engineering analysis may be submitted by an applicant or licensee to demonstrate the applicability of previously performed testing on similar individual radiography equipment components. Upon review, the department may find this an acceptable alternative to actual testing of the component pursuant to the above referenced standard.

(c) Notwithstanding (a) of this subsection, equipment used in industrial radiographic operations need not comply with § 8.9.2(c) of the Endurance Test in American National

Standards Institute N432-1980, if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism.

(2) In addition to the requirements specified in subsection (1) of this section, the following requirements apply to radiographic exposure devices, source changers, source assemblies and sealed sources.

(a) The licensee shall ensure that each radiographic exposure device has attached to it a durable, legible, clearly visible label bearing the:

(i) Chemical symbol and mass number of the radionuclide in the device;

(ii) Activity and the date on which this activity was last measured;

(iii) Model (or product code) and serial number of the sealed source;

(iv) Manufacturer's identity of the sealed source; and

(v) Licensee's name, address, and telephone number.

(b) Radiographic exposure devices intended for use as Type B transport containers must meet the applicable requirements of 10 C.F.R. Part 71.

(c) Modification of radiographic exposure devices, source changers, and source assemblies and associated equipment is prohibited, unless the design of any replacement component, including source holder, source assembly, controls or guide tubes would not compromise the design safety features of the system.

(3) In addition to the requirements specified in subsections (1) and (2) of this section, the following requirements apply to radiographic exposure devices, source assemblies, and associated equipment that allow the source to be moved out of the device for radiographic operations or to source changers.

(a) The coupling between the source assembly and the control cable must be designed in such a manner that the source assembly will not become disconnected if cranked outside the guide tube. The coupling must be such that it ~~((can not))~~ cannot be unintentionally disconnected under normal and reasonably foreseeable abnormal conditions.

(b) The device must automatically secure the source assembly when it is cranked back into the fully shielded position within the device. The securing system may only be released by means of a deliberate operation on the exposure device.

(c) The outlet fittings, lock box, and drive cable fitting on each radiographic exposure device must be equipped with safety plugs or covers which must be installed during storage and transportation to protect the source assembly from water, mud, sand, or other foreign matter.

(d)(i) Each sealed source or source assembly must have attached to it or engraved on it, a durable, legible, visible label with the words: "DANGER—RADIOACTIVE."

(ii) The label may not interfere with the safe operation of the exposure device or associated equipment.

(e) The guide tube must be able to withstand a crushing test that closely approximates the crushing forces that are likely to be encountered during use, and be able to withstand

a kinking resistance test that closely approximates the kinking forces likely to be encountered during use.

(f) Guide tubes must be used when moving the source out of the device.

(g) An exposure head or similar device designed to prevent the source assembly from passing out of the end of the guide tube must be attached to the outermost end of the guide tube during radiographic operations.

(h) The guide tube exposure head connection must be able to withstand the tensile test for control units specified in ANSI N432-1980.

(i) Source changers must provide a system for ensuring that the source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.

(4) All radiographic exposure devices and associated equipment in use after January 1, 1998, must comply with the requirements of this section.

(5) The maximum exposure rate limits for storage containers and source changers with the sealed source in the shielded position are:

(a) 2 millisieverts (200 millirem) per hour at any exterior surface; and

(b) 0.1 millisieverts (10 millirem) per hour at one meter from any exterior surface.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-042 Labeling, storage, and transportation.** (1) The licensee may not use a source changer or a container to store licensed material unless the source changer or the storage container has securely attached to it a durable, legible, and clearly visible label bearing the standard trefoil radiation caution symbol in conventional colors, ~~((i.e.))~~ that is, magenta, purple or black on a yellow background, having a minimum diameter of 25 mm, and the wording:

CAUTION (or "DANGER")  
RADIOACTIVE MATERIAL  
NOTIFY CIVIL AUTHORITIES IF FOUND  
(or "NAME OF COMPANY")

(2) The licensee may not transport licensed material unless the material is packaged, and the package is labeled, marked, and accompanied with appropriate shipping papers in accordance with regulations set out in 10 C.F.R. Part 71.

(3) Locked radiographic exposure devices and storage containers must be physically secured to prevent tampering or removal by unauthorized personnel. The licensee shall store licensed material in a manner which will minimize danger from explosion or fire.

(4) The licensee shall lock and physically secure the transport package containing licensed material in the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal of the licensed material from the vehicle.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-044 Records of receipt and transfer of sealed sources.** (1) Each licensee shall maintain records showing the receipts and transfers of sealed sources and of devices using depleted uranium (DU) for shielding and retain each record for three years after it is made.

(2) These records must include the date, shipper or destination, the name of the individual making the record, radionuclide, number of becquerels (curies) or mass (for DU), and manufacturer, model, and serial number of each sealed source (~~(and)~~) or device, as appropriate.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-047 Radiation safety officer for industrial radiography.** The radiation safety officer (RSO) shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's program.

(1) The minimum qualifications, training, and experience for RSOs for industrial radiography are as follows:

(a) Completion of the training and testing requirements of WAC 246-243-130(1);

(b) Two thousand hours of hands-on experience as a qualified radiographer in industrial radiographic operations utilizing sealed radioactive material; and

(c) Formal training in the establishment and maintenance of a radiation protection program.

(2) The department will consider alternatives when the RSO has appropriate training (~~(and)~~) or experience in the field of ionizing radiation, and in addition, has adequate formal training with respect to the establishment and maintenance of a radiation safety protection program.

(3) The specific duties and authorities of the RSO include, but are not limited to:

(a) Establishing and overseeing all operating, emergency, and ALARA procedures as required by chapter 246-221 WAC, and reviewing them regularly to ensure that the procedures in use conform to current chapter 246-221 WAC requirements, conform to other department regulations and to the license conditions;

(b) Overseeing and approving all phases of the training program for radiographic personnel, ensuring that appropriate and effective radiation protection practices are taught;

(c) Ensuring that required radiation surveys and leak tests are performed and documented in accordance with the regulations, including any corrective measures when levels of radiation exceed established limits;

(d) Ensuring that personnel monitoring devices are calibrated and used properly by occupationally exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by WAC 246-221-260; and

(e) Ensuring that operations are conducted safely and to assume control for instituting corrective actions including stopping of operations when necessary.

(4) The licensee will have until January 1, 2001, to meet the requirements of subsection (1) or (2) of this section.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-100 Quarterly inventory.** Each licensee shall conduct a quarterly physical inventory to account for all sealed sources and for devices containing depleted uranium (DU) received or possessed. The records of the inventories shall be maintained for three years from the date of inventory for inspection by the department and shall include:

- (1) Exposure device or source changer make, model, and serial number;
- (2) Sealed source serial number and manufacturer;
- (3) Radionuclide and current activity in becquerels (curies) or mass (for DU) in each device;
- (4) Location of sealed source (~~(and)~~) or device/changer;
- (5) Date of inventory;
- (6) Name of person who performed inventory.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-120 Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments.** (1) The licensee shall perform visual and operability checks on survey meters, radiographic exposure devices, transport and storage containers, associated equipment and source changers before use on each day the equipment is to be used to ensure that the equipment is in good working condition, that the sources are adequately shielded, and that required labeling is present. Survey instrument operability must be performed using check sources or other appropriate means. If equipment problems are found, the equipment must be removed from service until repaired.

(2) Each licensee shall have written procedures for:

(a) Inspection and routine maintenance of radiographic exposure devices, source changers, associated equipment, transport and storage containers, and survey instruments at intervals not to exceed three months or before the first use thereafter to ensure the proper functioning of components important to safety. Replacement components shall meet design specifications. If equipment problems are found, the equipment must be removed from service until repaired.

(b) Inspection and maintenance necessary to maintain the Type B packaging used to transport radioactive materials. The inspection and maintenance program must include procedures to assure that Type B packages are shipped and maintained in accordance with the certificate of compliance or other approval.

(3) Any maintenance performed on radiographic exposure devices and accessories shall be in accordance with the manufacturer's specifications.

(4) Records of daily checks and quarterly inspections including any equipment problems identified and of any maintenance performed under subsections (1) and (2) of this section shall be made and retained for three years. The record shall include:

- (a) The date of check or inspection;
- (b) Name of inspector;
- (c) Equipment involved;

(d) Any problems found; and

(e) What repair (~~(and)~~) or maintenance, if any, was done.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-130 Limitations—Personal radiation safety requirements for radiographers and radiographers' assistants.** (1) No licensee shall permit any individual to act as a radiographer as defined in this chapter until such individual:

(a) Has been instructed in the subjects outlined in WAC 246-243-230, in addition to a minimum of two months of on-the-job training, and is certified through a radiographer certification program by a certifying entity in accordance with the criteria specified in WAC 246-243-250, Appendix C or equivalent regulations of the United States Nuclear Regulatory Commission or an agreement state. The department maintains a list of recognized certifying entities for reference. The licensee may, until January 1, 2001, allow an individual who has not met the requirement of this subsection, to act as a radiographer after the individual has received training in the subjects outlined in WAC 246-243-230 and demonstrated an understanding of these subjects by successful completion of a written examination that was previously submitted to and approved by the department;

(b) Has received copies of and instruction in the regulations contained in chapters 246-220, 246-221, 246-222, 246-231, and 246-243 WAC, in the United States Department of Transportation regulations as referenced in chapter 246-231 WAC, and the applicable sections of appropriate (~~(license(s))~~) license, and the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof by successful completion of a written or oral examination covering this material;

(c) Has received training in the use of the licensee's radiographic exposure devices, sealed sources, in the daily inspection of devices and associated equipment, and in the use of radiation survey instruments; and

(d) Has demonstrated understanding of the use of radiographic exposure devices, sources, survey instruments and associated equipment described in subsection (1)(c) of this section by successful completion of a practical examination on the subjects covered.

(2) No licensee shall permit any individual to act as a radiographer's assistant as defined in this chapter until such individual:

(a) Has received copies of and instruction in the regulations contained in chapters 246-220, 246-221, 246-222, 246-231, and 246-243 WAC, in the United States Department of Transportation regulations as referenced in chapter 246-231 WAC, and the applicable sections of appropriate (~~(license(s))~~) license, and the licensee's operating and emergency procedures;

(b) Has developed competence to use under the personal supervision of the radiographer the radiographic exposure devices, sealed sources, associated equipment, and radiation survey instruments which will be employed in the individual's assignment; and

(c) Has demonstrated understanding of the instructions provided under (a) of this subsection by successfully completing a written test on the subjects covered and has demonstrated competence in the use of the hardware described in (b) of this subsection by successful completion of a practical examination on the use of such hardware.

(3) Each licensee shall maintain, for inspection by the department, records of training and certification which demonstrate that the requirements of subsections (1) and (2) of this section are met. These records shall be maintained for three years after the record is made. The record shall include:

- (a) Radiographer certification documents and verification of certification status;
- (b) Copies of written tests;
- (c) Dates of oral and practical examinations; and
- (d) Names of individuals conducting and receiving the oral and practical examinations.

(4) Licensees will have until January 1, 2001, to comply with the certification requirements specified in subsection (1)(a) of this section, and the additional training requirements specified in subsections (1)(b) and (2)(a) of this section.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-200 Records required at temporary job sites.** Each licensee conducting radiographic operations at a temporary site shall have copies of the following documents and records available at that site for inspection by the department:

- (1) Appropriate license;
- (2) Operating and emergency procedures;
- (3) Applicable regulations;
- (4) Survey records required pursuant to WAC 246-243-190 for the period of operation at the site;
- (5) Direct reading dosimeter records for the period of operation at the site;
- (6) The latest radiation survey instrument calibration record and leak test record for specific devices in use at the site;
- (7) The latest calibration record for alarm rate meters and operability checks of pocket dosimeters (~~and~~) or electronic personal dosimeters as required by WAC 246-243-150;
- (8) Utilization records for each radiographic exposure device dispatched from that location as required by WAC 246-243-110;
- (9) Records of equipment problems identified in daily checks of equipment as required by WAC 246-243-120;
- (10) Records of alarm system and entrance control checks required by WAC 246-243-220, if applicable;
- (11) The shipping papers for the transportation of radioactive materials; and
- (12) When operating under reciprocity pursuant to WAC 246-232-040, a copy of the NRC or agreement state license authorizing the use of radioactive material.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-205 Temporary job site notification.**

- (1) Each licensee shall provide notification to the department

as required by the department, preferably twenty-four hours but no later than two hours, prior to beginning radiographic operations at a temporary job site. The notification will be given by using the prescribed 1-800 telephone notification system. The notification shall include:

- (a) Name and office telephone number of the licensee;
- (b) Radioactive materials license number;
- (c) Address or directions to the temporary job site;
- (d) Specific (~~(date(s), time(s))~~) dates, times, and duration of expected radiographic operations;
- (e) Names of radiographers and, if applicable, radiographer assistants taking part in the radiographic operations; and
- (f) Name and telephone number of a contact person at the temporary job site.

(2) In the event that operations at a temporary job site continue for longer than thirty days, the licensee will (~~re-~~~~notify~~) again notify the department, as required by subsection (1) of this section, each succeeding month.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-240 Appendix B—General guidelines for inspection of radiography equipment.** (1) Panoramic devices (devices in which the source is physically removed from shielded container during exposure) should be inspected for:

- (a) Radiographic exposure unit;
    - (i) Abnormal surface radiation levels anywhere on camera;
    - (ii) Condition of safety plugs;
    - (iii) Proper operation of locking mechanism;
    - (iv) Condition of pigtail connector;
    - (v) Alignment of "S" tube with exit port;
    - (vi) Condition of carrying device (for example, straps(~~;~~ handle, etc.) and handles);
    - (vii) Proper labeling;
  - (b) Source tube;
    - (i) Rust, corrosion, dirt, or sludge buildup inside the source tube;
    - (ii) Condition of source tube connector;
    - (iii) Condition of source stop;
    - (iv) Kinks or damage that could prevent proper operation;
  - (c) Control cables and drive mechanism;
    - (i) Proper drive mechanism for this camera, if appropriate;
    - (ii) Changes in general operating characteristics;
    - (iii) Condition of connector on drive cable;
    - (iv) Drive cable flexibility, wear, and rust;
    - (v) Excessive wear or damage to crank assembly parts;
    - (vi) Damage to drive cable conduit that could prevent the cable from moving freely;
    - (vii) Connection of the control cable connector with the pigtail connector for proper mating;
    - (viii) Proper operation of source position indicator, if applicable.
- (2) Directional beam devices should be inspected for:
- (a) Abnormal surface radiation;

- (b) Changes in the general operating characteristics of the unit;
- (c) Proper operation of shutter mechanism;
- (d) Chafing or binding of shutter mechanism;
- (e) Damage to the device which might impair its operation;
- (f) Proper operation of locking mechanism;
- (g) Proper drive mechanism with this camera, if appropriate;
- (h) Condition of carrying device (~~(((strap, handle, etc.)))~~ for example, straps and handles);
- (i) Proper labeling.

**AMENDATORY SECTION** (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

**WAC 246-243-250 Appendix C—Radiographer certification.** (1) Requirements for an independent certifying organization. An independent certifying organization shall:

- (a) Be an organization such as a society or association, whose members participate in, or have an interest in, the fields of industrial radiography;
- (b) Make its membership available to the general public nationwide that is not restricted because of race, color, religion, sex, age, national origin or disability;
- (c) Have a certification program open to nonmembers, as well as members;
- (d) Be an incorporated, nationally recognized organization that is involved in setting national standards of practice within its fields of expertise;
- (e) Have an adequate staff, a viable system for financing its operations, and a policy- and decision-making review board;
- (f) Have a set of written organizational by-laws and policies that provide adequate assurance of lack of conflict of interest and a system for monitoring and enforcing those by-laws and policies;
- (g) Have a committee, whose members can carry out their responsibilities impartially, to review and approve the certification guidelines and procedures, and to advise the organization's staff in implementing the certification program.
- (h) Have a committee, whose members can carry out their responsibilities impartially, to review complaints against certified individuals and to determine appropriate sanctions;
- (i) Have written procedures describing all aspects of its certification program, maintain records of the current status of each individual's certification and the administration of its certification program;
- (j) Have procedures to ensure that certified individuals are provided due process with respect to the administration of its certification program, including the process of becoming certified and any sanctions imposed against certified individuals;
- (k) Have procedures for proctoring examinations, including qualifications for proctors. These procedures must ensure that the individuals proctoring each examination are not employed by the same company or corporation (or a

wholly owned subsidiary of such company or corporation) as any of the examinees;

(l) Exchange information about certified individuals with the department, the US Nuclear Regulatory Commission, other independent certifying organizations (~~(and)~~) or agreement states and allow periodic review of its certification program and related records; and

(m) Provide a description to the department of its procedures for choosing examination sites and for providing an appropriate examination environment.

(2) Requirements for certification programs. All certification programs must:

(a) Require applicants for certification to:

(i) Receive training in the topics set forth in WAC 246-243-230 or equivalent NRC or agreement state regulations; and

(ii) Satisfactorily complete a written examination covering these topics;

(b) Require applicants for certification to provide documentation that demonstrates that the applicant has:

(i) Received training in the topics set forth in WAC 246-243-230 or equivalent NRC or agreement state regulations;

(ii) Satisfactorily completed a minimum period of on-the-job training; and

(iii) Received verification by an agreement state or a NRC licensee that the applicant has demonstrated the capability of independently working as a radiographer;

(c) Include procedures to ensure that all examination questions are protected from disclosure;

(d) Include procedures for denying an application, revoking, suspending, and reinstating a certificate;

(e) Provide a certification period of not less than three years nor more than five years;

(f) Include procedures for renewing certifications and, if the procedures allow renewals without examination, require evidence of recent full-time employment and annual refresher training;

(g) Provide a timely response to inquiries, by telephone or letter, from members of the public, about an individual's certification status.

(3) Requirements for written examinations.

All examinations must be:

(a) Designed to test an individual's knowledge and understanding of the topics listed in WAC 246-243-230 or equivalent NRC or agreement state requirements;

(b) Written in a multiple-choice format;

(c) Have test items drawn from a question bank containing psychometrically valid questions based on the material in WAC 246-243-230.

**AMENDATORY SECTION** (Amending WSR 15-06-015, filed 2/23/15, effective 3/26/15)

**WAC 246-252-030 Criteria related to disposition of uranium mill tailings or wastes.** As used in this section, the term "by-product material" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.



As required by WAC 246-235-110(6), each applicant for a license to possess and use source material in conjunction with uranium or thorium milling, or by-product material at sites formerly associated with such milling, is required to include in a license application proposed specifications relating to the milling operation and the disposition of tailings or waste resulting from such milling activities. This section establishes criteria relating to the siting, operation, decontamination, decommissioning, and reclamation of mills and tailings or waste systems and sites at which such mills and systems are located and site and by-product material ownership. Applications must clearly demonstrate how these criteria have been addressed. The specifications shall be developed considering the expected full capacity of tailings or waste systems and the lifetime of mill operations. Where later expansions of systems or operations may be likely, the amenability of the disposal system to accommodate increased capacities without degradation in long-term stability and other performance factors shall be evaluated.

Licensees or applicants may propose alternatives to the specific requirements in these criteria. The alternative proposals may take into account local or regional conditions, including geology, topography, hydrology, and meteorology. The department may find that the proposed alternatives meet the department's requirements if the alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with the sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by the requirements of the standards promulgated by the United States Environmental Protection Agency in 40 C.F.R. 192, Subparts D and E.

(1) Criterion 1 - In selecting among alternative tailings disposal sites or judging the adequacy of existing tailings sites, the following site features which would contribute to meeting the broad objective of permanent isolation of the tailings and associated contaminants from man and the environment for one thousand years to the extent reasonably achievable, and in any case, for at least two hundred years without ongoing active maintenance shall be considered:

- (a) Remoteness from populated areas;
- (b) Hydrogeologic and other environmental conditions conducive to continued immobilization and isolation of contaminants from groundwater sources; and
- (c) Potential for minimizing erosion, disturbance, and dispersion by natural forces over the long term.

The site selection process must be an optimization to the maximum extent reasonably achievable in terms of these features.

In the selection of disposal sites, primary emphasis shall be given to isolation of tailings or wastes, a matter having long-term impacts, as opposed to consideration only of short-term convenience or benefits, such as minimization of transportation or land acquisition costs. While isolation of tailings will be a function of both site characteristics and engineering design, overriding consideration shall be given to siting features given the long-term nature of the tailings hazards.

Tailings shall be disposed in a manner such that no active maintenance is required to preserve the condition of the site.

(2) Criterion 2 - To avoid proliferation of small waste disposal sites, by-product material from in-situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote above ground extraction operations shall be disposed at existing large mill tailings disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity and the costs and environmental impacts of transporting the wastes to a large disposal site, such off-site disposal is demonstrated to be impracticable or the advantage of on-site burial clearly outweighs the benefits of reducing the perpetual surveillance obligations.

(3) Criterion 3 - The "prime option" for disposal of tailings is placement below grade, either in mines or specially excavated pits (that is, where the need for any specially constructed retention structure is eliminated).

The evaluation of alternative sites and disposal methods performed by mill operators in support of their proposed tailings disposal program (provided in applicants' environmental reports) shall reflect serious consideration of this disposal mode. In some instances, below grade disposal may not be the most environmentally sound approach, such as might be the case if a groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Also, geologic and topographic conditions might make full, below grade burial impracticable; for example, near-surface bedrock could create prominent excavation costs while more suitable alternate sites may be available. Where full below grade burial is not practicable, the size of the retention structures, and the size and steepness of slopes of associated exposed embankments, shall be minimized by excavation to the maximum extent reasonably achievable or appropriate, given the geologic and hydrogeologic conditions at a site. In these cases, it must be demonstrated that an above-grade disposal program will provide reasonably equivalent isolation of the tailings from natural erosional forces.

(4) Criterion 4 - The following site and design criteria shall be adhered to whether tailings or wastes are disposed of above or below grade:

- (a) Upstream rainfall catchment areas must be minimized to decrease erosion potential and the size of the probable maximum flood which could erode or wash out sections of the tailings disposal area.
- (b) Topographic features shall provide good wind protection.

(c) Embankment and cover slopes shall be relatively flat after final stabilization to minimize erosion potential and to provide conservative factors of safety assuring long-term stability. The broad objective should be to contour final slopes to grades which are as close as possible to those which would be provided if tailings were disposed of below grade; this could, for example, lead to slopes of about ten horizontal to one vertical (10h:1v) or less steep. In general, slopes should not be steeper than about 5h:1v. Where steeper slopes are proposed, reasons why a slope less steep than 5h:1v would be impracticable should be provided, and compensating factors

and conditions which make such slopes acceptable should be identified.

(d) A fully self-sustaining vegetative cover shall be established or rock cover employed to reduce wind and water erosion to negligible levels.

Where a full vegetative cover is not likely to be self-sustaining due to climatic conditions, such as in semi-arid and arid regions, rock cover shall be employed on slopes of the impoundment system. The NRC will consider relaxing this requirement for extremely gentle slopes such as those which may exist on the top of the pile.

The following factors shall be considered in establishing the final rock cover design to avoid displacement of rock particles by human and animal traffic or by natural processes, and to preclude undercutting and piping:

(i) Shape, size, composition, gradation of rock particles (excepting bedding material, average particle size shall be at least cobble size or greater);

(ii) Rock cover thickness and zoning of particles by size; and

(iii) Steepness of underlying slopes.

(e) Individual rock fragments (~~(shall)~~) must be dense, sound, and resistant to abrasion, and free from defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate (~~(shall)~~) may not be used. Shale, rock laminated with shale, and cherts (~~(shall)~~) may not be used.

Rock covering of slopes may (~~(not be required)~~) be unnecessary where top covers are very thick (on the order of ten meters or greater); impoundment slopes are very gentle (on the order of 10h:1v or less); bulk cover materials have inherently favorable erosion resistance characteristics; and there is negligible drainage catchment area upstream of the pile, and (~~(there is)~~) good wind protection as described in (a) and (b) of this subsection (Criterion 4).

(f) Impoundment surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope gradient. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with substantial rock cover (riprap). In addition to providing for stability of the impoundment systems itself, the overall stability, erosion potential, and geomorphology of surrounding terrain shall be evaluated to assure that there are no processes, such as gully erosion, which would lead to impoundment instability.

(g) The impoundment (~~(shall)~~) may not be located near a capable fault that could cause a maximum credible earthquake larger than that which the impoundment could reasonably be expected to withstand. As used in this criterion, the term "capable fault" has the same meaning as defined in Section III (g) of Appendix A of 10 C.F.R. Part 100. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.

(h) The impoundment, where feasible, should be designed to incorporate features which will promote deposition of suspended particles. For example, design features which promote deposition of sediment suspended in any run-

off which flows into the impoundment area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.

(5) Criterion 5 - Criteria 5(a) through 5(g) and new Criterion 13 incorporate the basic groundwater protection standards imposed by the United States Environmental Protection Agency in 40 C.F.R. Part 192, Subparts D and E (48 FR 45926; October 7, 1983) which apply during operations and prior to the end of closure. Groundwater monitoring to comply with these standards is required by Criterion 7.

(a) The primary groundwater protection standard is a design standard for surface impoundments used to manage uranium and thorium by-product material. Surface impoundments (except for an existing portion) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil, groundwater, or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil, groundwater, or surface water) during the active life of the facility, provided that impoundment closure includes removal or decontamination of all waste residues, contaminated containment system components (liners), contaminated subsoils, and structures and equipment contaminated with waste and leachate. For impoundments that will be closed with the liner material left in place, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility.

(b) The liner required by (a) of this subsection must be:

(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(iii) Installed to cover all surrounding earth likely to be in contact with the wastes or leachate.

(c) The applicant or licensee will be exempted from the requirements of (a) of this subsection if the department finds, based on a demonstration by the applicant or licensee, that alternate design and operating practices, including the closure plan, together with site characteristics will prevent the migration of any hazardous constituents into groundwater or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuation capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

(d) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave actions; rainfall; run-on; from malfunctions of level controllers, alarms, and other equipment; and human error.

(e) When dikes are used to form the surface impoundment, the dikes must be designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the impoundment.

(f) Uranium and thorium by-product materials must be managed to conform to the following secondary groundwater protection standard: Hazardous constituents entering the groundwater from a licensed site must not exceed the specified concentration limits in the uppermost aquifer beyond the point of compliance during the compliance period. Hazardous constituents are those constituents identified by the department pursuant to (g) of this subsection. Specified concentration limits are those limits established by the department as indicated in (j) of this subsection. The department will also establish the point of compliance and compliance period on a site specific basis through license conditions and orders. The objective in selecting the point of compliance is to provide the earliest practicable warning that the impoundment is releasing hazardous constituents to the groundwater. The point of compliance must be selected to provide prompt indication of groundwater contamination on the hydraulically downgradient edge of the disposal area. The department must identify hazardous constituents, establish concentration limits, set the compliance period, and adjust the point of compliance, if needed, when the detection monitoring established under criterion 7 indicates leakage of hazardous constituents from the disposal area.

(g) A constituent becomes a hazardous constituent subject to (j) of this subsection when the constituent:

(i) Is reasonably expected to be in or derived from the by-product material in the disposal area;

(ii) Has been detected in the groundwater in the uppermost aquifer; and

(iii) Is listed in WAC 246-252-050 Appendix A.

(h) The department may exclude a detected constituent from the set of hazardous constituents on a site specific basis if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to exclude constituents, the department will consider the following:

(i) Potential adverse effect on groundwater quality, considering:

(A) The physical and chemical characteristics of the waste in the licensed site, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically connected surface water quality, considering:

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(i) In making any determinations under (h) and (k) of this subsection about the use of groundwater in the area around the facility, the department will consider any identification of underground sources of drinking water and exempted aquifers made by the United States Environmental Protection Agency.

(j) At the point of compliance, the concentration of a hazardous constituent must not exceed:

(i) The department approved background concentration of that constituent in the groundwater;

(ii) The respective value given in the table in subsection (5)(l) of this section if the constituent is listed in the table and if the background level of the constituent is below the value listed; or

(iii) An alternate concentration limit established by the department.

(k) Conceptually, background concentrations pose no incremental hazards and the drinking water limits in (j)(i) of this subsection state acceptable hazards but these two options may not be practically achievable at a specific site. Alternate concentration limits that present no significant hazard may be proposed by licensees for department consideration. Licensees must provide the basis for any proposed limits including consideration of practicable corrective actions, that limits are

as low as reasonably achievable, and information on the factors the department must consider.

The department will establish a site specific alternate concentration limit for a hazardous constituent as provided in (j) of this subsection if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will apply its as low as reasonably achievable criterion in this chapter. The department will also consider the following factors:

(i) Potential adverse effects on groundwater quality, considering:

(A) The physical and chemical characteristics of the waste in the licensed site including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically connected surface water quality, considering:

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(I) MAXIMUM VALUES FOR GROUNDWATER PROTECTION:

Constituent or Property	Maximum Concentration
	Milligrams per liter
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin (1,2,3,4,10,10-hexachloro-1,7 -epoxy-1,4,4a,5,6,7,8,9a-octahydro-1, 4-endo, endo-5,8-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis(p-methoxyphenylethane)	0.1
Toxaphene (C <sub>10</sub> H <sub>10</sub> Cl <sub>6</sub> , Technical chlorinated camphene, 67-69 percent chlorine)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid)	0.01
Picocuries per liter	
Combined radium - 226 and radium - 228	5
Gross alpha - particle activity (excluding radon and uranium when producing uranium by-product material or thorium when producing thorium by-product material)	15

(m) If the groundwater protection standards established under (f) of this subsection are exceeded at a licensed site, a corrective action program must be put into operation as soon as is practicable, and in no event later than eighteen months after the department finds that the standards have been exceeded. The licensee shall submit the proposed corrective action program and supporting rationale for department approval prior to putting the program into operation, unless otherwise directed by the department. The objective of the program is to return hazardous constituent concentration levels in groundwater to the concentration limits set as standards. The licensee's proposed program must address removing the hazardous constituents that have entered the groundwater at the point of compliance or treating them in place. The program must also address removing or treating in place any hazardous constituents that exceed concentration limits in groundwater between the point of compliance and the downgradient facility property boundary. The licensee shall continue corrective action measures to the extent necessary to achieve and maintain compliance with the groundwater protection standard. The department will determine when the licensee may terminate corrective action measures based on data from the groundwater monitoring program and other

information that provide reasonable assurance that the groundwater protection standard will not be exceeded.

(n) In developing and conducting groundwater protection programs, applicants and licensees shall also consider the following:

(i) Installation of bottom liners (where synthetic liners are used, a leakage detection system must be installed immediately below the liner to ensure major failures are detected if they occur. This is in addition to the groundwater monitoring program conducted as provided in Criterion 7. Where clay liners are proposed or relatively thin, in-situ clay soils are to be relied upon for seepage control, tests must be conducted with representative tailings solutions and clay materials to confirm that no significant deterioration of permeability or stability properties will occur with continuous exposure of clay to tailings solutions. Tests must be run for a sufficient period of time to reveal any effects if they are going to occur (in some cases deterioration has been observed to occur rather rapidly after about nine months of exposure)).

(ii) Mill process designs which provide the maximum practicable recycle of solutions and conservation of water to reduce the net input of liquid to the tailings impoundment.

(iii) Dewatering of tailings by process devices or in-situ drainage systems (at new sites, tailings must be dewatered by a drainage system installed at the bottom of the impoundment to lower the phreatic surface and reduce the driving head of seepage, unless tests show tailings are not amenable to such a system. Where in-situ dewatering is to be conducted, the impoundment bottom must be graded to assure that the drains are at a low point. The drains must be protected by suitable filter materials to assure that drains remain free running. The drainage system must also be adequately sized to assure good drainage).

(iv) Neutralization to promote immobilization of hazardous constituents.

(o) Where groundwater impacts are occurring at an existing site due to seepage, action must be taken to alleviate conditions that lead to excessive seepage impacts and restore groundwater quality. The specific seepage control and groundwater protection method, or combination of methods, to be used must be worked out on a site-specific basis. Technical specifications must be prepared to control installation of seepage control systems. A quality assurance, testing, and inspection program, which includes supervision by a qualified engineer or scientist, must be established to assure the specifications are met.

(p) In support of a tailings disposal system proposal, the applicant/operator shall supply information concerning the following:

(i) The chemical and radioactive characteristics of the waste solutions.

(ii) The characteristics of the underlying soil and geologic formations particularly as they will control transport of contaminants and solutions. This includes detailed information concerning extent, thickness, uniformity, shape, and orientation of underlying strata. Hydraulic gradients and conductivities of the various formations must be determined. This information must be gathered from borings and field survey methods taken within the proposed impoundment area and in surrounding areas where contaminants might migrate

to groundwater. The information gathered on boreholes must include both geologic and geophysical logs in sufficient number and degree of sophistication to allow determining significant discontinuities, fractures, and channeled deposits of high hydraulic conductivity. If field survey methods are used, they should be in addition to and calibrated with borehole logging. Hydrologic parameters such as permeability may not be determined on the basis of laboratory analysis of samples alone; a sufficient amount of field testing (e.g., pump tests) must be conducted to assure actual field properties are adequately understood. Testing must be conducted to allow estimating chemi-sorption attenuation properties of underlying soil and rock.

(iii) Location, extent, quality, capacity and current uses of any groundwater at and near the site.

(q) Steps must be taken during stockpiling of ore to minimize penetration of radionuclides into underlying soils; suitable methods include lining or compaction of ore storage areas.

(6) Criterion 6 - (a) In disposing of waste by-product material, licensees shall place an earthen cover (or approved alternative) over tailings or wastes at the end of milling operations and shall close the waste disposal area in accordance with a design<sup>1</sup> which provides reasonable assurance of control of radiological hazards to:

(i) Be effective for 1,000 years, to the extent reasonably achievable, and, in any case, for at least 200 years; and

(ii) Limit releases of Radon-222 from uranium by-product materials, and Radon-220 from thorium by-product materials, to the atmosphere so as not to exceed an average<sup>2</sup> release rate of 20 picocuries per square meter per second (pCi/m<sup>2</sup>s) to the extent practicable throughout the effective design life determined pursuant to (a)(i) of this subsection (this criterion). In computing required tailings cover thicknesses, moisture in soils in excess of amounts found normally in similar soils in similar circumstances may not be considered. Direct gamma exposure from the tailings or wastes should be reduced to background levels. The effects of any thin synthetic layer may not be taken into account in determining the calculated radon exhalation level. If nonsoil materials are proposed as cover materials, it must be demonstrated that these materials will not crack or degrade by differential settlement, weathering, or other mechanism, over long-term intervals.

(b) As soon as reasonably achievable after emplacement of the final cover to limit releases of Radon-222 from uranium by-product material and prior to placement of erosion protection barriers or other features necessary for long-term control of the tailings, the licensees shall verify through appropriate testing and analysis that the design and construction of the final radon barrier is effective in limiting releases of Radon-222 to a level not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire pile or impoundment using the procedures described in 40 C.F.R. part 61, appendix B, Method 115, or another method of verification approved by NRC as being at least as effective in demonstrating the effectiveness of the final radon barrier.

(c) When phased emplacement of the final radon barrier is included in the applicable reclamation plan, the verification of Radon-222 release rates required in (b) of this subsection

(this criterion) must be conducted for each portion of the pile or impoundment as the final radon barrier for that portion is emplaced.

(d) Within ninety days of the completion of all testing and analysis relevant to the required verification in (b) and (c) of this subsection (this criterion), the uranium mill licensee shall report to the department the results detailing the actions taken to verify that levels of release of Radon-222 do not exceed 20 pCi/m<sup>2</sup>s when averaged over the entire pile or impoundment. The licensee shall maintain records until termination of the license documenting the source of input parameters including the results of all measurements on which they are based, the calculations or analytical methods used to derive values for input parameters, and the procedure used to determine compliance. These records shall be kept in a form suitable for transfer to the custodial agency at the time of transfer of the site to DOE or a state for long-term care if requested.

(e) Near surface cover materials (i.e., within the top three meters) may not include waste or rock that contains elevated levels of radium; soils used for near surface cover must be essentially the same, as far as radioactivity is concerned, as that of surrounding surface soils. This is to ensure that surface radon exhalation is not significantly above background because of the cover material itself.

(f) The design requirements in this criterion for longevity and control of radon releases apply to any portion of a licensed or disposal site unless such portion contains a concentration of radium in land, averaged over areas of 100 square meters, which, as a result of by-product material, does not exceed the background level by more than:

(i) 5 picocuries per gram (pCi/g) of radium-226, or, in the case of thorium by-product material, radium-228, averaged over the first 15 centimeters (cm) below the surface; and

(ii) 15 pCi/g of radium-226, or, in the case of thorium by-product material, radium-228, averaged over 15-cm thick layers more than 15 cm below the surface.

(g) By-product material containing concentrations of radionuclides other than radium in soil, and surface activity on remaining structures, must not result in a total effective dose equivalent (TEDE) exceeding the dose from cleanup of radium contaminated soil to the standard (benchmark dose) contained in (f) of this subsection, and must be at levels which are as low as is reasonably achievable (ALARA). If more than one residual radionuclide is present in the same 100 square meter area, the sum of the ratios for each radionuclide of concentration present to the concentration limit will not exceed "1" (unity). A calculation of the potential peak annual TEDE within 1000 years to the average member of the critical group that would result from applying the radium standard, not including radon, on the site must be submitted for approval. The use of decommissioning plans with benchmark doses which exceed 100 mrem/yr, before application of ALARA, requires the approval of the department. This requirement for dose criteria does not apply to sites that have decommissioning plans for soil and structures approved before June 11, 1999.

(h) The licensee shall also address the nonradiological hazards associated with the wastes in planning and implementing closure. The licensee shall ensure that disposal areas

are closed in a manner that minimizes the need for further maintenance. To the extent necessary to prevent threats to human health and the environment, the licensee shall control, minimize, or eliminate post-closure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to the ground or surface waters or to the atmosphere.

- 1 In the case of thorium by-product materials, the standard applies only to design. Monitoring for radon emissions from thorium by-product materials after installation of an appropriately designed cover is not required.
- 2 This average applies to the entire surface of each disposal area over a period of at least one year, but a period short compared to 100 years. Radon will come from both by-product materials and from covering materials. Radon emissions from covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from by-product materials to the atmosphere.

Criterion 6A - (a) For impoundments containing uranium by-product materials, the final radon barrier must be completed as expeditiously as practicable considering technological feasibility after the pile or impoundment ceases operation in accordance with a written, department-approved reclamation plan. (The term as expeditiously as practicable considering technological feasibility as specifically defined in WAC 246-252-010 includes factors beyond the control of the licensee.) Deadlines for completion of the final radon barrier and, if applicable, the following interim milestones must be established as a condition of the individual license: Wind-blown tailings retrieval and placement on the pile and interim stabilization (including dewatering or the removal of free-standing liquids and recontouring). The placement of erosion protection barriers or other features necessary for long-term control of the tailings must also be completed in a timely manner in accordance with a written, approved reclamation plan.

(b) The department may approve a licensee's request to extend the time for performance of milestones related to emplacement of the final radon barrier if, after providing an opportunity for public participation, the department finds that the licensee has adequately demonstrated in the manner required in subsection (6)(b) of this section (Criterion 6) that releases of Radon-222 do not exceed an average of 20 pCi/m<sup>2</sup>s. If the delay is approved on the basis that the radon releases do not exceed 20 pCi/m<sup>2</sup>s, a verification of radon levels, as required by subsection (6)(b) of this section (Criterion 6), must be made annually during the period of delay. In addition, once the department has established the date in the reclamation plan for the milestone for completion of the final radon barrier, the department may extend that date based on cost if, after providing an opportunity for public participation, the department finds that the licensee is making good faith efforts to emplace the final radon barrier, the delay is consistent with the definitions of available technology, and the radon releases caused by the delay will not result in a significant incremental risk to the public health.

(c) The department may authorize by license amendment, upon licensee request, a portion of the impoundment to accept uranium by-product material or such materials that are similar in physical, chemical, and radiological characteristics to the uranium mill tailings and associated wastes already in

the pile or impoundment from other sources, during the closure process. No such authorization will be made if it results in a delay or impediment to emplacement of the final radon barrier over the remainder of the impoundment in a manner that will achieve levels of Radon-222 releases not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire impoundment. The verification required in subsection (6)(b) of this section (Criterion 6) may be completed with a portion of the impoundment being used for further disposal if the department makes a final finding that the impoundment will continue to achieve a level of Radon-222 releases not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire impoundment. In this case, after the final radon barrier is complete except for the continuing disposal area:

- (i) Only by-product material will be authorized for disposal;
- (ii) The disposal will be limited to the specified existing disposal area; and
- (iii) This authorization will only be made after providing opportunity for public participation.

Reclamation of the disposal area, as appropriate, must be completed in a timely manner after disposal operations cease in accordance with subsection (6)(a) of this section (Criterion 6); however, these actions are not required to be complete as part of meeting the deadline for final radon barrier construction.

(7) Criterion 7 - At least one full year prior to any major site construction, a preoperational monitoring program must be conducted to provide complete baseline data on a milling site and its environs. Throughout the construction and operating phases of the mill, an operational monitoring program must be conducted to complete the following:

- (a) To measure or evaluate compliance with applicable standards and regulations;
- (b) To evaluate performance of control systems and procedures;
- (c) To evaluate environmental impacts of operation; and
- (d) To detect potential long-term effects.

The licensee shall establish a detection monitoring program needed for the department to set the site-specific groundwater protection standards in Criterion 5 of this section. For all monitoring under this paragraph, the licensee or applicant will propose for department approval as license conditions, which constituents are to be monitored on a site-specific basis. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under Criterion 5. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when speci-

fied by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to Criterion 5, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

(8) Criterion 8 - Milling operations shall be conducted so that all airborne effluent releases are reduced to as low as is reasonably achievable. The primary means of accomplishing this shall be by means of emission controls. Institutional controls, such as extending the site boundary and exclusion area, may be employed to ensure that off-site exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. The greatest potential sources of off-site radiation exposure (aside from radon exposure) are dusting from dry surfaces of the tailings disposal area not covered by tailings solution and emissions from yellowcake drying and packaging operations. During operations and prior to closure, radiation doses from radon emissions from surface impoundments shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters (e.g., differential pressure and scrubber water flow rate) which determine the efficiency of yellowcake stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency; corrective action shall be taken when performance is outside of prescribed ranges. Effluent control devices shall be operative at all times during drying and packaging operations and whenever air is exhausting from the yellowcake stack.

Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations shall cease as soon as practicable.

Operations may not be restarted after cessation due to off-normal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and restarts shall be reported to the department in writing, within ten days of the subsequent restart.

To control dusting from tailings, that portion not covered by standing liquids shall be wetted or chemically stabilized to prevent or minimize blowing and dusting to the maximum extent reasonably achievable. This requirement may be relaxed if tailings are effectively sheltered from wind, such as

may be the case where they are disposed of below grade and the tailings surface is not exposed to wind. Consideration shall be given in planning tailings disposal programs to methods which would allow phased covering and reclamation of tailings impoundments since this will help in controlling particulate and radon emissions during operation. To control dustings from diffuse sources, such as tailings and ore pads where automatic controls do not apply, operators shall develop written operating procedures specifying the methods of control which will be utilized.

Milling operations producing or involving thorium by-product material shall be conducted in such a manner as to provide reasonable assurance that the annual dose equivalent does not exceed twenty-five millirems to the whole body, seventy-five millirems to the thyroid, and twenty-five millirems to any other organ of any member of the public as a result of exposures to the planned discharge of radioactive materials, Radon-220 and its daughters excepted, to the general environment.

Uranium and thorium by-product materials shall be managed so as to conform to the applicable provisions of Title 40 of the Code of Federal Regulations, Part 440, Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory, as codified on January 1, 1983.

The licensee shall establish a detection monitoring program needed to establish the groundwater protection standards in subsection (5)(f) of this section. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under subsection (5)(f) of this section. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to subsection (5)(f) of this section, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

Daily inspections of tailings or waste retention systems must be conducted by a qualified engineer or scientist and documented. The department must be immediately notified of any failure in a tailings or waste retention system (~~which~~) that results in a release of tailings or waste into unrestricted areas, or of any unusual conditions (conditions not contemplated in the design of the retention system) which if not corrected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.

(9) Criterion 9 - (a) Pursuant to chapter 70.121 RCW, and except as otherwise provided, financial surety arrangements must be established by each mill operator before the commencement of operations to assure that sufficient funds will be available to carry out the decontamination and decommissioning of the mill and site and for the reclamation of any tailings or waste disposal areas. The amount of funds to be ensured by such surety arrangements must be based on department-approved cost estimates in a department-approved plan, or a proposed revision to the plan submitted to the department for approval, if the proposed revision contains a higher cost estimate for:

(i) Decontamination and decommissioning of mill buildings and the milling site to levels which allow unrestricted use of these areas upon decommissioning; and

(ii) The reclamation of tailings or waste areas in accordance with technical criteria delineated in this section.

(b) Each cost estimate must contain:

(i) A detailed cost estimate for decontamination, decommissioning, and reclamation, in an amount reflecting:

(A) The cost of an independent contractor to perform the decontamination, decommissioning, and reclamation activities; and

(B) An adequate contingency factor.

(ii) An estimate of the amount of radioactive contamination in on-site subsurface material;

(iii) Identification of and justification for using the key assumptions contained in the decommissioning cost estimate; and

(iv) A description of the method of assuring funds for decontamination, decommissioning, and reclamation.

(c) The licensee shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives for mitigating these impacts. The plan must include a signed original of the financial instrument obtained to satisfy the surety arrangement requirements of this criterion (unless a previously submitted and approved financial instrument continues to cover the cost estimate for decommissioning). The surety arrangement must also cover the cost estimate and the payment of the charge for long-term surveillance and control required by subsection (10) of this section.

(d) To avoid unnecessary duplication and expense, the department may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other federal or state agencies or local governing bodies for decommissioning, decontamination, reclamation, and long-term site surveillance and control, provided such arrangements are considered adequate to satisfy



these requirements and that the portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge is clearly identified and committed for use in accomplishing these activities.

(e) The licensee's surety mechanism will be reviewed annually by the department to assure, that sufficient funds would be available for completion of the reclamation plan if the work had to be performed by an independent contractor.

(f) The amount of surety liability should be adjusted to recognize any increases or decreases resulting from:

- (i) Inflation;
- (ii) Changes in engineering plans;
- (iii) Activities performed;
- (iv) Spills, leakage or migration of radioactive material producing additional contamination in on-site subsurface material that must be remediated to meet applicable remediation criteria;
- (v) Waste inventory increasing above the amount previously estimated;
- (vi) Waste disposal costs increasing above the amount previously estimated;
- (vii) Facility modifications;
- (viii) Changes in authorized possession limits;
- (ix) Actual remediation costs that exceed the previous cost estimate;
- (x) On-site disposal; and
- (xi) Any other conditions affecting costs.

(g) Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability must be retained until final compliance with the reclamation plan is determined.

(h) The appropriate portion of surety liability retained until final compliance with the reclamation plan is determined will be at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be demonstrated that another arrangement would provide an equivalent level of assurance. This assurance would be provided with a surety instrument which is written for a specified time (for example five years) and which must be automatically renewed unless the surety notifies the department and the licensee with reasonable time (for example ninety days) before the renewal date of their intention not to renew. In such a situation the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief time to allow at least sixty days for the department to collect.

(i) Proof of forfeiture must not be necessary to collect the surety. In the event that the licensee cannot provide an acceptable replacement surety within the required time, the surety shall be automatically collected before its expiration. The surety instrument must provide for collection of the full face amount immediately on demand without reduction for any reason, except for trustee fees and expenses provided for in a trust agreement, and that the surety will not refuse to make full payment. The conditions described previously would have to be clearly stated on any surety instrument

which is not open-ended, and must be agreed to by all parties. Financial surety arrangements generally acceptable to the department are:

- (i) Trust funds;
- (ii) Surety bonds;
- (iii) Irrevocable letters of credit; and
- (iv) Combinations of the financial surety arrangements or other types of arrangements as may be approved by the department. If a trust is not used, then a standby trust must be set up to receive funds in the event the department exercises its right to collect the surety. The surety arrangement and the surety or trustee, as applicable, must be acceptable to the department. Self-insurance, or any arrangement which essentially constitutes self-insurance (for example, a contract with a state or federal agency), will not satisfy the surety requirement because this provides no additional assurance other than that which already exists through license requirements.

(10) Criterion 10 - (a) A minimum charge of two hundred fifty thousand dollars (1978 United States dollars) accrued as specified in WAC 246-235-086(4) to cover the costs of long-term surveillance shall be paid by each mill operator to the agency prior to the termination of a uranium or thorium mill license. If site surveillance or control requirements at a particular site are determined, on the basis of a site-specific evaluation, to be significantly greater than those specified in (a) of this subsection (e.g., if fencing is determined to be necessary), variance in funding requirements may be specified by the department. The total charge to cover the costs of long-term surveillance shall be such that, with an assumed one percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance. The charge will be adjusted annually prior to actual payments to recognize inflation. The inflation rate to be used is that indicated by the change in the consumer price index published by the United States Department of Labor, Bureau of Labor Statistics. Contributions by a licensee to the long-term care trust fund pursuant to chapter 70.121 RCW shall be transferred to cover the costs assessed under this criterion.

(11) Criterion 11 - These criteria relating to ownership of tailings and their disposal sites become effective on November 8, 1981, and apply to all licenses terminated, issued, or renewed after that date.

Any uranium or thorium milling license or tailings license shall contain such terms and conditions as NRC determines necessary to assure that prior to termination of the license, the licensee will comply with ownership requirements of this criterion for sites used for tailings disposal.

Title to the by-product material licensed pursuant to WAC 246-252-030 and land, including any interests therein (other than land owned by the United States or by the state of Washington) which is used for the disposal of any such by-product material, or is essential to ensure the long-term stability of such disposal site, shall be transferred to the United States or the state of Washington. In view of the fact that physical isolation must be the primary means of long-term control, and government land ownership is a desirable supplementary measure, ownership of certain severable subsurface interests (for example, mineral rights) may be determined to be unnecessary to protect the public health and

safety and the environment. In any case, the applicant/operator must demonstrate a serious effort to obtain such subsurface rights, and must, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to either a NRC general or specific license prohibiting the disruption and disturbance of the tailings. In some rare cases, such as may occur with deep burial where no ongoing site surveillance will be required, surface land ownership transfer requirements may be waived. For licenses issued before November 8, 1981, NRC may take into account the status of the ownership of such land, and interests therein, and the ability of a licensee to transfer title and custody thereof to the United States or the state. If NRC, subsequent to title transfer, determines that use of the surface or subsurface estates, or both, of the land transferred to the United States or to a state will not endanger the public health, safety, welfare or environment, NRC may permit the use of the surface or subsurface estates, or both, of such land in a manner consistent with the provisions provided in these criteria. If NRC permits such use of such land, it will provide the person who transferred such land with the right of first refusal with respect to such use of such land.

Material and land transferred to the United States or a state in accordance with this criterion must be transferred without cost to the United States or a state other than administrative and legal costs incurred in carrying out such transfer.

The provisions of this part, respecting transfer of title and custody to land and tailings and wastes, do not apply in the case of lands held in trust by the United States for any Indian tribe, or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States. In the case of such lands which are used for the disposal of by-product material, as defined in this section, the licensee shall enter into arrangements with NRC as may be appropriate to assure the long-term surveillance of such lands by the United States.

(12) Criterion 12 - The final disposition of tailings or wastes at milling sites should be such that ongoing active maintenance is not necessary to preserve isolation. As a minimum, annual site inspections must be conducted by the government agency retaining ultimate custody of the site where tailings or wastes are stored, to confirm the integrity of the stabilized tailings or waste systems, and to determine the need, if any, for maintenance or monitoring. Results of the inspection must be reported to NRC within sixty days following each inspection. NRC may require more frequent site inspections if, on the basis of a site-specific evaluation, such a need appears necessary, due to the features of a particular tailings or waste disposal system.

(13) Criterion 13 - Secondary groundwater protection standards required by Criterion 5 of this section are concentration limits for individual hazardous constituents. The list of constituents found in Appendix A of this chapter, chapter 246-252 WAC, identifies the constituents for which standards must be set and complied with if the specific constituent is reasonably expected to be in or derived from the by-product material and has been detected in groundwater. For purposes of this criterion, the property of gross alpha activity will be treated as if it is a hazardous constituent. Thus, when

setting standards under subsection (5)(j) of this section, the department will also set a limit for gross alpha activity.

**WSR 16-13-059**  
**PERMANENT RULES**  
**HEALTH CARE AUTHORITY**  
(Washington Apple Health)

[Filed June 13, 2016, 9:08 a.m., effective July 14, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency amended this chapter and added new WAC 182-520-0015 to support agency and agency designee action in establishing and recovering long-term services and supports client overpayments. Housekeeping changes were also made in WAC 182-520-0005 and 182-520-0010 to remove the abbreviation "WAH" and make language about the agency's designee parallel with the new section in the chapter.

Citation of Existing Rules Affected by this Order: Amending 182-520-0005 and 182-520-0010.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, 41.05A.005, 41.05.010, and 74.09.741.

Adopted under notice filed as WSR 16-09-013 on April 8, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: June 13, 2016.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-01-021, filed 12/9/13, effective 1/9/14)

**WAC 182-520-0005 Washington apple health fraud referrals and overpayments.** (1) The agency or ~~((its))~~ the agency's designee may refer a case to the office of fraud and accountability for a fraud investigation when it has reliable information that the person purposely misrepresented their circumstances in order to qualify for Washington apple health ~~((WAH))~~.

(2) When a fraud investigation reveals substantial evidence to support a finding of fraud, the case is referred for prosecution. The prosecuting attorney's office decides which cases will be prosecuted.

(3) When a referral results in a conviction, an overpayment amount for the cost of the ((WAH)) apple health coverage is established.

(4) The person is responsible to pay the agency for the amount of overpayment established as a result of a fraud conviction.

**AMENDATORY SECTION** (Amending WSR 14-01-021, filed 12/9/13, effective 1/9/14)

**WAC 182-520-0010 Washington apple health overpayments resulting from an administrative hearing.** (1) If a person asks for Washington apple health ((WAH)) coverage to continue during an appeal, he or she must pay the agency for the cost of that coverage if both (a) and (b) of this subsection occur:

(a) The administrative law judge, or review judge if applicable, enters an order:

(i) That the person was not eligible for ((WAH)) apple health coverage during the appeal;

(ii) Dismissing the hearing under WAC 182-526-0285(3) because the person defaulted (did not attend or refused to participate) and the agency's action that was appealed included a finding that the person was not eligible for ((WAH)) apple health coverage; or

(iii) Dismissing the hearing under WAC 182-526-0285(4) due to a written agreement between all the parties that the person will pay for an overpayment of the cost of ((WAH)) apple health coverage.

(b) The agency decides to collect the overpayment.

(2) The overpayment amount is limited to payments for ((WAH)) apple health coverage that were spent:

(a) During the sixty days following receipt of the hearing request; and

(b) For a person who was not eligible for ((WAH)) apple health coverage.

(3) The agency will not attempt to recover ((WAH)) an apple health overpayment from a nonneedy caretaker relative or guardian except in the case of fraud by the caretaker relative or guardian as described in WAC 182-520-0005.

#### **NEW SECTION**

**WAC 182-520-0015 Long-term services and supports client overpayments.** (1) **General right to recover.**

(a) A long-term services and supports (LTSS) client overpayment is any payment for LTSS made by the agency or the agency's designee on a client's behalf in excess of that to which the client is legally entitled.

(b) An LTSS client overpayment may be caused by:

(i) A client or a client's authorized representative misstating or failing to reveal a fact affecting eligibility under WAC 182-503-0505;

(ii) A client or a client's authorized representative failing to timely report a change required under WAC 182-504-0105; or

(iii) The agency or the agency's designee's error.

(c) The agency or the agency's designee may recoup an LTSS client overpayment:

(i) Up to six years after the date of the notice in subsection (2) of this section; and

(ii) Regardless of whether the program is state-funded, federally funded, or both.

(d) The amount of the LTSS client overpayment equals the amount the agency or the agency's designee paid on the client's behalf minus the amount to which the client was legally entitled.

#### **(2) Notice.**

(a) The agency notifies the client or the client's authorized representative by:

(i) Personal service under RCW 4.28.080; or

(ii) Certified mail, return receipt requested.

(b) The agency or the agency's designee may prove that it notified the client by providing:

(i) A sworn statement;

(ii) An affidavit or certificate of mailing; or

(iii) The certified mail receipt signed by the client or the client's authorized representative.

(c) The notice states:

(i) The client's name;

(ii) The client's address;

(iii) The date the agency or the agency's designee issued the notice;

(iv) The amount of the LTSS client overpayment;

(v) How the agency calculated the LTSS client overpayment;

(vi) How the client may request an administrative hearing; and

(vii) How the client may make a payment.

#### **(3) Response.**

(a) The client must respond to the notice within ninety days of the date the agency or the agency's designee served the client with the notice of the LTSS client overpayment by:

(i) Paying the agency or the agency's designee;

(ii) Establishing a payment plan with the agency or the agency's designee; or

(iii) Requesting an administrative hearing.

(b) If the client does not respond to the notice within ninety days of the date the agency or the agency's designee served the client with the notice, the agency or the agency's designee may initiate collection action.

(4) **Hearings.** A person who disagrees with agency or the agency's designee's action under this section may request an administrative hearing under chapter 182-526 WAC.

### **WSR 16-13-063**

#### **PERMANENT RULES**

#### **SECRETARY OF STATE**

[Filed June 13, 2016, 12:40 p.m., effective July 14, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rule change necessary to update and clarify procedures.

Citation of Existing Rules Affected by this Order: Amending WAC 434-215-012, 434-250-105, 434-250-200, 434-261-020, 434-261-075, 434-262-031, 434-262-032, 434-262-070, 434-335-280, 434-335-323, 434-335-330, and 434-379-008.

Statutory Authority for Adoption: RCW 29A.04.611 and 29A.04.620.

Adopted under notice filed as WSR 16-07-107 on March 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 13, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 13, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 13, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 13, 2016.

Mark Neary  
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 10-03-072, filed 1/18/10, effective 2/18/10)

**WAC 434-215-012 Declaration of candidacy.** Declarations of candidacy filed either in person or by mail shall be in substantially the following form:

((

## Washington State Declaration of Candidacy

<b>office</b>	jurisdiction and office name		position number
<b>personal information</b> <i>as registered to vote</i>	first name	middle	last
	date of birth (mm / dd / yyyy)		phone number
	residential address		city / zip
<b>ballot information</b>	exact name I would like printed on the ballot		
	political party I prefer, if filing for partisan office:		
	<input type="radio"/> (Prefers <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Party)		
	<input type="radio"/> (States No Party Preference)		
<b>campaign information</b>	campaign address (if different from residential address)		city / zip
	email address		phone number
	website		
<b>filing fee</b>	<input type="radio"/> The office has no fixed annual salary: no filing fee <input type="radio"/> The office has a fixed annual salary of \$1,000 or less: \$10 <input type="radio"/> The office has a fixed annual salary over \$1,000: 1% of salary <input type="radio"/> I am submitting a filing fee petition instead of a filing fee		
<b>oath</b>	I declare that the above information is true, that I am a registered voter residing at the address listed above, that I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office.  I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington.		
	sign here	date here	
<b>for office use only</b>	date		voter registration number
	office code		fee

))

# Washington State Declaration of Candidacy

<b>candidate information</b> <i>as registered to vote</i>	first name	middle	last
	residential address		city / zip
	date of birth	email address	phone number

<b>campaign contact information</b> <i>for publication</i>	campaign phone	campaign email
	mailing address (if different from residential address)	city / zip
	campaign website	

<b>ballot information</b>	jurisdiction	office name	position number
	exact name I would like printed on the ballot		
	political party I prefer to be printed on the ballot, if filing for partisan office:		
	<input type="radio"/> (Prefers <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Party) <input type="radio"/> (States No Party Preference)		

<b>filing fee</b>	<input type="radio"/> The office has no filing fee
	<input type="radio"/> A filing fee of \$ _____ accompanies the declaration of candidacy
	<input type="radio"/> I lack sufficient funds and submit a filing fee petition in lieu of the filing fee under RCW 29A.24.091

<b>oath</b>	I declare that the above information is true, that I am a registered voter residing at the address listed above, that I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office.	
	I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington.	
	sign here	date here

<b>for office use only</b>	submission date	voter registration number
	office code	fee

12/2015

The filing officer must provide a paper or electronic copy of the filed declaration of candidacy to the candidate and to the public disclosure commission.

NEW SECTION

WAC 434-215-015 Write-in declaration of candidacy. Declarations of candidacy filed either in person or by mail shall be in substantially the following form:

Washington State Declaration of Write-in Candidacy

candidate information as registered to vote
first name middle last
residential address city / zip
date of birth email address phone number

campaign contact information for publication
campaign phone campaign email
mailing address (if different from residential address) city / zip
campaign website

office information
I am a write-in candidate for: Primary General
jurisdiction office position number

ballot information if qualifying
exact name I would like printed on the ballot if I qualify
political party I prefer to be printed on the ballot, if filing for partisan office:
(Prefers Party)
(States No Party Preference)

filing fee
The office has no filing fee
A filing fee of \$ accompanies the declaration of candidacy
I lack sufficient funds and submit a filing fee petition in lieu of the filing fee under RCW 29A.24.091

oath
I declare that the above information is true, that I am a registered voter residing at the address listed above, that I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office.
I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington.
sign here date here

for office use only
submission date voter registration number
office code fee

12/2015

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

**WAC 434-250-105 Voting centers.** (1) If a location offers replacement ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center. The requirements for staffed ballot deposit sites apply to voting centers. Each voting center must:

(a) Be an accessible location. "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through the buildings or facilities used for voting. The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibility of a voting center. A voting center is fully accessible if all responses in each category are "Yes";

(b) Be marked with signage outside the building indicating the location as a place for voting;

(c) Issue ballots that include a declaration in the ballot materials;

(d) Offer disability access voting in a location or manner that provides for voter privacy. For each voting center, the county auditor must have a contingency plan to accommodate accessible voting in the event that an accessible voting unit malfunctions or must be removed from service;

(e) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;

(f) Have electronic or telephonic access to the voter registration system, consistent with WAC 434-250-095, if the voting center offers voting on a direct recording electronic voting device. The county auditor shall require the voter to print and sign the ballot declaration provided in WAC 434-230-015. Ballot declaration signatures may not be maintained in the order in which they were signed. Before the voter may vote on a direct recording electronic voting device, the county auditor must either:

(i) Verify the signature on the ballot declaration against the signature in the voter registration record; or

(ii) Require the voter to provide photo identification, consistent with RCW 29A.40.160;

(g) Provide either a voters' pamphlet or sample ballots;

(h) Provide voter registration forms;

(i) Display a HAVA voter information poster, containing an example of an actual ballot or a sample ballot in substantially the same format as an actual ballot;

(j) Display the date of that election;

(k) During a primary that includes a partisan office, display the notice provided in WAC 434-230-015 (3)(j), and during a general election that includes a partisan office, display the notice provided in WAC 434-230-015 (3)(k). The party preference notices may also be posted on-screen in direct recording electronic voting devices;

(l) Provide instructions on how to properly mark the ballot; and

(m) Provide election materials in alternative languages if required by the Voting Rights Act.

(2) Where it appears that a particular voter is having difficulty casting his/her vote, and as a result, is impeding other voters from voting, the staff may provide assistance to that voter in the same manner as provided by law for those voters

who request assistance. Where it appears that a voter is impeding other voters from voting to simply cause delay, the staff shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the staff shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

(3) At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots; however, any voter who is in a voting center or in line at a voting center at 8:00 p.m. must be allowed to vote and deposit his or her ballot. Voted ballots, including provisional, mail-in, and direct recording electronic and paper records, must be placed into secured transport carriers for return to the county auditor's office or another designated location.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

**WAC 434-250-200 Return postage.** The ~~((Mailing Standards of the))~~ United States Postal Service~~((;))~~ Domestic Mail Manual~~((;))~~ requires each county auditor to include on the ballot, ballot instructions, mailing instructions, or return envelope~~((, and))~~ the specific amount of first-class postage necessary to return the ballot by mail. This is not required:

(1) For ballots issued to service and overseas voters;

(2) For ballots returned using the business reply mail service;

(3) For ballots returned with postage prepaid by stamps, meter, or permit reply mail; or

(4) If the county auditor has an account with the post office guaranteeing payment of return postage due.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

**WAC 434-261-020 Political party observers.** Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to ~~((the))~~ processing ballots for a primary or election, the county auditor shall ~~((determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements))~~ notify the major political parties in writing of the maximum number of official observers allowed to observe ballot processing and the date ballot processing begins. Where more than one observer is ~~((to be))~~ appointed, the political party shall designate one of ~~((their))~~ the observers as supervisor. The county auditor may require observers to receive training with respect to ballot processing procedures and the vote tallying system.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party con-



cerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

**AMENDATORY SECTION** (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

**WAC 434-261-075 Votes on something other than a ballot.** If the voter returns voting responses by mail on any form other than a ballot, the votes thereon shall be acceptable and tallied provided that:

(1) Only votes for offices or measures for which the voter is eligible are counted.

(2) The candidate or measure response position for which the voter is voting can be clearly identified.

(3) The ballot issued is not returned, or if returned, contains no marks indicating an attempt to vote it.

(4) A valid signature on a ballot declaration is received with the voting responses.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

Votes on a ballot from a previous primary or election cannot be counted for another primary or election. These ballots must be rejected per WAC 434-262-031.

**AMENDATORY SECTION** (Amending WSR 12-14-074, filed 7/2/12, effective 8/2/12)

**WAC 434-262-030 County auditor's abstract of votes.** The county canvassing board shall meet and canvass all ballots. Upon completion of this canvass ten days after a special election, fourteen days after a primary (~~or special election~~), and twenty-one days after a general election, the county auditor shall present the auditor's abstract of votes, which must include:

(1) The number of registered voters eligible to vote in the election;

(2) The number of ballots cast in the election, by precinct;

(3) The votes cast for each race or issue, including write-ins, undervotes, and overvotes;

(4) Legislative and congressional district subtotals, if any; and

(5) The vote totals by county.

**AMENDATORY SECTION** (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

**WAC 434-262-070 Official county canvass report.** (1) Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that:

(a) States that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon;

(b) Provides the total number of registered voters and votes cast in the county;

(c) Contains the oath required by RCW 29A.60.200, signed by the county auditor and attested to by the chair or designee who administered the oath; and

(d) Shall have a space where the official seal of the county shall be attached.

(2) The official county canvass report shall include:

(a) The certification;

(b) The auditor's abstract of votes as described in WAC 434-262-030;

(c) The reconciliation report required by RCW 29A.60.-235, which must include documentation that the number of ballots counted plus the number of ballots rejected is equal to the number of ballots received, and any additional information necessary to explain variances; and

(d) If applicable, a written narrative of errors and discrepancies discovered and corrected.

(3) The certification shall be signed by all members of the county canvassing board or their designees. (~~If one member of the canvassing board cannot be present, and a designee for that member is unavailable, the certification shall be signed by a quorum of the board.~~)

(4) The official county canvass report is the cumulative report referenced in RCW 29A.60.230. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter 29A.64 RCW, or upon order of the superior court. The vote totals contained therein shall constitute the official returns of that election.

**AMENDATORY SECTION** (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

**WAC 434-262-031 Rejection of ballots or parts of ballots.** (1) The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where a voter has already voted one ballot;

(b) Where two voted ballots are returned together:

(i) If the two ballots are returned with only one valid signature on the ballot declaration, the races and measures voted the same on both ballots may be counted once.

(ii) If the two ballots are returned with two valid signatures on the ballot declaration, both ballots may be counted in their entirety;

(c) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(d) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(e) Where the voter has overvoted;

(f) Where the voter validly transferred out of the county;

(g) Where the ballot was created for a prior election.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

**WAC 434-262-032 Provisional ballots—Disposition.**

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the county auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election. A voted ballot received from an unregistered voter, other than a service or overseas voter, is considered a provisional ballot. A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record. Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.

(2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

(3) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, the voter must be offered the opportunity to reregister and the provisional ballot is not counted.

(4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received for his or her precinct, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

(5) If the voter is a registered voter in another county, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted, to the elections official for the jurisdiction in which the voter is registered. The ballot must be forwarded within seven calendar days after a primary or special election and fourteen calendar days after a general election, and as soon as possible if past that date.

(6) If the voter voted a regular ballot and a provisional ballot, the provisional ballot is not counted if the regular ballot has already been counted. The regular ballot is not counted if the provisional ballot has already been counted.

(7) If the voter voted a provisional ballot because he or she failed to produce identification at a voting center, the ballot is counted if the signature on the envelope matches the signature in the voter registration record.

(8) If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.

(9) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.

NEW SECTION

**WAC 434-324-103 Verification notices.** A verification notice must be sent when a voter registration application does not contain all the minimum information required in RCW 29A.08.010. The notice must be sent by first-class forwardable mail and must include a response form that:

(1) Is preaddressed and postage paid or is accompanied by a preaddressed and postage paid return envelope.

(2) Requests that the applicant provide the missing information only.

(3) Requests that the applicant provide the missing information within forty-five days.

If the applicant does not respond by the forty-five day deadline, the voter registration application is considered void.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

**WAC 434-335-280 Logic and accuracy test conduct.**

The county must provide adequate personnel to properly operate the ballot tabulation system. Whenever possible, the system shall be operated during the test by the same person or persons who will be responsible for operating the system on election day. The official logic and accuracy test shall be conducted as follows:

(1) Every ballot tabulator and scanner to be used in the primary or election shall be tested. Digital scan test decks shall be scanned during the official logic and accuracy test.

(2) Undervotes recorded by a digital scan system used to resolve or adjudicate ballots digitally shall be auto-resolved. Some undervotes may be manually resolved to demonstrate the process.

(3) Optical scan tabulators and digital scan tabulators not used to resolve or adjudicate ballots digitally shall be set to out-stack blank ballots, overvotes, and write-in votes.

(4) A printout of the test results shall be produced and compared to the expected test results. If the test results do not match the expected test results, the reason for the discrepancy must be satisfactorily determined and corrections made, if necessary.

(5) The upload of results to the secretary of state's office shall be tested and verified.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

**WAC 434-335-323 Preparing the logic and accuracy test.**

(1) Each county shall prepare a matrix of the test pattern used to mark the test deck of ballots for the official logic and accuracy test. The matrix shall consist of a spreadsheet listing the number of votes cast for each candidate and responses for and against each measure in each precinct or ballot style. The matrix shall include:

(a) For every precinct or ballot style, the first response position of every race or measure shall be marked so the total votes cast for the first candidate of a race or the first response to a measure equals the total number of precincts or ballot styles being tested for that contest or measure;

(b) Two votes for the second response position, three votes for the third response position, four votes for the fourth response position, etc.;

(c) For each tabulator's test deck:

(i) One write-in vote;

(ii) One overvoted race;

(iii) One blank ballot; and

(iv) At least one of each type of ballot to be used during the election including ballots on demand, alternative lan-

guage ballots, electronically marked ballots, and electronically duplicated ballots.

(d) For all responses within a race or measure, including write-ins, unique results. Additional ballots must be added to the test deck in the following circumstances:

(i) Within a race or measure, more than one response has the same results;

(ii) A candidate appears in two different races on the same ballot; and

(iii) More than one measure appears on a ballot within the same jurisdiction and each has the same response position names. For example, if two measures with "yes" and "no" response names appear for the same jurisdiction, the test results shall be unique between the two measures.

(2) A copy of the county's test matrix and a sample ballot shall be sent to the office of the secretary of state by the fourteenth day prior to the official logic and accuracy test. The office of the secretary of state shall review the provided matrix to determine if it is prepared in accordance with this section.

(3) The county auditor shall produce a test deck of ballots based on the test matrix to be used in the official logic and accuracy test.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

**WAC 434-335-330 Logic and accuracy test certification.** (1) The official logic and accuracy test shall be certified by the county auditor or deputy, the secretary of state representative, and any political party observers for a state primary or general election in accordance with RCW 29A.12.130. Additionally, the county auditor must verify in writing that the version numbers for all software, firmware, and hardware of the voting system used have not changed from the certified versions.

(2) The county auditor shall provide the secretary of state representative copies of the following documents:

- (a) Test results;
- (b) A zero report;
- (c) Signed verification of the version numbers;
- (d) Signed certification of the official logic and accuracy test;

(e) A test log of:

(i) The number of accessible voting units to be used in the primary or election; and

(ii) The electronic duplication system, if electronic duplication will be used in the primary or election; and

(f) Any other documentation requested by the secretary of state representative in advance of the official test.

(3) Copies of the certification documents must be retained by the secretary of state and the county auditor. All test results, test ballots, the signed certification, and a copy of the tabulation programming or the actual tabulation equipment must be kept in secure storage until the ~~((day of the))~~ equipment is used for a primary or election. The secure storage must use numbered seals and logs that will detect any inappropriate access.

(4) If, for any reason, changes are made to the ballot counting programming after the official logic and accuracy

test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-335-310.

AMENDATORY SECTION (Amending WSR 12-14-074, filed 7/2/12, effective 8/2/12)

**WAC 434-379-008 Petition requirements.** (1) Petitions must be at least eleven inches wide by fourteen inches long.

(2) Petitions must include:

(a) The initiative or referendum number;

(b) The ballot title, which must include:

(i) The subject, not more than ten words;

(ii) The concise description, not more than thirty words;

and

(iii) The question((:)).

(c) The form and text required by:

(i) RCW 29A.72.110 for an initiative to the legislature;

(ii) RCW 29A.72.120 for an initiative to the people; or

(iii) RCW 29A.72.130 for a referendum measure((:)).

(d) The warning in RCW 29A.72.140, printed on the front to cover at least four square inches;

(e) Numbered lines, not more than twenty, with space for each person to provide his or her:

(i) Original signature;

(ii) Printed name; and

(iii) Address, city, and county where registered to vote((:)).

(f) A ~~((one-inch margin))~~ blank space on the bottom left hand corner of the front side, one and one-half inch square;

(g) The full text of the measure printed on the back; ~~((and))~~

(h) The circulator's declaration printed on the back; and

(i) Petition sheets printed with a one-inch margin on the bottom may be submitted through December 31, 2016.

NEW SECTION

**WAC 434-379-0073 Transmittal to the attorney general.** Once the proposed text and certificate of review to an initiative or referendum is received, the secretary of state shall place the assigned serial number and the date filed on the top of the initiative or referendum text submitted by the sponsor. The secretary of state will submit the text with required information to the attorney general within one business day of the sponsor filing the proposed text.

NEW SECTION

**WAC 434-379-0077 Withdrawal of an initiative or referendum.** A sponsor may withdraw an initiative or referendum by submitting a written request to the secretary of state. The sponsor may withdraw an initiative or referendum until the time when the measure's ballot title and summary are finally established. The ballot title and summary are considered finally established five days after the attorney general submits the ballot title and summary to the secretary of state or, in the case of an appeal, when the court has rendered a final order. The sponsor cannot withdraw an initiative or referendum after it is finally established.

**WSR 16-13-066**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 13, 2016, 3:15 p.m., effective July 14, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repeal of WAC 308-105-100 Fee, regarding the fee for an enhanced driver's license or enhanced identification card. The statute authorizing the department of licensing to adopt a rule to set the amount of the fee has been amended to remove the authorization and the amount of the fee is now set by the statute, RCW 46.20.202.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-105-100.

Adopted under notice filed as WSR 16-08-012 on March 25, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 13, 2016.

Damon G. Monroe  
Rules Coordinator

**WSR 16-13-067**  
**PERMANENT RULES**  
**WASHINGTON STATE**  
**SCHOOL FOR THE BLIND**

[Filed June 13, 2016, 3:40 p.m., effective July 14, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Proposed rules adopt best practices in the attorney general's model rules to clarify and streamline procedures for making and processing public records requests, to publish a list of potential other statute exemptions, to clarify procedures for reviewing denials of requests and to update statutory cites resulting from recodification of the Public Records Act in chapter 42.56 RCW.

Citation of Existing Rules Affected by this Order: Repealing 8; and amending 6.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: RCW 42.56.100.

Adopted under notice filed as WSR 16-09-055 on April 15, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 6, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 1, 2016.

Scott McCallum  
Superintendent

AMENDATORY SECTION (Amending WSR 90-16-009, filed 7/19/90, effective 8/19/90)

**WAC 72-276-010 Purpose.** The purpose of the rules in this chapter is to ~~((ensure that the school complies with the public records provisions of RCW 42.17.250 through 42.17.340))~~ establish the procedures Washington state school for the blind (school) will follow in order to provide full access to nonexempt public records. These rules provide information to persons requesting access to public records of the school and establish processes for both requestors and school staff that are designed to best assist members of the public in obtaining access.

AMENDATORY SECTION (Amending WSR 90-16-009, filed 7/19/90, effective 8/19/90)

**WAC 72-276-030** ~~((Description of central organization of Washington state school for the blind.))~~ Agency description—Public records officer—Public records. (1) Washington state school for the blind is a state agency and school established and organized under the authority of chapter 72.40 RCW ~~((for the purpose of implementing the educational goals established by the legislature in RCW 72.40.010)).~~ The administrative office of the school is located ~~((in))~~ at 2214 East 13th Street, Vancouver, Washington. ~~((The Vancouver campus comprises the central headquarters for all operations of the school.))~~

(2) The school operates under the supervision and control of the superintendent of the state school for the blind, appointed by the governor. The superintendent takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the office of superintendent of public instruction and the United States Department of Education, as are necessary to the administration and operation of the school.

(3) A board of trustees serves as an advisory board to the superintendent and to the legislature. The board consists of a member from each of the states' congressional districts and ex officio members representing specific interests and constituents of the school. The responsibilities and functions of the board are provided in chapter 72.41 RCW.

(4) The on-campus school is ~~((comprised of three components. The education component is under the direction of~~

the school principal. The residential life component is under the supervision of the director of residential life. The support services component is provided by consolidated services under an interagency agreement between the Washington state school for the blind and the Washington state school for the deaf. Medical services and outreach programs are under the direction of the superintendent. A detailed description of the administrative organization of the school)) under the direction of the director of education/on-campus programs. Additional departments include outreach, instructional resource/braille production center, early intervention and outreach. An organizational chart is available at the administrative office of the school.

**AMENDATORY SECTION** (Amending WSR 90-16-009, filed 7/19/90, effective 8/19/90)

**WAC 72-276-050 Public records available.** ((All public records of the school, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.)) **(1) Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the school, Monday through Friday, 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar. Records must be inspected at the offices of the school.

**(2) Records index.** An index of public records is available for use by members of the public consisting of the records retention schedule according to record series title, manuals and policy statements by one or more of the following classifications: Administration, statewide (outreach) services, academic and residential life.

**(3) Organization of records.** The school will maintain its records in a reasonably organized manner. The school will take reasonable actions to protect records from damage and disorganization. A requestor shall not take records from school offices without the permission of the public records officer or designee.

**(4) Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the school should make the request in writing on the school's public records request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records;
- The date and time of day of the request; and
- A verification that the records requested shall not be used for commercial purposes.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 72-276-090, standard photocopies will be provided at fifteen cents per page.

(c) A form is available for use by requestors at the office of the public records officer or online at the school's web site.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

**NEW SECTION**

**WAC 72-276-055 Processing of public records requests.** **(1) Order of processing public records requests.** The public records officer or designee will process requests in the order that allows the most requests to be processed in the most efficient manner.

**(2) Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available;

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

**(3) If no response is received.** If the school does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to ensure that the school received the request.

**(4) Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for the affected persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

**(5) Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the school believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

**(6) Inspection of records.**

(a) Consistent with other demands, the school shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall

indicate which documents he or she wishes the school to copy.

(b) The requestor must claim or review the assembled records within thirty days of the school's notification to him or her that the records are available for inspection or copying. The school will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the school to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the school may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Electronic records.** The process for requesting electronic public records is the same as for requesting paper public records. When a person requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the school and is generally commercially available, or in a format that is reasonably translatable from the format in which the school keeps the record.

(9) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(10) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the school has completed a diligent search for the requested records and made any located nonexempt records available for inspection. Then the public records officer will close the request.

(11) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the school has closed the request.

(12) **Later discovered documents.** If, after the school has informed the requestor that it has provided all available records, the school becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

AMENDATORY SECTION (Amending WSR 90-16-009, filed 7/19/90, effective 8/19/90)

WAC 72-276-090 (~~(Copying)~~) **Costs of providing copies of public records.** ((No fee shall be charged for the inspection of public records. The school may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the school for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record had tendered payment for such copying to the appropriate school official. All charges must be paid by money order, cashier's check, or cash in advance.)) (1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page and color copies for twenty-five cents per page.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The school will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records shall be five dollars for information on a CD-ROM. The cost of scanning existing school paper or other nonelectronic records is ten cents per page. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(3) **Costs of mailing.** The school may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to the Washington state school for the blind.

AMENDATORY SECTION (Amending WSR 90-16-009, filed 7/19/90, effective 8/19/90)

WAC 72-276-100 (~~(Determination regarding exempt records)~~) **Exemptions.** ((1) The school reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 72-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, the school superintendent, or an assistant attorney general assigned to the school.

(2) Pursuant to RCW 42.17.260, the school reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is

notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.) (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the school for inspection and copying:

(a) The Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;

(b) RCW 5.60.060(2), records subject to the attorney-client privilege; and

(c) RCW 42.56.290, attorney work-product involving a controversy.

(2) The school is prohibited by statute from disclosing lists of individuals for commercial purposes.

AMENDATORY SECTION (Amending WSR 90-16-009, filed 7/19/90, effective 8/19/90)

**WAC 72-276-110 Review of denials of public records requests.** (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a request for a public record may petition in writing (including e-mail) to the public records officer for prompt review of ((such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the superintendent, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying public record, the superintendent, or his or her designee, shall complete such review.

(4) During the course of the review, the superintendent or his or her designee, shall consider the obligations of the school fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the school to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details)) that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor for review. That person will immediately consider

the petition and either affirm or reverse the denial within two business days following the school's receipt of the petition, or within such other time as mutually agreed upon by the school and the requestor.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the school denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 72-276-020	Definitions.
WAC 72-276-040	Operations and procedures.
WAC 72-276-060	Public records officer.
WAC 72-276-070	Office hours.
WAC 72-276-080	Requests for public records.
WAC 72-276-120	Protection of public records.
WAC 72-276-130	Records index.
WAC 72-276-140	Adoption of form.

#### **WSR 16-13-068**

#### **PERMANENT RULES**

#### **WASHINGTON STATE**

#### **SCHOOL FOR THE BLIND**

[Filed June 13, 2016, 3:41 p.m., effective July 14, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rule changes update provisions for consistency with the revision in the federal and state regulations implementing the Family Educational Rights Privacy Act and Individuals with Disabilities Education Act.

Citation of Existing Rules Affected by this Order: Repealing 2; and amending 9.

Statutory Authority for Adoption: RCW 72.40.022.

Adopted under notice filed as WSR 16-09-056 on April 15, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 9 [0], Amended 0 [9], Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 1, 2016.

Scott McCallum  
Superintendent

AMENDATORY SECTION (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-010 Confidentiality of student records.**

The Washington state school for the blind implements policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act ((of 1974)), 20 U.S.C. Sec. 1232(g) (and the Education of the Handicapped Act, 20 U.S.C. Secs. 1400 through 1420, this policy has been created:

(1) To ensure that information contained in student education records is treated in a responsible manner with due regard for the personal nature of such information;

(2) To ensure the accuracy of information contained in student education records by providing parents (or eligible students) with the opportunity to inspect the records; and

(3) To ensure the continued confidentiality of such records by establishing procedures governing the release of information contained therein.); 34 C.F.R. Part 99 (FERPA).

This law establishes that the education records of students attending or having attended the state school for the blind (school) are confidential and can be released only with written permission of the parent (or adult student). The primary rights of parents and adult students under FERPA are:

(1) To inspect and review education records;

(2) To request amendment of education records; and

(3) To have some control over the disclosure of information from education records.

AMENDATORY SECTION (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-011 Definitions.** As used in this chapter:

(1) "Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, ~~((address, telephone listing,))~~ date ~~((and place))~~ of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, ~~((degrees))~~ diplomas, honors, and awards received, and the most recent ((previous educational agency or institution)) school or program attended.

(2) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.

(3) "Education records" means ~~((those records, files, documents, and other materials that are:~~

~~(a) Maintained by the school; and~~

~~(b) Directly related to a student.~~

~~The term "education records" does not include:~~

~~(i) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;~~

~~(ii) Records of the school security department that are kept apart from education records, maintained solely for law enforcement purposes, and are not available to persons other than law enforcement officials of the same jurisdiction;~~

~~(iii) In the case of persons who are employed by but do not attend the school, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose: Provided, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school who is employed as a result of his or her status as a student;~~

~~(iv) Records on a student who is eighteen years of age or older that are created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity and that are created, maintained, or used only in connection with the treatment of the student; and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice;~~

~~(v) Records that contain only information relating to an individual after he or she is no longer a student at the school)) the type of records covered under the definition of "education records" in 34 C.F.R. Part 99 (regulations implementing FERPA).~~

(4) "Eligible student" means a student who has reached eighteen years of age. When a student becomes an "eligible student," the rights accorded to, and the consent required of, parents under this chapter, transfer from the parents to the student.

(5) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(6) "Party" means an individual, agency, institution, or organization.

(7) "Personally identifiable information" includes, but is not limited to, the student's name; the name of the student's parent or other family member; the address of the student or student's family; a personal identifier, such as the student's Social Security number or student number or biometric records; a list of personal characteristics or other information that would make ((the student's identity easily traceable; or other information that would make the student's identity easily traceable)) it possible to identify the student with reasonable certainty.

(8) "Student" means any individual who is or has been in attendance at the school and regarding whom the school maintains education records.

(9) "Legitimate educational interest" exists if the school official needs to have access to the record in order to fulfill



the official's professional responsibility, perform appropriate tasks that are specified in his or her position description or contract agreement, perform a function related to a student's education or discipline, perform a service or benefit relating to the student or student's family, such as health education, counseling, advising, or student employment, or maintain safety and security.

(10) "School official" includes a person employed by the school as a teacher, administrator, supervisor, counselor, support or clerical staff, human resources staff, information systems specialist, school security personnel, a person appointed to the board of trustees, a person with whom the school has contracted to perform a service to or on behalf of the school (such as an attorney, hearing officer, auditor, medical consultant, or therapist), a parent or student serving on an official committee or assisting another school official in performing his or her tasks, or other party to whom the school has outsourced institutional services or functions.

(11) "Participating agency" means any school district, agency or institution which collects, maintains, or uses personally identifiable information, or from which information is obtained in implementing chapters 392-172A and 72-171 WAC (rules for the provision of special education), and includes the OSPI, school districts and other public agencies.

**AMENDATORY SECTION** (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-015 Notice.** The school ~~((shall))~~ provides parents ~~((of student(s)))~~ or eligible students ~~((s))~~ currently in attendance with annual notice of their rights under ~~((this chapter. The notice shall inform parents (or eligible students) of their right to:~~

- ~~(1) Inspect and review the student's education records;~~
- ~~(2) Request amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;~~
- ~~(3) Consent to disclosure of personally identifiable information contained in the student's education records;~~
- ~~(4) Obtain a copy of the school's policy on access to and disclosure of education records; and~~
- ~~(5) File with the United States Department of Education a complaint concerning alleged failures to comply with the requirements of the Family Educational Rights and Privacy Act)) FERPA by publication in the parent/student handbook and through these rules.~~

**AMENDATORY SECTION** (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-020 ~~((Education records—Parents' (or eligible students') right to inspect.))~~ Access rights.** (1) ~~((A parent, eligible student, or representative of the parent has the right to inspect and review the education records of the student.))~~ The school shall permit parents of students eligible for special education to inspect and review, during school business hours, any education records relating to the student which are collected, maintained, or used by the school under chapters 392-172A and 72-171 WAC. A request by a parent (or eligible student) to inspect and review education records should be made in writing to the director of education. The

director of education or designee shall comply with a request promptly and before any meeting regarding an individualized education program or hearing or resolution session relating to the identification, evaluation, educational placement of the student or provision of FAPE to the student, including disciplinary proceedings. The school shall respond, in no case, more than forty-five calendar days after the request has been made.

(2) Where the education record ~~((or data))~~ includes information on more than one student, the parent(s) of those students (or the eligible students) shall have the right to inspect and review only the information relating to their child (or themselves) or to be informed of that specific information.

(3) ~~((The parent (or eligible student) has the right to obtain copies of the student's education records. Charges for the copies shall not exceed the cost normally charged by the school. However, if the fee effectively prevents the parent (or eligible student) from exercising the right to inspect and review the student's education records, the school may provide such copies free of charge.))~~ The right to inspect and review education records under this section includes:

(a) The right to a response from the school to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent or eligible student from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent or eligible student inspect and review records.

(4) The school may presume that a parent has authority to inspect and review records relating to his/her child unless the school has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and dissolution.

(5) A list of the types and locations of education records collected, maintained, or used by the school may be obtained by the parent (or eligible student) at the director of education's office.

**AMENDATORY SECTION** (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-030 ~~((Education records—))~~ Amendment of records—Hearing on request to amend records.**

(1)(a) A parent (or eligible student) who believes that information contained in the education record is inaccurate, misleading, or violates the privacy or other rights of the student, may request the school to amend the information.

(b) ~~((The right to challenge, under this chapter, shall not be used to contest grades which are correctly recorded.))~~ A parent (or eligible student) shall not be permitted under this chapter to challenge the validity of grades or other evaluations which are accurately recorded.

(2) The school shall decide whether to amend the record as requested within a reasonable time after receipt of the request.

(3) If the school decides not to amend the record as requested, it shall inform the parent (or eligible student) of

the decision and of the right to a ~~((brief adjudicative proceeding under WAC 72-108-100))~~ hearing.

~~(4) The school ((shall, on request, provide an opportunity for a brief adjudicative proceeding to challenge information in the education record on the grounds provided for in subsection (1) of this section)) will conduct a hearing within a reasonable time after it has received the request for a hearing.~~

~~(a) Notice of the date, time and place shall be provided reasonably in advance of the hearing.~~

~~(b) The hearing may be conducted by any party, including an official of the school, who does not have a direct interest in the outcome of the hearing. The parent (or eligible student) shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend an education record. The parent (or eligible student) may, at their own expense, be assisted or represented at the hearing by one or more individuals, including an attorney.~~

~~(c) The school will provide a written decision within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely upon the evidence presented at the hearing and include a summary of the evidence presented and the reasons for the decision.~~

~~(5) ((For the purpose of this chapter:~~

~~(a) The decision of the brief adjudicative proceeding must be based solely on the evidence presented at the brief adjudicative proceeding and must include a summary of the evidence and the reasons for the decision.~~

~~(b) The parent (or eligible student) may, at their own expense, be assisted or represented by one or more individuals of his or her choice, including an attorney. Where the parent (or eligible student) is represented by an attorney, the school may be represented by an assistant attorney general.~~

~~(6)) If, as a result of the ((brief adjudicative proceeding)) hearing, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or eligible student) in writing.~~

~~((7)) (6) If, as a result of the ((brief adjudicative proceeding)) hearing, the school decides that the information is not accurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent (or eligible student) of the right to place in the records it maintains on the student a statement commenting on the challenged information or setting forth any reasons for disagreeing with the decision of the school((-or both)).~~

~~((8)) (7) Any explanation placed in the records of the student under this section must:~~

~~(a) Be maintained by the school as part of the records of the student as long as the record or contested portion is maintained by the school; and~~

~~(b) Be included with any disclosure of the record or contested portion to which the explanation relates.~~

AMENDATORY SECTION (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-040 ((Disclosure of personally identifiable information from education records.)) Consent for release of records. ((1) The school shall not permit access**

to or the release of education records or personally identifiable information contained there (other than "directory information") without the written consent of the parent (or eligible student) to any party other than the following:

~~(a) School officials, including teachers, when the information is required for a legitimate educational interest within the performance of their responsibilities to the school, with the understanding that its use will be strictly limited to the performance of those responsibilities;~~

~~(b) Officials of another school, school system, or institution of postsecondary education who have requested the records and in which the student seeks or intends to enroll, upon condition that:~~

~~(i) The parent (or eligible student) be notified of the transfer (unless the disclosure is initiated by the parent or eligible student);~~

~~(ii) The parent (or eligible student), upon request, receive a copy of the record that was disclosed; and~~

~~(iii) The parent (or eligible student), upon request, receive an opportunity for a brief adjudicative proceeding to challenge the content of the record;~~

~~(e) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federal or state supported education program, or in connection with the enforcement of or compliance with federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of legal requirements;~~

~~(d) Organizations conducting studies for, or on behalf of the school, for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction: Provided, That the study is conducted in such a manner that does not permit the personal identification of parents and students by persons other than representatives of such organizations, and such information is destroyed when no longer needed for the purposes for which it was provided;~~

~~(e) Accrediting organizations in order to carry out their accrediting functions;~~

~~(f) Any person or entity designated by judicial order or lawfully issued subpoena: Provided, That the school makes a reasonable effort to notify the parent (or eligible student) of the order or subpoena in advance of compliance. Any school employee receiving a subpoena or judicial order for education records should immediately notify the attorney general;~~

~~(g) Those individuals or agencies to which a release of information without consent is permitted by the rules that implement the Family Educational Rights and Privacy Act of 1974, 34 C.F.R. Secs. 99.31 through 99.37.~~

~~(2) Where the consent of a parent (or eligible student) is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:~~

~~(a) A specification of the records to be released;~~

~~(b) The reasons for such release; and~~

~~(e) The names of the parties to whom such records will be released.~~

~~(3) When a disclosure is made under subsection (2) of this section, if a parent (or eligible student) so requests, the school shall provide him or her with a copy of the records disclosed.~~

~~(4) Personally identifiable education records released to third parties, with or without parent (or eligible student) consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other party without the prior consent of the parent (or eligible student).~~

~~(5) Unless otherwise prohibited by law, information from education records may be released to appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health or safety of a student or other person(s-))~~ (1) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with subsection (2) of this section, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 C.F.R. Part 99.

(2) Except as provided in this section, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this part.

(3) Parental consent, or the consent of an eligible student who has reached the age of majority under state law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

(4) If a parent (or eligible student) so requests, the school shall provide him or her with a copy of the records disclosed.

(5) "Directory information" may be disclosed without the parent's (or eligible student's) prior written consent, unless the parent (or eligible student) notifies the school in writing within ten days of enrollment and thereafter by the tenth day of the academic year that he or she does not want any or all of the student's information to be designated as directory information.

AMENDATORY SECTION (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-050 Safeguards.** (1) The school shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

~~((A school official shall insure))~~ The director of education is responsible for assuring the confidentiality of any personally identifiable information.

(3) The school shall maintain, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information.

AMENDATORY SECTION (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-055 Record of access.** ~~((+))~~ The school shall maintain a record of ~~((each request for access to and~~

~~each disclosure of personally identifiable information from the education records of each student.~~

~~(2) The school shall maintain the record with the education records of the student as long as the records are maintained.~~

~~(3) For each request or disclosure the record must include:~~

~~(a) The name of the party;~~

~~(b) The date access was given; and~~

~~(c) The legitimate interest or purpose for which the party is authorized to use the records.~~

~~(4) If the party receiving personally identifiable information makes further disclosures of the information on behalf of the school, the record must include:~~

~~(a) The names of additional parties to which the receiving party may disclose the information; and~~

~~(b) The legitimate interests under WAC 72-280-040 which each of the additional parties has in requesting or obtaining the information.~~

~~(5) Subsection (1) of this section does not apply if the request was from, or the disclosure was to:~~

~~(a) The parent or eligible student;~~

~~(b) A school official under WAC 72-280-040 (1)(a);~~

~~(c) A party with written consent from the parent or eligible student; or~~

~~(d) A party seeking directory information))~~ parties obtaining access to educational records collected, maintained, or used under this chapter including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The agency is not required to keep a record of access by parents, and authorized employees with a legitimate educational interest in the records.

AMENDATORY SECTION (Amending WSR 90-16-010, filed 7/19/90, effective 8/19/90)

**WAC 72-280-060 Destruction of information.** (1) Student education records may be destroyed in accordance with state laws and regulations: Provided, That the school shall not destroy any education records if there is an outstanding request to inspect and review the records under this chapter.

(2)(a) The school shall inform parents (or eligible students) when personally identifiable information is no longer needed to provide educational services to the student, or is no longer required to be retained under state or federal law.

(b) At the request of a parent (or eligible student), the school shall destroy personally identifiable information. However, the school may maintain a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year of completion without time limitation.

(3) For the purpose of this section, "destruction" means physical destruction or removal of personal identifiers.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 72-280-025 Education records—Access procedures.  
 WAC 72-280-070 Directory information.

**WSR 16-13-069**  
**PERMANENT RULES**  
**WASHINGTON STATE**  
**SCHOOL FOR THE BLIND**

[Filed June 13, 2016, 3:41 p.m., effective July 14, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rule changes are needed to update, clarify and streamline student conduct code standards and procedures, as well as to incorporate federal and state requirements regarding harassment, intimidation, bullying, discrimination and sexual harassment, as well as Title IX/OCR guidance. Prohibited student conduct will be more clearly defined and expanded to cover additional undesirable behaviors.

Citation of Existing Rules Affected by this Order: Repealing 23; and amending 3.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: RCW 28A.300.285; 20 U.S.C. § 1681 et seq.

Adopted under notice filed as WSR 16-09-057 on April 15, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 3, Repealed 23.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 1, 2016.

Scott McCallum  
 Superintendent

NEW SECTION

**WAC 72-120-001 Purpose and application.** The purpose of this chapter is to establish standards of conduct for students and prescribe the substantive and procedural due process rights of students at the school. The procedures and standards set forth in this chapter shall govern the imposition of discipline. "Discipline" means all forms of corrective action other than emergency removal from a class, subject, or

activity, suspension, or expulsion and shall include the exclusion of a student from a class by a teacher or administrator for a period of time not exceeding the balance of the immediate class period: Provided that the student is in the custody of a school district employee for the balance of such period. Discipline shall also mean the exclusion of a student from any other type of activity conducted by or on behalf of the school. Discipline is considered part of the school's educational process. In every case of misconduct, the nature and circumstances of the violation will be considered and appropriate discipline will be administered on a less restrictive alternative basis including, but not limited to, time out, detention, behavior contracts, restriction of privileges, reprimand, restitution, suspension or expulsion.

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

**WAC 72-120-010 Student responsibilities and duties.**

The mission of the Washington state school for the blind is to provide specialized educational services to blind, visually impaired and deaf-blind students which will assist those students to develop skills, competencies and attitudes that are fundamental to the development of responsible, contributing citizens. Admission to the Washington state school for the blind carries with it the obligation of responsibility for the welfare of the school. In order to advance the mission of the school, it shall be the responsibility and duty of each student to pursue his/her course of studies, respect the rights of others, comply with written rules adopted herein, and submit to reasonable (~~(disciplinary)~~) corrective action for violation(s) of such rules. This chapter is intended to assure that (~~(disciplinary)~~) corrective action is imposed for just cause and in a fair and reasonable manner.

NEW SECTION

**WAC 72-120-012 Jurisdiction.** The student conduct code shall apply to student conduct that occurs on school premises, during transportation to and from school, to conduct that occurs at or in connection with school-sponsored programs or activities, or to off-campus conduct (or in non-school electronic environments) that in the judgment of the school threatens safety or security or otherwise adversely impacts the school community.

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

**WAC 72-120-015 Student rights.** (1) Each student (~~(is guaranteed)~~) shall possess the following substantive rights(~~(; within the limitations of statutory law and school policy which are deemed necessary to achieve the school's educational goals)~~):

(a) (~~(Students possess the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.)~~) No student shall be unlawfully denied an equal educational opportunity or be unlawfully discriminated against because of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or iden-

tity, disability, or the use of a trained dog guide or service animal.

(b) Students possess the ~~((rights, guaranteed under the Constitution, to freedom of expression, free inquiry, and peaceable assembly upon and within school facilities that are generally open and available to the public))~~ constitutional right to freedom of speech and press, and the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances.

(c) Students possess the rights, guaranteed under the Constitution, to the free exercise of religion and to have their school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising such right.

(d) Students possess the constitutional right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures, subject to limitations set forth in RCW 28A.67.300, 28A.67.310, 28A.67.320, and 28A.67.330.

(e) Students shall have the right to be free from unlawful interference in their pursuit of an education while enrolled at the Washington state school for the blind.

(f) Students shall not be deprived of the right to an equal educational opportunity in whole or in part by the Washington state school for the blind without due process including:

(i) Notice to the accused of the nature of the charges and the proposed disciplinary action; and

(ii) The opportunity to request a hearing as set forth in this chapter.

(2) The foregoing enumeration of rights shall not be construed to deny or disparage other rights guaranteed in the Constitution and the laws of the state of Washington.

(3) The school shall publish and make available to all students and parents, on an annual basis, written rules which state with reasonable clarity the types of misconduct for which disciplinary action may be imposed.

#### NEW SECTION

**WAC 72-120-020 References to OSPI's rules.** Where OSPI's rules are incorporated by reference: "School district" means "Washington state school for the blind"; "school district superintendent" means "superintendent of the Washington state school for the blind." These substitutions should be made as appropriate. They should not be made where the "school district" referred to is the student's district of residence.

#### NEW SECTION

**WAC 72-120-110 Prohibited student conduct.** The school may impose disciplinary sanctions against a student who commits, or aids, abets, incites, encourages or assists another person to commit, an act(s) of misconduct set forth in this section. As applicable, the term "conduct" includes acts performed by electronic means.

(1) **Personal offenses.** The term "personal offense" is an offense against the safety or security of any person and includes physical assault, reckless endangerment, physical or verbal abuse, threats, intimidation, harassment, bullying, stalking, invasion of privacy, or other similar conduct that

harms any person, or that is reasonably perceived as threatening the health or safety of any person, or that has the purpose or effect of unlawfully interfering with any person's rights. The term includes personal offenses committed by electronic means.

(a) Bullying is physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.

(b) Stalking is intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such an intent.

(2) **Property violations.** The term "property violation" includes the theft, misappropriation, unauthorized use or possession, vandalism, or other nonaccidental damaging or destruction of school property or the property of another person; including possession of such property or money after it has been stolen. Property for purposes of this subsection includes computer passwords, access codes, identification cards, other confidential personal information, and intellectual property.

(3) **Sexual misconduct.** The term "sexual misconduct" includes, but is not limited to, sexual harassment and sexual violence.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and that does deny or limit, based on sex, the ability of a student to participate in or benefit from the school's educational programs/activities or that creates an intimidating, hostile, or offensive educational environment.

Sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex, including stalking (or cyberstalking), voyeurism, indecent exposure, or the nonconsensual recording of sexual activity or distribution of such recording.

(c) **Sexual violence.** The term "sexual violence" incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated without clear, knowing, and voluntary consent, such as committing a sexual act against a person's will, exceeding the scope of consent, or where the person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, sexual coercion, sexual exploitation, or gender- or sex-based stalking. A person may be incapable of giving consent because she or he is underage, unable to understand what is happening, or is disoriented, helpless, asleep or unconscious for any reason, including due to drug or alcohol consumption, is disabled, or cannot consent because of threat or intimidation.

(4) **Disruptive or obstructive conduct.** The term "disruptive" or "obstructive conduct" means conduct, not protected by law, that interferes with, impedes, or otherwise unreasonably hinders the normal teaching, learning, administrative, or other functions, procedures, services, programs, or activities of the school. The term includes disorderly conduct, breach of the peace, lewd or obscene conduct, obstruction of pedestrian or vehicular traffic, or interfering with the orderly conduct of school investigations or disciplinary proceedings, including interfering with or retaliating against any complainant, witness, or other participant.

(5) **Failure to comply.** Refusal or failure to comply with instructions or directions of school officials, refusing to comply with any term or condition of a disciplinary sanction.

(6) **Safety violations.** Any nonaccidental conduct that interferes with or otherwise compromises any school policy, equipment, or procedure relating to the safety and security of the center and school community, including tampering with or disabling safety equipment and triggering false alarms or other emergency response systems.

(7) **False or deceptive conduct.** The term "false" or "deceptive conduct" means dishonest conduct (other than academic dishonesty) that includes forgery, altering or falsifying of school records, furnishing false or misleading information, or falsely accusing any person of misconduct.

(8) **Academic dishonesty.** All forms of cheating, plagiarism and fabrication.

(a) **Cheating.** Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment. This includes assisting another to commit an act of academic dishonesty or allowing someone to do these things for one's benefit.

(b) **Plagiarism.** Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) **Fabrication.** Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to a teacher concerning the completion of an assignment.

(9) **Unauthorized access.** The term "unauthorized access" means gaining entry without permission to any restricted area or property of the school or the property of another person, including any computer system, e-mail account, or electronic or paper files. Unauthorized access includes computer hacking and the unauthorized possession or sharing of any restricted means of gaining access, including keys, keycards, passwords, or access codes.

(10) **Alcohol, drug and tobacco violations.**

(a) **Alcohol.** Use, possession, delivery, or being visibly under the influence of any alcoholic beverages.

(b) **Marijuana.** Use, possession, delivery, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form.

(c) **Drug.** Use, possession, distribution, delivery, or being under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as

defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner. The abuse, misuse, or unlawful sale or distribution of prescription or over-the-counter medications may also constitute a drug violation.

(d) **Tobacco.** Smoking or use of tobacco, tobacco products, electronic smoking devices, or other smoking devices.

(11) **Retaliation.** Harming, threatening, intimidating, coercing or taking adverse action of any kind against a person because such person reported an alleged violation of this code or other school policies, provided information about an alleged violation, or participated as a witness or in any other capacity in an investigation or disciplinary proceeding.

(12) **Weapons violations.** A "weapons violation" includes possessing, carrying, displaying, exhibiting, or storing any firearm or dangerous weapon. Dangerous weapons include, but are not limited to, firearms, dangerous chemicals, explosives, slung shots, sand clubs, metal knuckles, daggers, dirks, spring blade knives, nunchaku sticks, throwing stars, air guns, stun guns, and devices used or intended to be used as a weapon to injure a person by an electric shock, charge, or impulse.

(13) **Harassment, intimidation or bullying.** Harassment, intimidation or bullying means any intentional electronic, written, verbal or physical act including, but not limited to, one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation including gender identity or expression, mental or physical disability, socio-economic status, physical appearance, or other distinguishing characteristic, when the act:

(a) Physically harms a student or damages the student's property;

(b) Has the effect of substantially interfering with a student's education;

(c) Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or

(d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

"Intentional act" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

Harassment, intimidation, and bullying are often carried out through acts of misconduct, which are addressed and prohibited under other rules in this chapter.

(14) **Gang activity.** Claiming membership in, association with, affiliation with, or participation in a gang, in gang-related activities or similar destructive or illegal group behavior at school, during school-related functions, or on any school property. "Gang" has the meaning given the term under RCW 28A.600.455.

(15) **Theft or misuse of electronic resources.** Theft or misuse of computer time or other electronic information resources of the school. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person;

(g) Use of such time or resources to interfere with normal operation of the school's computing system or other electronic information resources;

(h) Use of such time or resources in violation of applicable copyright or other law;

(i) Failure to comply with the student computing resources policy.

(16) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites to harass, abuse, bully, or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's e-mail communications directly or through spyware, sending threatening e-mails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's e-mail identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(17) **Violation of other laws or policies.** Violation of any federal, state, local law, rule, or regulation or other school rules or policies which are published annually in the student/parent handbook.

#### NEW SECTION

**WAC 72-120-201 Discipline procedures.** Disciplinary procedures for students at the school who are eligible for special education shall follow the requirements in WAC 392-172A-05140 through 392-172A-05175, which are adopted by reference. In addition to the rules and procedures in this chapter, students may also be subject to rules and procedures governing discipline for all students in public schools in chapter 392-400 WAC. The school shall determine on a case-by-case basis whether and to what extent the rules and procedures in chapter 392-400 WAC may apply.

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

**WAC 72-120-205 Limitations.** (1) No form of disciplinary action shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirement: Provided, That a student's academic grade or credit in a particular subject or course may be adversely affected as a result of excessive tardiness or absences.

(2) Corporal punishment as defined by the (~~board of education in WAC 180-40-235 and the unreasonable use of force on children described in RCW 9A.16.100~~) superintendent of public instruction in WAC 392-400-235(2) as now or hereafter amended, is prohibited.

#### ~~((DISCIPLINARY EXCLUSION))~~

#### NEW SECTION

**WAC 72-120-315 Emergency actions.** WAC 392-400-290 through 392-400-305, the rules for emergency removal from a class, subject, or activity, or emergency expulsion are incorporated by reference.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 72-120-100	Conduct violations.
WAC 72-120-200	Policy.
WAC 72-120-210	Emergency removal from class or activity.
WAC 72-120-220	Short-term suspension.
WAC 72-120-225	Short-term suspension—Notice and conference—Grievance procedure.
WAC 72-120-230	Long-term suspension.
WAC 72-120-234	Long-term suspension—Misconduct not a manifestation of disability—Notice.
WAC 72-120-236	Long-term suspension—Misconduct not a manifestation of disability—Hearing.
WAC 72-120-300	Disciplinary exclusion—Definitions.
WAC 72-120-301	Change of placement for disciplinary removals.
WAC 72-120-302	Removals—Ten school days or less.
WAC 72-120-303	Required services.
WAC 72-120-304	Change of placement—Removals for weapons or drugs.
WAC 72-120-305	Functional behavioral assessment and intervention plan.
WAC 72-120-306	Dangerous behavior—Authority of hearing officer.
WAC 72-120-307	Determination of interim alternative educational setting.
WAC 72-120-308	Manifestation determination review requirements.
WAC 72-120-309	Procedures for conducting a manifestation determination.
WAC 72-120-310	Determination that behavior was not manifestation of disability.

WAC 72-120-311	Expedited due process hearings.
WAC 72-120-312	Placement during appeals.
WAC 72-120-313	Referral to and action by law enforcement and judicial authorities.
WAC 72-120-314	Aversive interventions.

**WSR 16-13-070**  
**PERMANENT RULES**  
**WASHINGTON STATE**  
**SCHOOL FOR THE BLIND**

[Filed June 13, 2016, 3:41 p.m., effective July 14, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Proposed rules update rules implementing the Individuals with Disabilities Education Act and for consistency with rules for the provision of special education promulgated by the office of the superintendent of public instruction, the state educational agency responsible for ensuring compliance by public agencies involved in education of students eligible for special education.

Citation of Existing Rules Affected by this Order: Repealing 20; and amending 5.

Statutory Authority for Adoption: RCW 72.40.022.

Other Authority: RCW 28A.155.010.

Adopted under notice filed as WSR 16-09-058 on April 15, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 5, Repealed 0; Federal Rules or Standards: New 0, Amended 5, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 5, Repealed 20.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 1, 2016.

Scott McCallum  
Superintendent

AMENDATORY SECTION (Amending WSR 01-16-022, filed 7/20/01, effective 8/20/01)

**WAC 72-171-001 Purposes.** The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapters 28A.155 RCW and 392-172A WAC, and in compliance with the Individuals with Disabilities Education Improvement Act, 20 U.S.C. Sec. 1400 et seq.;

(2) To meet the obligations of additional federal and state civil rights laws (e.g., 29 U.S.C. Sec. 794, 42 U.S.C.

Sec. 12132, RCW 49.60.030) that apply to students who have a disability regardless of the student's eligibility for special education and related services;

(3) Unless the context clearly requires otherwise, the rules for the provision of special education, contained in chapter 392-172A WAC, are incorporated by reference: Provided, That the Washington state school for the blind (WSSB) may undertake the responsibilities of a local educational agency (LEA) in providing a free appropriate public education only to the extent authorized by chapter 72.40 RCW and inclusion as an LEA makes the school eligible for assistance under the Individuals with Disabilities Education Act;

(4) This chapter sets forth rules and procedures applicable to the provision of special education and related services for eligible students at the WSSB. It should be read in conjunction with chapter 392-172A WAC. In case of any conflict between specific rules and procedures adopted herein, and the rules and regulations in chapter 392-172A WAC, the specific rules and procedures shall control;

(5) Where the term "school district" is used in this chapter, it shall mean the LEA, local school district, or resident district, where a student would be enrolled and/or attending.

**~~((DEFINITIONS OF GENERAL APPLICATION))~~**

AMENDATORY SECTION (Amending WSR 01-16-022, filed 7/20/01, effective 8/20/01)

**WAC 72-171-015 Definitions and eligibility criteria ~~((for visually handicapped))~~.** The definition and eligibility criteria in WAC ~~((392-172-142))~~ 392-172A-01035 are adopted by reference.

**~~((ASSESSMENT AND PLACEMENT))~~**

AMENDATORY SECTION (Amending WSR 01-16-022, filed 7/20/01, effective 8/20/01)

**WAC 72-171-120 Evaluation procedures.** The evaluation or reevaluation of any student shall be ~~((performed using the procedures established in chapter 392-172 WAC))~~ in accordance with WAC 392-172A-03000 through 392-172A-03040 except as specifically provided otherwise in this chapter.

Evaluations may include assessments to identify students who present a moderate or high risk of sexually aggressive behavior or who may be vulnerable to victimization by such students, as required by RCW 72.40.270. Evaluations will be conducted by a group of qualified professionals selected by the Washington school for the blind who are knowledgeable about the student, the suspected area of disability, and in cases where assessment is required by RCW 72.40.270, sexual abuse and assault.

AMENDATORY SECTION (Amending WSR 01-16-022, filed 7/20/01, effective 8/20/01)

**WAC 72-171-150 Admission and placement—Annual review.** (1) Upon a referral for admission and placement from a parent, legal guardian, emancipated minor, adult



student, or local educational agency (LEA), a Washington state school for the blind admissions team will assess the appropriateness of placement of a visually impaired student residing in the state of Washington as provided for under this chapter.

(2) Applications for placement shall be in writing and shall include the reason for referral. Reasons for referral to the state school for the blind may include, but are not limited to: Vision specific services not readily available in the local school district, need for more intensive vision specific services, adaptive aids and appliances, greater array of vision support services, social skill development, leisure time skill development, and organization skill development.

(3) The LEA will be notified if the referral is from a parent and the student's records will be requested. The following records must be received prior to review by the school's admissions team: Complete application materials, most recent IEP, most recent three-year summary assessment or evaluation, psychological records, transcripts (for high school students), all records subject to disclosure under RCW 28A.225.330, including, but not limited to: History of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students.

(4) The admissions team shall review the records and if the information is complete, determine whether to proceed with or terminate the application.

(5) Placement of a student at the state school for the blind shall be determined at ((a)) an IEP meeting conducted pursuant to WAC ((72-171-210)) 392-172A-03090 through 392-172A-03115, 72-171-150(9) and 72-171-200.

(6) The determination of the appropriate placement for a student shall be based upon:

(a) The student's individualized education program (IEP);

(b) The least restrictive environment requirements of WAC ((392-172-172)) 392-172A-02050 through 392-172A-02070; provided that the IEP team may conclude that a student will receive greater benefit from education in a specialized setting due to specific instructional and related service needs such that the least restrictive environment and appropriate placement for a student may be WSSB;

(c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals;

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs; and

(e) The status of the student as an adjudicated sex offender classified as risk Level II or III in the state of Washington or the equivalent under the laws of the state in which the student resides.

(7) The decision on the educational placement shall be made by a group of persons, including the parents, the LEA, and other persons knowledgeable about the student, the evaluation data, and the placement options.

(8) Pursuant to RCW 72.40.040(4) and 72.40.050(2), admission and retention at the Washington state school for the blind may be denied for a student who is an adjudicated sex offender.

(9) The educational placement of each student shall be determined at least annually at a meeting conducted pursuant to WAC ((72-171-210)) 72-171-150(5).

**~~((INDIVIDUALIZED EDUCATION PROGRAMS))~~**

NEW SECTION

**WAC 72-171-201 Individualized education program.** WAC 392-172A-03090 through 392-172A-03115 are adopted by reference.

AMENDATORY SECTION (Amending WSR 01-16-022, filed 7/20/01, effective 8/20/01)

**WAC 72-171-220 ((Participants)) School district involvement and participation IEP meetings.** ~~((WAC 392-172-153 is adopted by reference.))~~ Involvement and participation of the LEA at meetings in which a decision is to be made relating to the educational placement of the student is considered essential for meaningful discussion to occur. A representative of the student's LEA will be invited to meetings involving an IEP, transition services, or placement and appropriate notice to the parent(s) and adult student will be provided. The LEA representative should be an individual who is knowledgeable about the availability of resources of the LEA, authorized to allocate resources, or develop collaborative requests for funding to establish programs to meet the extraordinary program needs. If the LEA representative is unable to attend the meeting, Washington state school for the blind staff shall keep the representative informed of the meeting and obtain information that will assist in the provision of services.

**~~((ANNUAL REVIEW OR PLACEMENT AND STUDENT PROGRESS REASSESSMENT))~~**

NEW SECTION

**WAC 72-171-300 Child find.** The purpose of child find is to locate, evaluate and identify children with suspected disabilities in need of special education services including those who are not currently receiving special education and related services and who may be eligible for those services. In conjunction with child find activities conducted by school districts pursuant to WAC 392-172A-02040 and the reports on blind/visually impaired or deaf-blind children provided by educational service districts pursuant to RCW 72.40.070, WSSB will provide an online survey on a yearly basis to all special education directors to identify children within their districts who are blind/visually impaired or deaf-blind; information to school districts regarding service delivery options in the state for students who are blind/visually impaired or deaf-blind a resource and referral guide listing programs and services available statewide; and a mechanism for school districts to request training and/or consultation support for district personnel.

~~((PROCEDURAL SAFEGUARDS))~~~~((DUE PROCESS PROCEDURES))~~~~((MISCELLANEOUS PROGRAM REQUIREMENT(S)))~~REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 72-171-010	Definitions.
WAC 72-171-016	Definition and eligibility criteria for deaf-blind.
WAC 72-171-110	General areas of evaluation.
WAC 72-171-131	Evaluation report and documentation of determination of eligibility.
WAC 72-171-140	Independent educational evaluation.
WAC 72-171-210	IEP meetings.
WAC 72-171-230	Parent participation and involvement.
WAC 72-171-240	Individualized education program.
WAC 72-171-242	Individualized education program—Implementation.
WAC 72-171-244	Individualized education program—Development, review, revision—Consideration of special factors.
WAC 72-171-410	Reevaluation.
WAC 72-171-500	When prior notice must be given.
WAC 72-171-510	Contents of prior written notice.
WAC 72-171-512	Parent consent.
WAC 72-171-514	Transfer of parental rights at age of majority.
WAC 72-171-550	Mediation.
WAC 72-171-601	Due process rights and procedures.
WAC 72-171-605	Request for hearing, notice by parent.
WAC 72-171-650	Surrogate parents.
WAC 72-171-710	Aversive interventions.

**WSR 16-13-079****PERMANENT RULES****DEPARTMENT OF HEALTH**

[Filed June 14, 2016, 4:24 p.m., effective July 15, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 246-237 WAC, Radiation protection—Physical protection of Category 1 and Category 2 quantities of radioactive material, the department of health is permanently adopting this chapter to maintain compatibility as a federal agreement state as required under RCW 70.98.050 and 70.98.110. Currently there is an emergency rule in place

that was adopted on March 18, 2016. This rule will replace the emergency rule upon its expiration.

Statutory Authority for Adoption: RCW 70.98.050 and 70.98.110.

Adopted under notice filed as WSR 16-10-086 on May 3, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 29, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 29, Amended 0, Repealed 0.

Date Adopted: June 14, 2016.

Clark Halvorson  
Assistant Secretary

**Chapter 246-237 WAC****RADIATION PROTECTION—PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL**NEW SECTION

**WAC 246-237-001 Purpose and scope.** (1) This chapter has been established to provide the requirements for the physical protection program for any licensee that possesses an aggregated Category 1 or Category 2 quantity of radioactive material listed in WAC 246-237-900 Appendix A: Table 1—Category 1 and Category 2. These requirements provide reasonable assurance of the security of Category 1 or Category 2 quantities of radioactive material by protecting these materials from theft or diversion. Specific requirements for access to material, use of material, transfer of material, and transport of material are included. No provision of this chapter authorizes possession of licensed material.

(2) WAC 246-237-021 through 246-237-057 apply to any person who, under the rules in this chapter, possesses or uses at any site an aggregated Category 1 or Category 2 quantity of radioactive material.

(3) WAC 246-237-071 through 246-237-081 apply to any person who, under the rules of this chapter:

(a) Transports or delivers to a carrier for transport in a single shipment, a Category 1 or Category 2 quantity of radioactive material; or

(b) Imports or exports a Category 1 or Category 2 quantity of radioactive material. The provisions in this chapter apply only to the domestic portion of the transport.

NEW SECTION

**WAC 246-237-010 Definitions, abbreviations, and acronyms.** The definitions, abbreviations, and acronyms in this section and in WAC 246-220-010 apply throughout this chapter unless the context clearly indicates otherwise:

(1) **"Access control"** means a system for allowing only approved individuals to have unescorted access to the security zone and for ensuring that all other individuals are subject to escorted access.

(2) **"Act"** means the Atomic Energy Act of 1954, including any amendments thereto.

(3) **"Aggregated"** means accessible by the breach of a single physical barrier that would allow access to radioactive material in any form, including any devices that contain the radioactive material, when the total activity equals or exceeds a Category 2 quantity of radioactive material.

(4) **"Agreement state"** means any state with which the Atomic Energy Commission or the NRC has entered into an effective agreement under subsection 274b of the act. Nonagreement state means any other state.

(5) **"Approved individual"** means an individual whom the licensee has determined to be trustworthy and reliable for unescorted access in accordance with WAC 246-237-021 through 246-237-033 and who has completed the training required by WAC 246-237-043(3).

(6) **"Background investigation"** means the investigation conducted by a licensee or applicant to support the determination of trustworthiness and reliability.

(7) **"Becquerel (Bq)"** means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second ( $s^{-1}$ ).

(8) **"By-product material"** means:

(a) Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or using special nuclear material;

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "by-product material" within this definition;

(c)(i) Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or

(ii) Any material that:

(A) Has been made radioactive by use of a particle accelerator; and

(B) Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

(d) Any discrete source of naturally occurring radioactive material, other than source material, that:

(i) The NRC, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of

radium-226 to the public health and safety or the common defense and security; and

(ii) Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.

(9) **"Carrier"** means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

(10) **"Category 1 quantity of radioactive material"** means a quantity of radioactive material meeting or exceeding the Category 1 threshold in Table 1 of WAC 246-237-900 Appendix A: Table 1—Category 1 and Category 2. This is determined by calculating the ratio of the total activity of each radionuclide to the Category 1 threshold for that radionuclide and adding the ratios together. If the sum equals or exceeds 1, the quantity would be considered a Category 1 quantity. Category 1 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet.

(11) **"Category 2 quantity of radioactive material"** means a quantity of radioactive material meeting or exceeding the Category 2 threshold but less than the Category 1 threshold in Table 1 of WAC 246-237-900 Appendix A: Table 1—Category 1 and Category 2. This is determined by calculating the ratio of the total activity of each radionuclide to the Category 2 threshold for that radionuclide and adding the ratios together. If the sum equals or exceeds 1, the quantity would be considered a Category 2 quantity. Category 2 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet.

(12) **"Curie"** means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of  $3.7 \times 10^{10}$  transformations per second (tps).

(13) **"Diversion"** means the unauthorized movement of radioactive material subject to this chapter to a location different from the material's authorized destination inside or outside of the site at which the material is used or stored.

(14) **"Escorted access"** means accompaniment while in a security zone by an approved individual who maintains continuous direct visual surveillance at all times over an individual who is not approved for unescorted access.

(15) **"FBI"** means the federal bureau of investigation.

(16) **"Fingerprint orders"** means the orders issued by the NRC or the legally binding requirements issued by agreement states that require fingerprints and criminal history records checks for individuals with unescorted access to Category 1 and Category 2 quantities of radioactive material or safeguards information-modified handling.

(17) **"Government agency"** means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the government.

(18) **"License"** means, except where otherwise specified, a license for radioactive material issued pursuant to the

regulations in chapters 246-232, 246-233, 246-235, 246-240, 246-243, or 246-244 WAC.

(19) **"License issuing authority"** means the licensing agency (the department, NRC, or an agreement state) that issued the license.

(20) **"LLEA (local law enforcement agency)"** means a public or private organization that has been approved by a federal, state, or local government to carry firearms and make arrests, and is authorized and has the capability to provide an armed response in the jurisdiction where the licensed Category 1 or Category 2 quantity of radioactive material is used, stored, or transported.

(21) **"Lost or missing licensed material"** means licensed material whose location is unknown. It includes material that has been shipped but has not reached its destination and whose location cannot be readily traced in the transportation system.

(22) **"Mobile device"** means a piece of equipment containing licensed radioactive material that is either mounted on wheels or casters, or otherwise equipped for moving without a need for disassembly or dismounting; or designed to be hand carried. Mobile devices do not include stationary equipment installed in a fixed location.

(23) **"Movement control center"** means an operations center that is remote from transport activity and that maintains position information on the movement of radioactive material, receives reports of attempted attacks or thefts, provides a means for reporting these and other problems to appropriate agencies, and can request and coordinate appropriate aid.

(24) **"No-later-than arrival time"** means the date and time that the shipping licensee and receiving licensee have established as the time at which an investigation will be initiated if the shipment has not arrived at the receiving facility. The no-later-than arrival time may not be more than six hours after the estimated arrival time for shipments of Category 2 quantities of radioactive material.

(25) **"NRC"** means the U.S. Nuclear Regulatory Commission.

(26) **"Person"** means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency other than NRC or the Department of Energy, any state or any political subdivision of, or any political entity within, a state, any foreign government or nation, or any political subdivision of any such government or nation, or other entity, and any legal successor, representative, agent or agency of the foregoing.

(27) **"Reviewing official"** means the individual who makes the trustworthiness and reliability determination of an individual to determine whether the individual may have, or continue to have, unescorted access to the Category 1 or Category 2 quantities of radioactive materials that are possessed by the licensee.

(28) **"Sabotage"** means deliberate damage, with malevolent intent, to a Category 1 or Category 2 quantity of radioactive material, a device that contains a Category 1 or Category 2 quantity of radioactive material, or the components of the security system.

(29) **"Safe haven"** means a readily recognizable and readily accessible site at which security is present or from

which, in the event of an emergency, the transport crew can notify and wait for the local law enforcement authorities.

(30) **"Security zone"** means any temporary or permanent area determined and established by the licensee for the physical protection of Category 1 or Category 2 quantities of radioactive material.

(31) **"State"** means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(32) **"Telemetric position monitoring system"** means a data transfer system that captures information by instrumentation or measuring devices about the location and status of a transport vehicle or package between the departure and destination locations.

(33) **"Trustworthiness and reliability"** are characteristics of an individual considered dependable in judgment, character, and performance, such that unescorted access to Category 1 or Category 2 quantities of radioactive material by that individual does not constitute an unreasonable risk to the public health and safety or security. A determination of trustworthiness and reliability for this purpose is based upon the results from a background investigation.

(34) **"Unescorted access"** means solitary access to an aggregated Category 1 or Category 2 quantity of radioactive material or the devices that contain the material.

(35) **"United States"** means when used in a geographical sense includes Puerto Rico and all territories and possessions of the United States.

#### NEW SECTION

**WAC 246-237-011 Specific exemptions.** (1) The department may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the rules in this chapter as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

(2) Any licensee's activities are exempt from the requirements of WAC 246-237-021 through 246-237-057 to the extent that its activities are included in a security plan required by 10 C.F.R. Part 73.

(3) A licensee who possesses radioactive waste that contains Category 1 or Category 2 quantities of radioactive material is exempt from the requirements of WAC 246-237-021 through 246-237-081, except that any radioactive waste that contains discrete sources, ion-exchange resins, or activated material that weighs less than two thousand kg (four thousand four hundred nine pounds) is not exempt from the requirements of this chapter. The licensee shall implement the following requirements to secure the radioactive waste:

(a) Use continuous physical barriers which allow access to the radioactive waste only through established access control points;

(b) Use a locked door or gate with monitored alarm at the access control point;

(c) Assess and respond to each actual or attempted unauthorized access to determine whether an actual or attempted theft, sabotage, or diversion occurred; and

(d) Immediately notify the LLEA and request an armed response from the LLEA upon determination that there was an actual or attempted theft, sabotage, or diversion of the radioactive waste that contains Category 1 or Category 2 quantities of radioactive material.

#### NEW SECTION

**WAC 246-237-021 Personnel access authorization requirements for Category 1 or Category 2 quantities of radioactive material.** (1) General.

(a) Each licensee who possesses an aggregated quantity of radioactive material at or above the Category 2 threshold shall establish, implement, and maintain its access authorization program in accordance with the requirements of this chapter.

(b) An applicant for a new license and each licensee who would become newly subject to the requirements of this chapter, upon application for modification of its license, shall implement the requirements of this chapter, as appropriate, before taking possession of an aggregated Category 1 or Category 2 quantity of radioactive material.

(c) Any licensee who has not previously implemented the security orders or been subject to the provisions of this chapter shall implement the provisions of this chapter before aggregating radioactive material to a quantity that equals or exceeds the Category 2 threshold.

(2) General performance objective. The licensee's access authorization program must ensure that the individuals specified in subsection (3)(a)(i) and (ii) of this section are trustworthy and reliable.

(3) Applicability.

(a) Licensees shall subject the following individuals to an access authorization program:

(i) Any individual whose assigned duties require unescorted access to Category 1 or Category 2 quantities of radioactive material or to any device that contains the radioactive material; and

(ii) Reviewing officials.

(b) Licensees need not subject the categories of individuals listed in WAC 246-237-029(1) to the investigation elements of the access authorization program.

(c) Licensees shall approve for unescorted access to Category 1 or Category 2 quantities of radioactive material only those individuals with job duties which require unescorted access to Category 1 or Category 2 quantities of radioactive material.

(d) Licensees may include individuals needing access to safeguards information-modified handling under 10 C.F.R. Part 73 in the access authorization program under WAC 246-237-021 through 246-237-033.

#### NEW SECTION

**WAC 246-237-023 Access authorization program requirements.** (1) Granting unescorted access authorization.

(a) Licensees shall implement the requirements of this chapter for granting initial or reinstated unescorted access authorization.

(b) Individuals who have been determined to be trustworthy and reliable shall also complete the security training

required by WAC 246-237-043(3) before being allowed unescorted access to Category 1 or Category 2 quantities of radioactive material.

(2) Reviewing officials. Reviewing officials are the only individuals who may make trustworthiness and reliability determinations that allow individuals to have unescorted access to Category 1 or Category 2 quantities of radioactive materials possessed by the licensee.

(a) Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide, under oath or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. The fingerprints of the named reviewing official must be taken by a law enforcement agency, federal or state agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a state to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every ten years in accordance with WAC 246-237-025(2).

(b) Reviewing officials must be permitted to have unescorted access to Category 1 or Category 2 quantities of radioactive materials or access to safeguards information or safeguards information-modified handling, if the licensee possesses safeguards information or safeguards information-modified handling.

(c) Reviewing officials cannot approve other individuals to act as reviewing officials.

(d) A reviewing official does not need to undergo a new background investigation before being named by the licensee as the reviewing official if:

(i) The individual has undergone a background investigation that included fingerprinting and an FBI criminal history records check and has been determined to be trustworthy and reliable by the licensee; or

(ii) The individual is subject to a category listed in WAC 246-237-029(1).

(3) Informed consent.

(a) Licensees may not initiate a background investigation without the informed and signed consent of the subject individual. This consent must include authorization to share personal information with other individuals or organizations as necessary to complete the background investigation. Before a final adverse determination, the licensee shall provide the individual with an opportunity to correct any inaccurate or incomplete information that is developed during the background investigation. Licensees do not need to obtain signed consent from those individuals who meet the requirements of WAC 246-237-025(2). A signed consent must be obtained prior to any reinvestigation.

(b) The subject individual may withdraw their consent at any time. Licensees shall inform the individual that:

(i) If an individual withdraws their consent, the licensee may not initiate any elements of the background investigation that were not in progress at the time the individual withdrew their consent; and

(ii) The withdrawal of consent for the background investigation is sufficient cause for denial or termination of unescorted access authorization.

(4) Personal history disclosure. Any individual who is applying for unescorted access authorization shall disclose the personal history information that is required by the licensee's access authorization program for the reviewing official to make a determination of the individual's trustworthiness and reliability. Refusal to provide, or the falsification of, any personal history information required by this chapter is sufficient cause for denial or termination of unescorted access.

(5) Determination basis.

(a) The reviewing official shall determine whether to permit, deny, unfavorably terminate, maintain, or administratively withdraw an individual's unescorted access authorization based on an evaluation of all of the information collected to meet the requirements of this chapter.

(b) The reviewing official may not permit any individual to have unescorted access until the reviewing official has evaluated all of the information collected to meet the requirements of this chapter and determined that the individual is trustworthy and reliable. The reviewing official may deny unescorted access to any individual based on information obtained at any time during the background investigation.

(c) The licensee shall document the basis for concluding whether or not there is reasonable assurance that an individual is trustworthy and reliable.

(d) The reviewing official may terminate or administratively withdraw an individual's unescorted access authorization based on information obtained after the background investigation has been completed and the individual granted unescorted access authorization.

(e) Licensees shall maintain a list of persons currently approved for unescorted access authorization. When a licensee determines that a person no longer requires unescorted access or meets the access authorization requirement, the licensee shall remove the person from the approved list as soon as possible, but no later than seven working days, and take prompt measures to ensure that the individual is unable to have unescorted access to the material.

(6) Procedures. Licensees shall develop, implement, and maintain written procedures for implementing the access authorization program. The procedures must include provisions for the notification of individuals who are denied unescorted access. The procedures must include provisions for the review, at the request of the affected individual, of a denial or termination of unescorted access authorization. The procedures must contain a provision to ensure that the individual is informed of the grounds for the denial or termination of unescorted access authorization and allow the individual an opportunity to provide additional relevant information.

(7) Right to correct and complete information.

(a) Prior to any final adverse determination, licensees shall provide each individual subject to this chapter with the right to complete, correct, and explain information obtained as a result of the licensee's background investigation. Confirmation of receipt by the individual of this notification must be maintained by the licensee for a period of one year from the date of the notification.

(b) If, after reviewing their criminal history record, an individual believes that it is incorrect or incomplete in any respect and wishes to change, correct, update, or explain any-

thing in the record, the individual may initiate challenge procedures. These procedures include direct application by the individual challenging the record to the law enforcement agency that contributed the questioned information or a direct challenge as to the accuracy or completeness of any entry on the criminal history record to the FBI, Criminal Justice Information Services Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306 as set forth in 28 C.F.R. 16.30 through 16.34. In the latter case, the FBI will forward the challenge to the agency that submitted the data, and will request that the agency verify or correct the challenged entry. Upon receipt of an official communication directly from the agency that contributed the original information, the FBI Identification Division makes any changes necessary in accordance with the information supplied by that agency. Licensees must provide at least ten days for an individual to initiate action to challenge the results of an FBI criminal history records check after the record being made available for their review. The licensee may make a final adverse determination based upon the criminal history records only after receipt of the FBI's confirmation or correction of the record.

(8) Records.

(a) The licensee shall retain documentation regarding the trustworthiness and reliability of individual employees for three years from the date the individual no longer requires unescorted access to Category 1 or Category 2 quantities of radioactive material.

(b) The licensee shall retain a copy of the current access authorization program procedures as a record for three years after the procedure is no longer needed. If any portion of the procedure is superseded, the licensee shall retain the superseded material for three years after the record is superseded.

(c) The licensee shall retain the list of persons approved for unescorted access authorization for three years after the list is superseded or replaced.

#### NEW SECTION

##### **WAC 246-237-025 Background investigations. (1)**

Initial investigation. Before allowing an individual unescorted access to Category 1 or Category 2 quantities of radioactive material or to the devices that contain the material, licensees shall complete a background investigation of the individual seeking unescorted access authorization. The scope of the investigation must encompass at least the seven years preceding the date of the background investigation or since the individual's eighteenth birthday, whichever is shorter. The background investigation must include at a minimum:

(a) Fingerprinting and an FBI identification and criminal history records check in accordance with WAC 246-237-027;

(b) Verification of true identity. Licensees shall verify the true identity of the individual who is applying for unescorted access authorization to ensure that the applicant is who they claim to be. A licensee shall review official identification documents (driver's license; passport; government identification; certificate of birth issued by the state, province, or country of birth) and compare the documents to personal information data provided by the individual to identify any

discrepancy in the information. Licensees shall document the type, expiration, and identification number of the identification document, or maintain a photocopy of identifying documents on file in accordance with WAC 246-237-031. Licensees shall certify in writing that the identification was properly reviewed, and shall maintain the certification and all related documents for review upon inspection;

(c) Employment history verification. Licensees shall complete an employment history verification, including military history. Licensees shall verify the individual's employment with each previous employer for the most recent seven years before the date of application;

(d) Verification of education. Licensees shall verify that the individual participated in the education process during the claimed period;

(e) Character and reputation determination. Licensees shall complete reference checks to determine the character and reputation of the individual who has applied for unescorted access authorization. Unless other references are not available, reference checks may not be conducted with any person who is known to be a close member of the individual's family including, but not limited to, the individual's spouse, parents, siblings, or children, or any individual who resides in the individual's permanent household. Reference checks under this chapter must be limited to whether the individual has been and continues to be trustworthy and reliable;

(f) The licensee shall also, to the extent possible, obtain independent information to corroborate that provided by the individual (for example, seek references not supplied by the individual); and

(g) If a previous employer, educational institution, or any other entity with which the individual claims to have been engaged fails to provide information or indicates an inability or unwillingness to provide information within a time frame deemed appropriate by the licensee but at least after ten business days of the request or if the licensee is unable to reach the entity, the licensee shall document the refusal, unwillingness, or inability in the record of investigation; and attempt to obtain the information from an alternate source.

(2) Grandfathering.

(a) Individuals who have been determined to be trustworthy and reliable for unescorted access to Category 1 or Category 2 quantities of radioactive material under the fingerprint orders may continue to have unescorted access to Category 1 and Category 2 quantities of radioactive material without further investigation. These individuals shall be subject to the reinvestigation requirement.

(b) Individuals who have been determined to be trustworthy and reliable under the provisions of 10 C.F.R. Part 73 or the security orders for access to safeguards information, safeguards information-modified handling, or risk-significant material may have unescorted access to Category 1 and Category 2 quantities of radioactive material without further investigation. The licensee shall document that the individual was determined to be trustworthy and reliable under the provisions of 10 C.F.R. Part 73 or a security order. Security order, in this context, refers to any order that was issued by the department that required fingerprints and an FBI criminal history records check for access to safeguards information, safeguards information-modified handling, or risk-signifi-

cant material such as special nuclear material or large quantities of uranium hexafluoride. These individuals shall be subject to the reinvestigation requirement.

(3) Reinvestigations. Licensees shall conduct a reinvestigation every ten years for any individual with unescorted access to Category 1 or Category 2 quantities of radioactive material. The reinvestigation shall consist of fingerprinting and an FBI identification and criminal history records check in accordance with WAC 246-237-027. The reinvestigations must be completed within ten years of the date on which these elements were last completed.

NEW SECTION

**WAC 246-237-027 Requirements for criminal history records checks of individuals granted unescorted access to Category 1 or Category 2 quantities of radioactive material.** (1) General performance objective and requirements.

(a) Except for those individuals listed in WAC 246-237-029 and those individuals grandfathered under WAC 246-237-025(2), each licensee subject to the provisions of this chapter shall fingerprint each individual who is to be permitted unescorted access to Category 1 or Category 2 quantities of radioactive material. Licensees shall transmit all collected fingerprints to the NRC for transmission to the FBI. The licensee shall use the information received from the FBI as part of the required background investigation to determine whether to grant or deny further unescorted access to Category 1 or Category 2 quantities of radioactive materials for that individual.

(b) The licensee shall notify each affected individual that their fingerprints will be used to secure a review of their criminal history record, and shall inform them of the procedures for revising the record or adding explanations to the record.

(c) Fingerprinting is not required if a licensee is reinstating an individual's unescorted access authorization to Category 1 or Category 2 quantities of radioactive materials if:

(i) The individual returns to the same facility that granted unescorted access authorization within three hundred sixty-five days of the termination of their unescorted access authorization; and

(ii) The previous access authorization was terminated under favorable conditions.

(d) Fingerprints do not need to be taken if an individual who is an employee of a licensee, contractor, manufacturer, or supplier has been granted unescorted access to Category 1 or Category 2 quantities of radioactive material, access to safeguards information, or safeguards information-modified handling by another licensee, based upon a background investigation conducted under this chapter, or the fingerprint orders, or 10 C.F.R. 73. An existing criminal history records check file may be transferred to the licensee asked to grant unescorted access in accordance with the provisions of WAC 246-237-031(3).

(e) Licensees shall use information obtained as part of a criminal history records check solely for the purpose of determining an individual's suitability for unescorted access authorization to Category 1 or Category 2 quantities of radio-

active materials, access to safeguards information, or safeguards information-modified handling.

(2) Prohibitions.

(a) Licensees may not base a final determination to deny an individual unescorted access authorization to Category 1 or Category 2 quantities of radioactive material solely on the basis of information received from the FBI involving:

(i) An arrest more than one year old for which there is no information of the disposition of the case; or

(ii) An arrest which resulted in dismissal of the charge or an acquittal.

(b) Licensees may not use information received from a criminal history records check obtained under this chapter in a manner which would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States, nor shall licensees use the information in any way that would discriminate among individuals on the basis of race, religion, national origin, gender, or age.

(3) Procedures for processing of fingerprint checks.

(a) For the purpose of complying with this chapter, licensees shall use an appropriate method to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Facilities and Security, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop TWB-05B32M, Rockville, MD 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to Category 1 or Category 2 quantities of radioactive material. Copies of these forms may be obtained by writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, by calling 1-630-829-9565, or by e-mail to FORMS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at <http://www.nrc.gov/site-help/e-submittals.html>.

(b) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." (For guidance on making electronic payments, contact the Security Branch, Division of Facilities and Security at 301-415-7513.) Combined payment for multiple applications is acceptable. The NRC publishes the amount of the fingerprint check application fee on the NRC's public web site. (To find the current fee amount, go to the electronic submittals page at <http://www.nrc.gov/site-help/e-submittals.html> and see the link for the Criminal History Program under Electronic Submission Systems.)

(c) The NRC will forward to the submitting licensee all data received from the FBI as a result of the licensee's application for criminal history records checks.

**NEW SECTION**

**WAC 246-237-029 Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials.** (1) Fingerprinting, and the iden-

tification and criminal history records checks required by WAC 246-237-025, 246-237-027 and Section 149 of the Atomic Energy Act of 1954, as amended, and other elements of the background investigation are not required for the following individuals prior to granting unescorted access to Category 1 or Category 2 quantities of radioactive materials:

(a) An employee of the NRC or of the Executive Branch of the U.S. Government who has undergone fingerprinting for a prior U.S. Government criminal history records check;

(b) A Member of Congress;

(c) An employee of a member of Congress or Congressional committee who has undergone fingerprinting for a prior U.S. Government criminal history records check;

(d) The governor of a state or their designated state employee representative;

(e) Federal, state, or local law enforcement personnel;

(f) State Radiation Control Program Directors and State Homeland Security Advisors or their designated state employee representatives;

(g) Agreement state employees conducting security inspections on behalf of the NRC under an agreement executed under Section 274.i. of the Atomic Energy Act;

(h) Representatives of the International Atomic Energy Agency engaged in activities associated with the U.S./International Atomic Energy Agency Safeguards Agreement who have been certified by the NRC;

(i) Emergency response personnel who are responding to an emergency;

(j) Commercial vehicle drivers for road shipments of Category 1 and Category 2 quantities of radioactive material;

(k) Package handlers at transportation facilities such as freight terminals and railroad yards;

(l) Any individual who has an active federal security clearance, provided that they make available the appropriate documentation. Written confirmation from the agency/employer which granted the federal security clearance or reviewed the criminal history records check must be provided to the licensee. The licensee shall retain this documentation for a period of three years from the date the individual no longer requires unescorted access to Category 1 or Category 2 quantities of radioactive material; and

(m) Any individual employed by a service provider licensee for which the service provider licensee has conducted the background investigation for the individual and approved the individual for unescorted access to Category 1 or Category 2 quantities of radioactive material. Written verification from the service provider must be provided to the licensee. The licensee shall retain the documentation for a period of three years from the date the individual no longer requires unescorted access to Category 1 or Category 2 quantities of radioactive material.

(2) Fingerprinting, and the identification and criminal history records checks required by WAC 246-237-025, 246-237-027 and Section 149 of the Atomic Energy Act of 1954, as amended, are not required for an individual who has had a favorably adjudicated U.S. Government criminal history records check within the last five years, under a comparable U.S. Government program involving fingerprinting and an FBI identification and criminal history records check provided that they make available the appropriate documenta-



tion. Written confirmation from the agency or employer who reviewed the criminal history records check must be provided to the licensee. The licensee shall retain this documentation for a period of three years from the date the individual no longer requires unescorted access to Category 1 or Category 2 quantities of radioactive material. These programs include, but are not limited to:

- (a) National Agency Check;
- (b) Transportation Worker Identification Credentials (TWIC) under 49 C.F.R. Part 1572;
- (c) Bureau of Alcohol, Tobacco, Firearms, and Explosives background check and clearances under 27 C.F.R. Part 555;
- (d) Health and Human Services security risk assessments for possession and use of select agents and toxins under 42 C.F.R. Part 73;
- (e) Hazardous Material security threat assessment for hazardous material endorsement to commercial driver's license under 49 C.F.R. Part 1572; and
- (f) U.S. Customs and Border Protection's Free and Secure Trade (FAST) program.

#### NEW SECTION

**WAC 246-237-031 Protection of information.** (1) Each licensee who obtains background information on an individual under this chapter shall establish and maintain a system of files and written procedures for protection of the record and the personal information from unauthorized disclosure.

(2) The licensee may not disclose the record or personal information collected and maintained to persons other than the subject individual, their representative, or to those who have a need to have access to the information in performing assigned duties in the process of granting or denying unescorted access to Category 1 or Category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling. No individual authorized to have access to the information may disseminate the information to any other individual who does not have a need to know.

(3) The personal information obtained on an individual from a background investigation may be provided to another licensee:

- (a) Upon the individual's written request to the licensee holding the data to disseminate the information contained in their file; and
- (b) The recipient licensee verifies information such as name, date of birth, Social Security number, gender, and other applicable physical characteristics.

(4) The licensee shall make background investigation records obtained under this chapter available for examination by an authorized representative of the department to determine compliance with the applicable rules and laws.

(5) The licensee shall retain all fingerprint and criminal history records (including data indicating no record) received from the FBI, or a copy of these records if the individual's file has been transferred, on an individual for three years from the date the individual no longer requires unescorted access to Category 1 or Category 2 quantities of radioactive material.

#### NEW SECTION

**WAC 246-237-033 Access authorization program review.** (1) Each licensee shall be responsible for the continuing effectiveness of the access authorization program. Each licensee shall ensure that access authorization programs are reviewed to confirm compliance with the requirements of this chapter and that comprehensive actions are taken to correct any noncompliance that is identified. The review program shall evaluate all program performance objectives and requirements. Each licensee shall periodically, at least annually, review the access program content and implementation.

(2) The results of the reviews, along with any recommendations, must be documented. Each review report must identify conditions that are adverse to the proper performance of the access authorization program, the cause of the condition or conditions, and, when appropriate, recommend corrective actions, and corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition, including reassessment of the deficient areas where indicated.

(3) Review records must be maintained for three years.

#### NEW SECTION

**WAC 246-237-041 Security program.** (1) Applicability.

(a) Each licensee who possesses an aggregated Category 1 or Category 2 quantity of radioactive material shall establish, implement, and maintain a security program in accordance with the requirements of this chapter.

(b) An applicant for a new license, and each licensee who would become newly subject to the requirements of this chapter, upon application for modification of its license, shall implement the requirements of this chapter, as appropriate, before taking possession of an aggregated Category 1 or Category 2 quantity of radioactive material.

(c) Any licensee who has not previously implemented the security orders or been subject to the provisions of WAC 246-237-041 through 246-237-057 shall provide written notification to the department at least ninety days before aggregating radioactive material to a quantity that equals or exceeds the Category 2 threshold.

(2) General performance objective. Each licensee shall establish, implement, and maintain a security program designed to monitor and, without delay, detect, assess, and respond to an actual or attempted unauthorized access to Category 1 or Category 2 quantities of radioactive material.

(3) Program features. Each licensee's security program must include the program features, as appropriate, described in WAC 246-237-043 through 246-237-055.

#### NEW SECTION

**WAC 246-237-043 General security program requirements.** (1) Security plan.

(a) Each licensee identified in WAC 246-237-041(1) shall develop a written security plan specific to its facilities and operations. The purpose of the security plan is to establish the licensee's overall security strategy to ensure the integrated and effective functioning of the security program

required by this chapter. The security plan must, at a minimum:

(i) Describe the measures and strategies used to implement the requirements of this chapter; and

(ii) Identify the security resources, equipment, and technology used to satisfy the requirements of this chapter.

(b) The security plan must be reviewed and approved by the individual with overall responsibility for the security program.

(c) A licensee shall revise its security plan as necessary to ensure the effective implementation of department requirements. The licensee shall ensure that:

(i) The revision has been reviewed and approved by the individual with overall responsibility for the security program; and

(ii) The affected individuals are instructed on the revised plan before the changes are implemented.

(d) The licensee shall retain a copy of the current security plan as a record for three years after the security plan is no longer required. If any portion of the plan is superseded, the licensee shall retain the superseded material for three years after the record is superseded.

(2) Implementing procedures.

(a) The licensee shall develop and maintain written procedures that document how the requirements of this chapter and the security plan will be met.

(b) The implementing procedures and revisions to these procedures must be approved in writing by the individual with overall responsibility for the security program.

(c) The licensee shall retain a copy of the current procedure as a record for three years after the procedure is no longer needed. Superseded portions of the procedure must be retained for three years after the record is superseded.

(3) Training.

(a) Each licensee shall conduct training to ensure those individuals implementing the security program possess and maintain the knowledge, skills, and abilities to carry out their assigned duties and responsibilities effectively. The training must include instruction in:

(i) The licensee's security program and procedures to secure Category 1 or Category 2 quantities of radioactive material, and in the purposes and functions of the security measures employed;

(ii) The responsibility to report promptly to the licensee any condition which causes or may cause a violation of department requirements;

(iii) The responsibility of the licensee to report promptly to the LLEA and licensee any actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material; and

(iv) The appropriate response to security alarms.

(b) In determining those individuals who shall be trained on the security program, the licensee shall consider each individual's assigned activities during authorized use and response to potential situations involving actual or attempted theft, diversion, or sabotage of Category 1 or Category 2 quantities of radioactive material. The extent of the training must be commensurate with the individual's potential involvement in the security of Category 1 or Category 2 quantities of radioactive material.

(c) Refresher training must be provided at a frequency not to exceed twelve months and when significant changes have been made to the security program. This training must include:

(i) Review of the training requirements of this subsection and any changes made to the security program since the last training;

(ii) Reports on any relevant security issues, problems, and lessons learned;

(iii) Relevant results of department inspections; and

(iv) Relevant results of the licensee's program review and testing and maintenance.

(d) The licensee shall maintain records of the initial and refresher training for three years from the date of the training. The training records must include dates of the training, topics covered, a list of licensee personnel in attendance, and related information.

(4) Protection of information.

(a) Licensees authorized to possess Category 1 or Category 2 quantities of radioactive material shall limit access to, and unauthorized disclosure of, their security plan, implementing procedures, and the list of individuals who have been approved for unescorted access.

(b) Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan and implementing procedures.

(c) Before granting an individual access to the security plan or implementing procedures, licensees shall:

(i) Evaluate an individual's need to know the security plan or implementing procedures; and

(ii) If the individual has not been authorized for unescorted access to Category 1 or Category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling, the licensee must complete a background investigation to determine the individual's trustworthiness and reliability. A trustworthiness and reliability determination shall be conducted by the reviewing official and shall include the background investigation elements contained in WAC 246-237-025 (1)(b) through (g).

(d) Licensees need not subject the following individuals to the background investigation elements for protection of information:

(i) The categories of individuals listed in WAC 246-237-029 (1)(a) through (m); or

(ii) Security service provider employees, provided written verification that the employee has been determined to be trustworthy and reliable, by the required background investigation in WAC 246-237-025 (1)(b) through (g), has been provided by the security service provider.

(e) The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan or implementing procedures.

(f) Licensees shall maintain a list of persons currently approved for access to the security plan or implementing procedures. When a licensee determines that a person no longer needs access to the security plan or implementing procedures or no longer meets the access authorization requirements for

access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than seven working days, and take prompt measures to ensure that the individual is unable to obtain the security plan or implementing procedures.

(g) When not in use, the licensee shall store its security plan and implementing procedures in a manner to prevent unauthorized access. Information stored in nonremovable electronic form must be password protected.

(h) The licensee shall retain as a record for three years after the document is no longer needed:

- (i) A copy of the information protection procedures; and
- (ii) The list of individuals approved for access to the security plan or implementing procedures.

#### NEW SECTION

**WAC 246-237-045 LLEA coordination.** (1) A licensee subject to this chapter shall coordinate, to the extent practicable, with a LLEA for responding to threats to the licensee's facility, including any necessary armed response. The information provided to the LLEA must include:

(a) A description of the facilities and the Category 1 and Category 2 quantities of radioactive materials along with a description of the licensee's security measures which have been implemented to comply with this chapter; and

(b) A notification that the licensee will request a timely armed response by the LLEA to any actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of material.

(2) The licensee shall notify the department within three business days if:

(a) The LLEA has not responded to the request for coordination within sixty days of the coordination request; or

(b) The LLEA notifies the licensee that the LLEA does not plan to participate in coordination activities.

(3) The licensee shall document its efforts to coordinate with the LLEA. The documentation must be kept for three years.

(4) The licensee shall coordinate with the LLEA at least every twelve months, or when changes to the facility design or operation adversely affect the potential vulnerability of the licensee's material to theft, sabotage, or diversion.

#### NEW SECTION

**WAC 246-237-047 Security zones.** (1) Licensees shall ensure that all aggregated Category 1 and Category 2 quantities of radioactive material are used or stored within licensee-established security zones. Security zones may be permanent or temporary.

(2) Temporary security zones must be established as necessary to meet the licensee's transitory or intermittent business activities, such as periods of maintenance, source delivery, and source replacement.

(3) Security zones must, at a minimum, allow unescorted access only to approved individuals through:

(a) Isolation of Category 1 and Category 2 quantities of radioactive materials by the use of continuous physical barriers that allow access to the security zone only through established access control points. A physical barrier is a natural or

man-made structure or formation sufficient for the isolation of the Category 1 or Category 2 quantities of radioactive material within a security zone; or

(b) Direct control of the security zone by approved individuals at all times; or

(c) A combination of continuous physical barriers and direct control.

(4) For Category 1 quantities of radioactive material during periods of maintenance, source receipt, preparation for shipment, installation, or source removal or exchange, the licensee shall, at a minimum, provide sufficient individuals approved for unescorted access to maintain continuous surveillance of sources in temporary security zones and in any security zone in which physical barriers or intrusion detection systems have been disabled to allow such activities.

(5) Individuals not approved for unescorted access to Category 1 or Category 2 quantities of radioactive material must be escorted by an approved individual when in a security zone.

#### NEW SECTION

**WAC 246-237-049 Monitoring, detection, and assessment.** (1) Monitoring and detection.

(a) Licensees shall establish and maintain the capability to continuously monitor and detect without delay all unauthorized entries into its security zones. Licensees shall provide the means to maintain continuous monitoring and detection capability in the event of a loss of the primary power source, or provide for an alarm and response in the event of a loss of this capability to continuously monitor and detect unauthorized entries.

(b) Monitoring and detection must be performed by:

(i) A monitored intrusion detection system that is linked to an on-site or off-site central monitoring facility;

(ii) Electronic devices for intrusion detection alarms that will alert nearby facility personnel;

(iii) A monitored video surveillance system;

(iv) Direct visual surveillance by approved individuals located within the security zone; or

(v) Direct visual surveillance by a licensee designated individual located outside the security zone.

(c) A licensee subject to this chapter shall also have a means to detect unauthorized removal of the radioactive material from the security zone. This detection capability must provide:

(i) For Category 1 quantities of radioactive material, immediate detection of any attempted unauthorized removal of the radioactive material from the security zone. Such immediate detection capability must be provided by:

(A) Electronic sensors linked to an alarm;

(B) Continuously monitored video surveillance; or

(C) Direct visual surveillance.

(ii) For Category 2 quantities of radioactive material, weekly verification through physical checks, tamper indicating devices, use, or other means to ensure that the radioactive material is present.

(2) Assessment. Licensees shall immediately assess each actual or attempted unauthorized entry into the security zone

to determine whether the unauthorized access was an actual or attempted theft, sabotage, or diversion.

(3) Personnel communications and data transmission. For personnel, and automated or electronic systems, supporting the licensee's monitoring, detection, and assessment systems, licensees shall:

(a) Maintain continuous capability for personnel communication and electronic data transmission and processing among site security systems; and

(b) Provide an alternative communication capability for personnel, and an alternative data transmission and processing capability, in the event of loss of the primary means of communication or data transmission and processing. Alternative communications and data transmission systems may not be subject to the same failure modes as the primary systems.

(4) Response. Licensees shall immediately respond to any actual or attempted unauthorized access to the security zones, or actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material at licensee facilities or temporary job sites. For any unauthorized access involving an actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material, the licensee's response shall include requesting, without delay, an armed response from the LLEA.

#### NEW SECTION

**WAC 246-237-051 Maintenance and testing.** (1) Each licensee subject to this chapter shall implement a maintenance and testing program to ensure that intrusion alarms, associated communication systems, and other physical components of the systems used to secure or detect unauthorized access to radioactive material are maintained in operable condition and are capable of performing their intended function when needed. The equipment relied on to meet the security requirements of this part must be inspected and tested for operability and performance at the manufacturer's suggested frequency. If there is no suggested manufacturer's suggested frequency, the testing must be performed at least annually, not to exceed twelve months.

(2) The licensee shall maintain records of the maintenance and testing activities for three years.

#### NEW SECTION

**WAC 246-237-053 Requirements for mobile devices.** Each licensee who possesses mobile devices containing Category 1 or Category 2 quantities of radioactive material must:

(1) Have two independent physical controls that form tangible barriers to secure the material from unauthorized removal when the device is not under direct control and constant surveillance by the licensee; and

(2) For devices in or on a vehicle or trailer, unless the health and safety requirements for a site prohibit the disabling of the vehicle, the licensee shall utilize a method to disable the vehicle or trailer when not under direct control and constant surveillance by the licensee. Licensees shall not rely on the removal of the ignition key to meet this requirement.

#### NEW SECTION

**WAC 246-237-055 Security program review.** (1) Each licensee shall be responsible for the continuing effectiveness of their security program. Each licensee shall ensure that the security program is reviewed to confirm compliance with the requirements of this chapter and that comprehensive actions are taken to correct any noncompliance which is identified. The review must include the radioactive material security program content and implementation. Each licensee shall periodically, at least annually, review the security program content and implementation.

(2) The results of the review, along with any recommendations, must be documented. Each review report must identify conditions that are adverse to the proper performance of the security program, the cause of the condition or conditions, and, when appropriate, recommend corrective actions, and corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition or conditions, including reassessment of the deficient areas where indicated.

(3) The licensee shall maintain the review documentation for three years.

#### NEW SECTION

**WAC 246-237-057 Reporting of events.** (1) The licensee shall immediately notify the LLEA after determining that an unauthorized entry resulted in an actual or attempted theft, sabotage, or diversion of a Category 1 or Category 2 quantity of radioactive material. As soon as possible after initiating a response, but not at the expense of causing delay or interfering with the LLEA response to the event, the licensee shall notify the department. In no case shall the notification to the department be later than four hours after the discovery of any attempted or actual theft, sabotage, or diversion.

(2) The licensee shall assess any suspicious activity related to possible theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material and notify the LLEA as appropriate. As soon as possible but not later than four hours after notifying the LLEA, the licensee shall notify the department.

(3) The initial telephonic notification required by subsection (1) of this section must be followed within a period of thirty days by a written report submitted to the department. The report must include sufficient information for department analysis and evaluation, including identification of any necessary corrective actions to prevent future instances.

#### NEW SECTION

**WAC 246-237-071 Additional requirements for transfer of Category 1 and Category 2 quantities of radioactive material.** A licensee transferring a Category 1 or Category 2 quantity of radioactive material to a licensee of the department, the NRC, or an agreement state shall meet the license verification provisions listed in this section instead of those listed in WAC 246-232-080(4):

(1) Any licensee transferring Category 1 quantities of radioactive material to a licensee of the department, the NRC, or an agreement state, prior to conducting such transfer, shall

verify with the department, the NRC's license verification system, or the license issuing authority that the transferee's license authorizes receipt of the type, form, and quantity of radioactive material to be transferred and that the licensee is authorized to receive radioactive material at the location requested for delivery. If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.

(2) Any licensee transferring Category 2 quantities of radioactive material to a licensee of the department, the NRC, or an agreement state, prior to conducting such transfer, shall verify with the department, the NRC's license verification system, or the license issuing authority that the transferee's license authorizes receipt of the type, form, and quantity of radioactive material to be transferred. If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.

(3) In an emergency where the licensee cannot reach the department or the license issuing authority, and the NRC license verification system is nonfunctional, the licensee may accept a written certification by the transferee that it is authorized by license to receive the type, form, and quantity of radioactive material to be transferred. The certification must include the license number, current revision or amendment number, issuing agency, expiration date and, for a Category 1 shipment, the authorized address. The licensee shall keep a copy of the certification. The certification must be confirmed by use of NRC's license verification system or by contacting the department or the license issuing authority by the end of the next business day.

(4) The transferor shall keep a copy of the verification documentation as a record for three years.

#### NEW SECTION

**WAC 246-237-073 Applicability of physical protection of Category 1 and Category 2 quantities of radioactive material during transit.** (1) For shipments of Category 1 quantities of radioactive material, each shipping licensee shall comply with the requirements for physical protection contained in WAC 246-237-075 (1) and (5); 246-237-077; 246-237-079 (1)(a), (2)(a), and (3); and 246-237-081 (1), (3), (5), (7), and (8).

(2) For shipments of Category 2 quantities of radioactive material, each shipping licensee shall comply with the requirements for physical protection contained in WAC 246-237-075 (2) through (5); 246-237-079 (1)(b), (c), (2)(b), and (3); and 246-237-081 (2), (4), (6), (7), and (8). For those shipments of Category 2 quantities of radioactive material which meet the criteria of WAC 246-231-140(2), the shipping licensee shall also comply with the advance notification provisions of WAC 246-231-140.

(3) The shipping licensee shall be responsible for meeting the requirements of this chapter unless the receiving licensee has agreed in writing to arrange for the in-transit physical protection required under this chapter.

(4) Each licensee that imports or exports Category 1 quantities of radioactive material shall comply with the requirements for physical protection during transit contained in WAC 246-237-075 (1)(b) and (5); 246-237-077; 246-237-079 (1)(a), (2)(a), and (3); and 246-237-081 (1), (3), (5), (7), and (8) for the domestic portion of the shipment.

(5) Each licensee that imports or exports Category 2 quantities of radioactive material shall comply with the requirements for physical protection during transit contained in WAC 246-237-079 (1)(b), (c), and (2)(b); and 246-237-081 (2), (4), (6), (7), and (8) for the domestic portion of the shipment.

#### NEW SECTION

##### **WAC 246-237-075 Preplanning and coordination of shipment of Category 1 or Category 2 quantities of radioactive material.**

(1) Each licensee who plans to transport, or deliver to a carrier for transport, licensed material that is a Category 1 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall:

(a) Preplan and coordinate shipment arrival and departure times with the receiving licensee;

(b) Preplan and coordinate shipment information with the governor or the governor's designee of any state through which the shipment will pass to:

(i) Discuss the state's intention to provide law enforcement escorts; and

(ii) Identify safe havens; and

(c) Document the preplanning and coordination activities.

(2) Each licensee who plans to transport, or deliver to a carrier for transport, licensed material which is a Category 2 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall coordinate the shipment no-later-than arrival time and the expected shipment arrival with the receiving licensee. The licensee shall document the coordination activities.

(3) Each licensee who receives a shipment of a Category 2 quantity of radioactive material shall confirm receipt of the shipment with the originator. If the shipment has not arrived by the no-later-than arrival time, the receiving licensee shall notify the originator.

(4) Each licensee, who transports or plans to transport a shipment of a Category 2 quantity of radioactive material, and determines that the shipment will arrive after the no-later-than arrival time provided pursuant to subsection (2) of this section, shall promptly notify the receiving licensee of the new no-later-than arrival time.

(5) The licensee shall retain a copy of the documentation for preplanning and coordination, and any revision thereof, as a record for three years.

#### NEW SECTION

##### **WAC 246-237-077 Advance notification of shipment of Category 1 quantities of radioactive material.**

As specified in subsections (1) and (2) of this section, each licensee shall provide advance notification to the department and the governor of a state, or the governor's designee, of the ship-

ment of licensed material in a Category 1 quantity, through or across the boundary of the state, before transport, or delivery to a carrier for transport, of the licensed material outside the confines of the licensee's facility or other place of use or storage.

(1) Procedures for submitting advance notification.

(a) The notification must be made to the department and to the office of each appropriate governor or governor's designee. The contact information, including telephone and mailing addresses, of governors and governors' designees, is available on the NRC's web site at <http://nrc-stp.ornl.gov/special/designee.pdf>. A list of the contact information is also available upon request from the Director, Division of Material Safety, State, Tribal and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. Notifications to the department must be made to the attention of the Director, Office of Radiation Protection.

(b) A notification delivered by mail must be postmarked at least seven days before transport of the shipment commences at the shipping facility.

(c) A notification delivered by any means other than mail must reach the department at least four days before transport of the shipment commences and must reach the office of the governor or the governor's designee at least four days before transport of a shipment within or through the state.

(2) Information to be furnished in advance notification of shipment. Each advance notification of shipment of Category 1 quantities of radioactive material must contain the following information, if available at the time of notification:

(a) The name, address, and telephone number of the shipper, carrier, and receiver of the Category 1 radioactive material;

(b) The license numbers of the shipper and receiver;

(c) A description of the radioactive material contained in the shipment, including the radionuclides and quantities;

(d) The point of origin of the shipment and the estimated time and date when shipment will commence;

(e) The estimated time and date the shipment is expected to enter each state along the route;

(f) The estimated time and date of arrival of the shipment at the destination; and

(g) A point of contact, with a telephone number, for current shipment information.

(3) Revision notice.

(a) The licensee shall provide any information not previously available at the time of the initial notification, as soon as the information becomes available but not later than commencement of the shipment, to the governor of the state or the governor's designee and to the department.

(b) A licensee shall promptly notify the governor of the state or the governor's designee of any changes to the information provided in accordance with subsections (2) and (3)(a) of this section. The licensee shall also immediately notify the department of any such changes.

(4) Cancellation notice. Each licensee who cancels a shipment for which advance notification has been sent shall send a cancellation notice to the department and to the governor of each state or to the governor's designee previously notified. The licensee shall send the cancellation notice

before the shipment would have commenced or as soon thereafter as possible. The licensee shall state in the notice that it is a cancellation and identify the advance notification which is being canceled.

(5) Records. The licensee shall retain a copy of the advance notification and any revision and cancellation notices as a record for three years.

(6) Protection of information. State officials, state employees, and other individuals, whether or not licensees of the department, NRC, or an agreement state who receive schedule information of the kind specified in subsection (2) of this section shall protect that information against unauthorized disclosure as specified in WAC 246-237-043(4).

#### NEW SECTION

**WAC 246-237-079 Requirements for physical protection of Category 1 and Category 2 quantities of radioactive material during shipment.** (1) Shipments by road.

(a) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a Category 1 quantity of radioactive material shall:

(i) Ensure that movement control centers are established that maintain position information from a remote location. These control centers must monitor shipments twenty-four hours a day, seven days a week, and have the ability to communicate immediately, in an emergency, with the appropriate law enforcement agencies.

(ii) Ensure that redundant communications are established that allow the transport to contact the escort vehicle (when used) and movement control center at all times. Redundant communications may not be subject to the same interference factors as the primary communication.

(iii) Ensure that shipments are continuously and actively monitored by a telemetric position monitoring system or an alternative tracking system reporting to a movement control center. A movement control center must provide positive confirmation of the location, status, and control over the shipment. The movement control center must be prepared to promptly implement preplanned procedures in response to deviations from the authorized route or a notification of actual, attempted, or suspicious activities related to the theft, loss, or diversion of a shipment. These procedures will include, but not be limited to, the identification of and contact information for the appropriate LLEA along the shipment route.

(iv) Provide an individual to accompany the driver for those highway shipments with a driving time period greater than the maximum number of allowable hours of service in a twenty-four hour duty day as established by the Department of Transportation Federal Motor Carrier Safety Administration. The accompanying individual may be another driver.

(v) Develop written normal and contingency procedures to address:

(A) Notifications to the communication center and law enforcement agencies;

(B) Communication protocols. Communication protocols must include a strategy for the use of authentication codes and duress codes and provisions for refueling or other

stops, detours, and locations where communication is expected to be temporarily lost;

(C) Loss of communications; and

(D) Responses to an actual or attempted theft or diversion of a shipment.

(vi) Each licensee who makes arrangements for the shipment of Category 1 quantities of radioactive material shall ensure that drivers, accompanying personnel, and movement control center personnel have access to the normal and contingency procedures.

(b) Each licensee who transports Category 2 quantities of radioactive material shall maintain constant control or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance.

(c) Each licensee who delivers to a carrier for transport, in a single shipment, a Category 2 quantity of radioactive material shall:

(i) Use carriers who have established package tracking systems. An established package tracking system is a documented, proven, and reliable system routinely used to transport objects of value. In order for a package tracking system to maintain constant control or surveillance, the package tracking system must allow the shipper or transporter to identify when and where the package was last and when it should arrive at the next point of control.

(ii) Use carriers who maintain constant control or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance; and

(iii) Use carriers who have established tracking systems that require an authorized signature prior to releasing the package for delivery or return.

(2) Shipments by rail.

(a) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a Category 1 quantity of radioactive material shall:

(i) Ensure that rail shipments are monitored by a telemetric position monitoring system or an alternative tracking system reporting to the licensee, third-party, or railroad communications center. The communications center shall provide positive confirmation of the location of the shipment and its status. The communications center shall implement pre-planned procedures in response to deviations from the authorized route or to a notification of actual, attempted, or suspicious activities related to the theft or diversion of a shipment. These procedures will include, but not be limited to, the identification of and contact information for the appropriate LLEA along the shipment route.

(ii) Ensure that periodic reports to the communications center are made at preset intervals.

(b) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a Category 2 quantity of radioactive material shall:

(i) Use carriers who have established package tracking systems. An established package tracking system is a documented, proven, and reliable system routinely used to transport objects of value. In order for a package tracking system to maintain constant control or surveillance, the package tracking system must allow the shipper or transporter to identify

when and where the package was last and when it should arrive at the next point of control.

(ii) Use carriers who maintain constant control or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance; and

(iii) Use carriers who have established tracking systems that require an authorized signature prior to releasing the package for delivery or return.

(3) Investigations. Each licensee who makes arrangements for the shipment of Category 1 quantities of radioactive material shall immediately conduct an investigation upon discovery that a Category 1 shipment is lost or missing. Each licensee who makes arrangements for the shipment of Category 2 quantities of radioactive material shall immediately conduct an investigation, in coordination with the receiving licensee, of any shipment that has not arrived by the designated no-later-than arrival time.

#### NEW SECTION

**WAC 246-237-081 Reporting requirements.** (1) The shipping licensee shall notify the appropriate LLEA and the department within one hour of its determination that a shipment of Category 1 quantities of radioactive material is lost or missing. The appropriate LLEA would be the law enforcement agency in the area of the shipment's last confirmed location. During the investigation required by WAC 246-237-079(3), the shipping licensee will provide agreed upon updates to the department on the status of the investigation.

(2) The shipping licensee shall notify the department within four hours of its determination that a shipment of Category 2 quantities of radioactive material is lost or missing. If, after twenty-four hours of the determination that the shipment is lost or missing, the radioactive material has not been located and secured, the licensee shall immediately notify the department.

(3) The shipping licensee shall notify the designated LLEA along the shipment route as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment or suspicious activities related to the theft or diversion of a shipment of a Category 1 quantity of radioactive material. As soon as possible after notifying the LLEA, the licensee shall notify the department upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment of Category 1 radioactive material.

(4) The shipping licensee shall notify the department as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment, of a Category 2 quantity of radioactive material.

(5) The shipping licensee shall notify the department and the LLEA as soon as possible upon recovery of any lost or missing Category 1 quantities of radioactive material.

(6) The shipping licensee shall notify the department as soon as possible upon recovery of any lost or missing Category 2 quantities of radioactive material.

(7) The initial telephonic notification required by subsections (1) through (4) of this section must be followed

within a period of thirty days by a written report submitted to the department by an appropriate method. A written report is not required for notifications of suspicious activities required by subsections (3) and (4) of this section. In addition, the licensee shall provide a copy of the written report to the department. The report must set forth the following information:

- (a) A description of the licensed material involved, including kind, quantity, chemical and physical form;
  - (b) A description of the circumstances under which the loss or theft occurred;
  - (c) A statement of disposition, or probable disposition, of the licensed material involved;
  - (d) Actions that have been taken, or will be taken, to recover the material; and
  - (e) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed material.
- (8) Subsequent to filing the written report, the licensee shall also report any additional substantive information about the loss or theft to the department within thirty days after the licensee learns of such information.

NEW SECTION

**WAC 246-237-101 Form of records.** Each record required by this chapter must be legible throughout the retention period specified by department rule. The record may be the original or a reproduced copy or a microform, provided the copy or microform is authenticated by authorized personnel and the microform is capable of producing a clear copy

NEW SECTION

**WAC 246-237-900 Appendix A: Table 1—Category 1 and Category 2 thresholds.** Terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values provided for practical usefulness only.

Radioactive material	Category 1 (TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Americium-241	60	1,620	0.6	16.2
Americium-241/Be	60	1,620	0.6	16.2
Californium-252	20	540	0.2	5.40
Cobalt-60	30	810	0.3	8.10
Curium-244	50	1,350	0.5	13.5
Cesium-137	100	2,700	1	27.0
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,160	0.8	21.6
Plutonium-238	60	1,620	0.6	16.2
Plutonium-239/Be	60	1,620	0.6	16.2
Promethium-147	40,000	1,080,000	400	10,800
Radium-226	40	1,080	0.4	10.8
Selenium-75	200	5,400	2	54.0
Strontium-90	1,000	27,000	10	270
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81.0

throughout the required retention period. The record may also be stored in electronic media with the capability of producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with, and loss of, records.

NEW SECTION

**WAC 246-237-103 Record retention.** Licensees shall maintain records required by this chapter for the period specified by the appropriate rule. If a retention period is not otherwise specified, these records must be retained until the department terminates the facility's license. All records related to this chapter may be destroyed upon department termination of the facility license.

NEW SECTION

**WAC 246-237-105 Inspections.** (1) Each licensee shall afford the department, at all reasonable times, opportunity to inspect Category 1 or Category 2 quantities of radioactive material and the premises and facilities wherein the nuclear material is used, produced, or stored.

(2) Each licensee shall make available to the department for inspection, upon reasonable notice, records kept by the licensee pertaining to receipt, possession, use, acquisition, import, export, or transfer of Category 1 or Category 2 quantities of radioactive material.



Note: Calculations Concerning Multiple Sources or Multiple Radionuclides

The "sum of fractions" methodology for evaluating combinations of multiple sources or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements of this chapter.

I. If multiple sources of the same radionuclide or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides must be determined to verify whether the activity at the location is less than the Category 1 or Category 2 thresholds of Table 1, as appropriate. If the calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements of this chapter apply.

II. First determine the total activity for each radionuclide from Table 1. This is done by adding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Table 1 in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation. Calculations must be performed in metric values (TBq) and the numerator and denominator values must be in the same units.

$R_1$  = total activity for radionuclide 1

$R_2$  = total activity for radionuclide 2

$R_N$  = total activity for radionuclide n

$AR_1$  = activity threshold for radionuclide 1

$AR_2$  = activity threshold for radionuclide 2

$AR_N$  = activity threshold for radionuclide n

$$\sum_1^n \left[ \frac{R_1}{AR_1} + \frac{R_2}{AR_2} + \frac{R_n}{AR_n} \right] \geq 1.0$$

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 16-13-085**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
(Securities Division)

[Filed June 15, 2016, 12:36 p.m., effective July 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Title III of the Jumpstart Our Business Startups (JOBS) Act amended Section 4 of the Securities Act of 1933 to create a new federal exemption for offerings of securities in crowdfunding campaigns. On October 30, 2015, the Securities and Exchange Commission adopted final rules to implement this new exemption. See Regulation Crowdfunding, Release Nos. 33-9974; 34-76324, available at <http://www.sec.gov/rules/final/2015/33-9974.pdf>. The JOBS Act further amended Securities Act Section 18 (b)(4) to preempt

the ability of states to require registration of crowdfunding offerings conducted pursuant to federal law. However, states retain the authority to require notice filings of crowdfunding offerings if a state is the principal place of business of the issuer or if a state is home to purchasers of fifty percent or more of the aggregate value of the securities offered in the crowdfunding campaign. The securities division is now adopting a rule to require the filing of a notice filing form, a consent to service of process, and the fees that would otherwise be required in connection with the registration of these securities offerings but for preemption by the Securities and Exchange Commission.

Statutory Authority for Adoption: RCW 21.20.327, 21.20.340, 21.20.450.

Adopted under notice filed as WSR 16-10-032 on April 26, 2016.

Changes Other than Editing from Proposed to Adopted Version: In response to comments received in response to the notice of proposed rule making, the text of the proposed rule was revised to more closely align with the North American Securities Administrators Association's proposed model rule for crowdfunding offerings and to clearly identify to which issuers the filing requirements apply.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 15, 2016.

Scott Jarvis  
Director

NEW SECTION

**WAC 460-18A-210 Notice filing requirements for federal crowdfunding offerings.** The following provisions apply to offerings made under federal Regulation Crowdfunding, 17 C.F.R. Sec. 227 and Sections 4 (a)(6) and 18 (b)(4)(C) of the Securities Act of 1933:

(1) **Initial filing.**

(a) An issuer that offers and sells securities in this state in an offering exempt under federal Regulation Crowdfunding, and that either has its principal place of business in this state or sells fifty percent or greater of the aggregate amount of the offering to residents of this state, shall file the following with the Securities Administrator of the Department of Financial Institutions or his or her designee:

(i) A completed Uniform Notice of Federal Crowdfunding Offering form or copies of all documents filed with the Securities and Exchange Commission;

(ii) A consent to service of process on Form U-2 if not filing on the Uniform Notice of Federal Crowdfunding Offering form; and

(iii) The filing fee prescribed by RCW 21.20.340 (1)(a).

(b) If the issuer has its principal place of business in this state, the filing required under subsection (a) of this section shall be filed with the Securities Administrator when the issuer makes its initial Form C filing concerning the offering with the Securities and Exchange Commission. If the issuer does not have its principal place of business in this state but residents of this state have purchased fifty percent or greater of the aggregate amount of the offering, the filing required under subsection (a) of this section shall be filed when the issuer becomes aware that such purchases have met this threshold and in no event later than fifteen days from the date of completion of the offering.

(c) The initial notice filing is effective for twelve months from the date of the filing with the Securities Administrator.

(2) **Renewal.** For each additional twelve-month period in which the same offering is continued, an issuer conducting an offering under federal Regulation Crowdfunding may renew the unsold portion of its notice filing by filing the following on or before the expiration of the notice filing:

(a) A completed Uniform Notice of Federal Crowdfunding Offering form marked "renewal" and/or a cover letter or other document requesting renewal;

(b) The renewal fee prescribed by RCW 21.20.340 (1)(a) to renew the unsold portion of securities for which a filing fee has previously been paid; and

(c) If the amount of securities subject to the notice filing is being increased, the fee prescribed by RCW 21.20.340 (1)(a) to cover the increase in the amount of securities to be offered.

(3) **Amendment.** An issuer may increase the amount of securities offered in this state by submitting a completed Uniform Notice of Federal Crowdfunding Offering form marked "amendment" or other document describing the transaction and a fee calculated pursuant to RCW 21.20.340 (1)(a) to cover the increase in the amount of securities being offered prior to selling additional securities in this state.

department to establish regional service areas within the state with the intended effect of integrating substance use disorder treatment with mental health services. Changes include updating definitions, changing "chemical dependency" to "substance use disorder," clarifying processes, and making editing changes to provide clarification and consistency within the rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-865-0100, 388-865-0105, 388-865-0106, 388-865-0107, 388-865-0110, 388-865-0115, 388-865-0120, 388-865-0150, 388-865-0200, 388-865-0205, 388-865-0210, 388-865-0215, 388-865-0220, 388-865-0221, 388-865-0222, 388-865-0225, 388-865-0229, 388-865-0230, 388-865-0235, 388-865-0240, 388-865-0245, 388-865-0250, 388-865-0265, 388-865-0270, 388-865-0275, 388-865-0280, 388-865-0282, 388-865-0284, 388-865-0286, 388-865-0288, 388-865-0300, 388-865-0305, 388-865-0310, 388-865-0315, 388-865-0320, 388-865-0325, 388-865-0330, 388-865-0335, 388-865-0345, 388-865-0350, 388-865-0355, 388-865-0360, 388-865-0363, 388-865-0365, 388-877A-0400, 388-877A-0410, 388-877A-0420, 388-877A-0430, 388-877A-0440, 388-877A-0450 and 388-877A-0460; and amending WAC 388-875-0070, 388-877-0100, 388-877-0200, 388-877-0300, 388-877-0305, 388-877-0335, 388-877-0365, 388-877-0420, 388-877-0600, 388-877-0605, 388-877-0610, 388-877-0620, 388-877-0640, 388-877A-0200, 388-877A-0270, 388-877A-0340, 388-877B-0100, 388-877B-0110, 388-877B-0120, 388-877B-0130, 388-877B-0200, 388-877B-0210, 388-877B-0220, 388-877B-0230, 388-877B-0240, 388-877B-0250, 388-877B-0260, 388-877B-0270, 388-877B-0280, 388-877B-0300, 388-877B-0310, 388-877B-0320, 388-877B-0330, 388-877B-0340, 388-877B-0350, 388-877B-0360, 388-877B-0370, 388-877B-0400, 388-877B-0405, 388-877B-0410, 388-877B-0420, 388-877B-0430, 388-877B-0440, 388-877B-0450, 388-877B-0500, 388-877B-0510, 388-877B-0530, 388-877B-0540, 388-877B-0550, 388-877B-0600, 388-877B-0610, 388-877B-0630, 388-877B-0640, 388-877B-0650, 388-877B-0660, and 388-877C-0110.

Statutory Authority for Adoption: RCW 70.02.290, 70.02.340, 70.96A.040(4), 71.05.560, 71.24.035 (5)(c), 71.34.380.

Other Authority: 2SSB 6312 (chapter 225, Laws of 2014).

Adopted under notice filed as WSR 16-07-152 on March 23, 2016.

Changes Other than Editing from Proposed to Adopted Version: The department made minor editorial changes from the proposal.

A final cost-benefit analysis is available by contacting Kathy Sayre, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-1342, fax (360) 586-0341, e-mail kathy.sayre@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 27, Amended 56, Repealed 52.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

### WSR 16-13-087

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Behavioral Health Administration)

[Filed June 15, 2016, 1:52 p.m., effective July 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The division of behavioral health and recovery of the department of social and health services is adopting, amending, and repealing rules to comply with 2SSB 6312, chapter 225, Laws of 2014. 2SSB 6312 requires, in part, the regional support networks to be renamed behavioral health organizations effective April 1, 2016, and authorizes the

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 27, Amended 56, Repealed 52.

Date Adopted: June 14, 2016.

Patricia K. Lashway  
Acting Secretary

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 16-15 issue of the Register.

**WSR 16-13-088**  
**PERMANENT RULES**  
**BUILDING CODE COUNCIL**

[Filed June 15, 2016, 1:59 p.m., effective July 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Makes editorial changes to the following sections of the commercial energy portion of the Washington State Energy Code (WSEC).

Changes made to Section A103.3.7.1 and the associated tables are repealed to coordinate with the final adopted energy code requirements pertaining to CMU walls.

Similarly, changes in Table A101.5 are restored to the 2012 WSEC values.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11C-61015 and 51-11C-610337.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045, 19.27A.160.

Other Authority: RCW 19.27.074.

Adopted under notice filed as WSR 16-08-099 on April 5, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 10, 2016.

Steve K. Simpson  
Council Chair

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-61015 Section A101.5—Building materials.**

**A101.5 Building materials.** Default R-values used for building materials shall be as shown in Table A101.5.

**Table A101.5**  
**Default R-values for Building Materials**

Material	Nominal Size (in.)	Actual Size (in.)	R-Value (Heat Capacity <sup>c</sup> )
Air cavity (unventilated), between metal studs at 16 inches on center <sup>a</sup>	-	-	0.79
Air cavity (unventilated), all other depths and framing materials <sup>1</sup>	-	-	0.91
Airfilm, exterior surfaces <sup>b</sup>	-	-	0.17
Airfilm, interior horizontal surfaces, heat flow up <sup>b</sup>	-	-	0.61
Airfilm, interior horizontal surfaces, heat flow down <sup>b</sup>	-	-	0.92
Airfilm, interior vertical surfaces <sup>b</sup>	-	-	0.68
Brick at R-0.12/in. (face brick, 75% solid/25% core area, 130 lbs/ft <sup>3</sup> )	4	3.5	0.32 (5.9)
Carpet and rubber pad	-	-	1.23
Concrete <sup>c</sup> at R-0.0625/in., heavyweight (144 lbs/ft <sup>3</sup> )	-	2	0.13 (HC-4.8)
	-	4	0.25 (HC-9.6)
	-	6	0.38 (HC-14.4)
	-	8	0.50 (HC-19.2)
	-	10	0.63 (HC-24.0)
	-	12	0.75 (HC-28.8)

Material	Nominal Size (in.)	Actual Size (in.)	R-Value (Heat Capacity <sup>c</sup> )
Concrete masonry units, solid grouted, lightweight (95 lbs/ft <sup>3</sup> )	6	=	0.80 (HC-11.4)
Concrete masonry units, solid grouted, normal weight (135 lbs/ft <sup>3</sup> )	6	=	0.51 (HC-13.2)
Concrete masonry units, partly grouted, lightweight (95 lbs/ft <sup>3</sup> )	6	=	1.33 (HC-6.7)
Concrete masonry units, partly grouted, normal weight (135 lbs/ft <sup>3</sup> )	6	=	0.82 (HC-9.0)
Concrete masonry units, solid grouted, lightweight (95 lbs/ft <sup>3</sup> )	8	=	1.05 (HC-15.5)
Concrete masonry units, solid grouted, normal weight (135 lbs/ft <sup>3</sup> )	8	=	0.69 (HC-17.9)
Concrete masonry units, partly grouted, lightweight (95 lbs/ft <sup>3</sup> )	8	=	1.44 (HC-9.6)
Concrete masonry units, partly grouted, normal weight (135 lbs/ft <sup>3</sup> )	8	=	0.98 (HC-12.0)
Concrete masonry units, solid grouted, lightweight (95 lbs/ft <sup>3</sup> )	10	=	1.30 (HC-19.7)
Concrete masonry units, solid grouted, normal weight (135 lbs/ft <sup>3</sup> )	10	=	0.87 (HC-22.6)
Concrete masonry units, partly grouted, lightweight (95 lbs/ft <sup>3</sup> )	10	=	1.61 (HC-11.9)
Concrete masonry units, partly grouted, normal weight (135 lbs/ft <sup>3</sup> )	10	=	1.11 (HC-14.8)
Concrete masonry units, solid grouted, lightweight (95 lbs/ft <sup>3</sup> )	12	=	1.53 (HC-23.9)
Concrete masonry units, solid grouted, normal weight (135 lbs/ft <sup>3</sup> )	12	=	1.06 (HC-27.2)
Concrete masonry units, partly grouted, lightweight (95 lbs/ft <sup>3</sup> )	12	=	1.75 (HC-14.2)
Concrete masonry units, partly grouted, normal weight (135 lbs/ft <sup>3</sup> )	12	=	1.23 (HC-17.5)
Flooring, wood subfloor	-	0.75	0.94
Gypsum board	-	0.5	0.45
	-	0.625	0.56
Metal deck	-	-	0
Roofing, built-up	-	0.375	0.33
Sheathing, vegetable fiber board, 0.78 in.	-	0.78	2.06
Soil at R-0.104/in.	-	12	1.25
Steel, mild		1	0.0031807
Stucco	-	0.75	0.08

- a There is no credit for cavities that are open to outside air.
- b Air films do not apply to air cavities within an assembly.
- c For heat capacity for concrete (with densities other than these values or other) and concrete masonry materials with densities other than the values listed in Table A101.5, see Tables A103.3.7.1(1) through (3) or Tables A3.1B and A3.1C in ASHRAE/IESNA Standard 90.1.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-610337 Section A103.3.7—Concrete and masonry walls.**

A103.3.7 Concrete and masonry walls.

**A103.3.7.1 Concrete masonry walls.** The nominal R-values in Table((s)) A103.3.7.1 ((~~(1)~~, ~~A103.3.7.1(2)~~ and ~~A103.3.7.1(3)~~)) may be used for purposes of calculating concrete masonry wall section U-factors in lieu of the ASHRAE isothermal planes calculation method as provided in Chapter 27 of the ASHRAE Fundamentals Handbook.

**Table A103.3.7.1(~~(1)~~)  
Default U-factors for Concrete and Masonry Walls**

Additional Insulation	<del>(8-inch Medium Weight (115 lb/CF) CMU</del>								
	All Cells Grouted	Grout @ 16 inches OC		Grout @ 32 inches OC		Grout @ 48 inches OC		No Grout (unreinforced)	
		Cores Empty	Cores Filled	Cores Empty	Cores Filled	Cores Empty	Cores Filled	Cores Empty	Cores Filled
None	0.58	0.52	0.42	0.48	0.35	0.48	0.32	0.43	0.21

R-5 continuous insulation	0.15	0.14	0.14	0.14	0.13	0.14	0.12	0.14	0.10
R-10 continuous insulation	0.09	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.07
R-15 continuous insulation	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.05
R-19 continuous	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.04
R-13 insulation 2x4 wood studs	0.08	0.08	0.08	0.08	0.08	0.08	0.07	0.08	0.07
R-21 insulation 2x6 wood studs	0.06	0.06	0.06	0.06	0.06	0.06	0.05	0.06	0.05
R-13 insulation 3-5/8" metal studs	0.16	0.15	0.14	0.14	0.13	0.15	0.13	0.14	0.11
R-15 insulation 3-5/8" metal studs @ 24 inches	0.11	0.10	0.09	0.10	0.09	0.10	0.07	0.10	0.07
R-19 insulation 5.5" metal studs	0.11	0.11	0.11	0.11	0.10	0.11	0.10	0.11	0.09
R-21 insulation 6" metal studs	0.11	0.11	0.10	0.11	0.10	0.11	0.09	0.11	0.08
R-21 insulation 6" metal studs @ 24 inches	0.09	0.09	0.09	0.09	0.08	0.09	0.08	0.09	0.07

Additional Insulation	<b>12-inch Medium-Weight (115 lb/CF) CMU</b>								
	All Cells Grouted	Grout @ 16 inches OC		Grout @ 32 inches OC		Grout @ 48 inches OC		No Grout (unreinforced)	
		Cores-Empty	Cores-Filled	Cores-Empty	Cores-Filled	Cores-Empty	Cores-Filled	Cores-Empty	Cores-Filled
None	0.47	0.44	0.34	0.42	0.28	0.42	0.25	0.40	0.15
R-5 continuous insulation	0.14	0.14	0.13	0.14	0.12	0.14	0.11	0.13	0.09
R-10 continuous insulation	0.08	0.08	0.08	0.08	0.07	0.08	0.07	0.08	0.06
R-15 continuous insulation	0.06	0.06	0.06	0.06	0.05	0.06	0.05	0.06	0.05
R-19 continuous	0.05	0.05	0.05	0.05	0.04	0.05	0.04	0.05	0.04
R-13 insulation 2x4 wood studs	0.08	0.08	0.08	0.08	0.07	0.08	0.07	0.08	0.06
R-21 insulation 2x6 wood studs	0.06	0.06	0.05	0.06	0.05	0.06	0.05	0.06	0.04
R-13 insulation 3-5/8" metal studs	0.15	0.14	0.13	0.14	0.12	0.14	0.11	0.14	0.09
R-15 insulation 3-5/8" metal studs @ 24 inches	0.15	0.14	0.13	0.14	0.12	0.14	0.11	0.14	0.09
R-19 insulation 6" metal studs	0.11	0.11	0.10	0.11	0.09	0.11	0.09	0.11	0.07
R-21 insulation 5.5" metal studs	0.10	0.10	0.09	0.10	0.09	0.10	0.08	0.10	0.07
R-21 insulation 6" metal studs @ 24 inches	0.09	0.09	0.08	0.09	0.08	0.09	0.08	0.09	0.06

**Notes:**

1. Interpolation is allowed between 8-inch and 12-inch CMU values (for 10-inch CMU).
2. Interpolation is allowed between 16 and 32-inch grout spacing (for 24-inch spacing).
3. Interpolation is allowed between 32 and 48-inch grout spacing (for 40-inch spacing).
4. "Cores filled" means that all cores not grouted are filled with perlite or vermiculite insulation.
5. Values are based on stud spacing of 16 inches on center.
6. Values are based on horizontal grout spacing of 48 inches OC.
7. Stud wall values include one layer of gypsum board on the interior.
8. Assembly values based on ASHRAE 90.1-2013.

**Table A103.3.7.1(2)**  
**Default U factors for 80 Inch Clay Brick Masonry Walls))**

**8" Concrete masonry**

<u>Wall Description</u>	<i>CORE TREATMENT</i>			
	<u>Partial Grout with UngROUTed Cores</u>			<u>Solid Grout</u>
	<u>Empty</u>	<u>Loose-fill insulated</u>		
		<u>Perlite</u>	<u>Vermiculite</u>	
<u>Exposed Block, Both Sides</u>	<u>0.40</u>	<u>0.23</u>	<u>0.24</u>	<u>0.43</u>
<u>R-5 Interior Insulation, Wood Furring</u>	<u>0.14</u>	<u>0.11</u>	<u>0.12</u>	<u>0.15</u>
<u>R-6 Interior Insulation, Wood Furring</u>	<u>0.14</u>	<u>0.11</u>	<u>0.11</u>	<u>0.14</u>
<u>R-10.5 Interior Insulation, Wood Furring</u>	<u>0.11</u>	<u>0.09</u>	<u>0.09</u>	<u>0.11</u>
<u>R-8 Interior Insulation, Metal Clips</u>	<u>0.11</u>	<u>0.09</u>	<u>0.09</u>	<u>0.11</u>
<u>R-6 Exterior Insulation</u>	<u>0.12</u>	<u>0.10</u>	<u>0.10</u>	<u>0.12</u>
<u>R-10 Exterior Insulation</u>	<u>0.08</u>	<u>0.07</u>	<u>0.07</u>	<u>0.08</u>
<u>R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block</u>	<u>0.11</u>	<u>0.09</u>	<u>0.09</u>	<u>0.12</u>

**12" Concrete masonry**

<u>Wall Description</u>	<i>CORE TREATMENT</i>			
	<u>Partial Grout with UngROUTed Cores</u>			<u>Solid Grout</u>
	<u>Empty</u>	<u>Loose-fill insulated</u>		
		<u>Perlite</u>	<u>Vermiculite</u>	
<u>Exposed Block, Both Sides</u>	<u>0.35</u>	<u>0.17</u>	<u>0.18</u>	<u>0.33</u>
<u>R-5 Interior Insulation, Wood Furring</u>	<u>0.14</u>	<u>0.10</u>	<u>0.10</u>	<u>0.13</u>
<u>R-6 Interior Insulation, Wood Furring</u>	<u>0.13</u>	<u>0.09</u>	<u>0.10</u>	<u>0.13</u>
<u>R-10.5 Interior Insulation, Wood Furring</u>	<u>0.11</u>	<u>0.08</u>	<u>0.08</u>	<u>0.10</u>
<u>R-8 Interior Insulation, Metal Clips</u>	<u>0.10</u>	<u>0.08</u>	<u>0.08</u>	<u>0.09</u>
<u>R-6 Exterior Insulation</u>	<u>0.11</u>	<u>0.09</u>	<u>0.09</u>	<u>0.11</u>
<u>R-10 Exterior Insulation</u>	<u>0.08</u>	<u>0.06</u>	<u>0.06</u>	<u>0.08</u>
<u>R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block</u>	<u>0.11</u>	<u>0.08</u>	<u>0.09</u>	<u>0.12</u>

**8" Clay brick**

<u>Wall Description</u>	<i>CORE TREATMENT</i>			
	<u>Partial Grout with UngROUTed Cores</u>			<u>Solid Grout</u>
	<u>Empty</u>	<u>Loose-fill insulated</u>		
		<u>Perlite</u>	<u>Vermiculite</u>	
<u>Exposed Block, Both Sides</u>	<u>0.50</u>	<u>0.31</u>	<u>0.32</u>	<u>0.56</u>
<u>R-5 Interior Insulation, Wood Furring</u>	<u>0.15</u>	<u>0.13</u>	<u>0.13</u>	<u>0.16</u>
<u>R-6 Interior Insulation, Wood Furring</u>	<u>0.15</u>	<u>0.12</u>	<u>0.12</u>	<u>0.15</u>
<u>R-10.5 Interior Insulation, Wood Furring</u>	<u>0.12</u>	<u>0.10</u>	<u>0.10</u>	<u>0.12</u>
<u>R-8 Interior Insulation, Metal Clips</u>	<u>0.11</u>	<u>0.10</u>	<u>0.10</u>	<u>0.11</u>
<u>R-6 Exterior Insulation</u>	<u>0.12</u>	<u>0.11</u>	<u>0.11</u>	<u>0.13</u>
<u>R-10 Exterior Insulation</u>	<u>0.08</u>	<u>0.08</u>	<u>0.08</u>	<u>0.09</u>

~~((Table A103.3.7.1(3))~~  
**Default U-factors for)) 6-Inch Concrete Poured**  
**or Precast ((Masonry Walls))**

Wall Description	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Concrete, Both Sides	NA	NA	NA	0.61
R-5 Interior Insulation, Wood Furring	NA	NA	NA	0.16
R-6 Interior Insulation, Wood Furring	NA	NA	NA	0.15
R-10.5 Interior Insulation, Wood Furring	NA	NA	NA	0.12
R-8 Interior Insulation, Metal Clips	NA	NA	NA	0.12
R-6 Exterior Insulation	NA	NA	NA	0.13
R-10 Exterior Insulation	NA	NA	NA	0.09

**Notes ((for Tables A103.3.7.1(2) and A103.3.7.1(3))):**

1. Grouted cores at 40" x 48" on center vertically and horizontally in partial grouted walls.
2. Interior insulation values include 1/2" gypsum board on the inner surface.
3. Furring and stud spacing is 16" on center. Insulation is assumed to fill furring space and is not compressed.
4. Intermediate values may be interpolated using this table. Values not contained in this table may be computed using the procedures listed in the ASHRAE Fundamentals Handbook.
5. Concrete masonry unit (CMU) assembly U-values are based on local test data for Washington state CMU block material using the ASTM C-236-87 steady state thermal conductance test. Tests included an 8"x8"x16" CMU with all cells filled with vermiculite (1995) and 8"x8"x16" CMU with all cells filled with polymaster foam in place insulation (1996). Refer to ASHRAE Standard 90.1 for additional nationally recognized data on the thermal performance of CMU block walls.

**Table A103.3.7.1(2)**  
**Default U-Factors for Concrete and Masonry Walls<sup>a, b, c, d</sup>**

Framing Type and Depth	Rated R-value of Insulation Alone	Assembly U-factors for Solid Concrete Walls	Assembly U-factors for Concrete Block Walls: Solid Grouted	Assembly U-factors for Concrete Block Walls: Partially Grouted (Cores Uninsulated Except Where Specified)
<b>Base Wall only</b>				
No Framing	R-0	U-0.740	U-0.580	U-0.480
	UngROUTED Cores Filled with Loose-Fill Insulation	N.A.	N.A.	U-0.350
<b>Continuous Wood Framing</b>				
0.75 in.	R-3.0	U-0.247	U-0.226	U-0.210
1.5 in.	R-6.0	U-0.160	U-0.151	U-0.143
2.0 in.	R-10.0	U-0.116	U-0.111	U-0.107
3.5 in.	R-11.0	U-0.094	U-0.091	U-0.088
3.5 in.	R-13.0	U-0.085	U-0.083	U-0.080
3.5 in.	R-15.0	U-0.079	U-0.077	U-0.075
5.5 in.	R-19.0	U-0.060	U-0.059	U-0.058
5.5 in.	R-21.0	U-0.057	U-0.055	U-0.054

<b>Framing Type and Depth</b>	<b>Rated R-value of Insulation Alone</b>	<b>Assembly U-factors for Solid Concrete Walls</b>	<b>Assembly U-factors for Concrete Block Walls: Solid Grouted</b>	<b>Assembly U-factors for Concrete Block Walls: Partially Grouted (Cores Uninsulated Except Where Specified)</b>
Continuous Metal Framing at 24 in. on center horizontally				
1.0 in.	R-0.0	U-0.414	U-0.359	U-0.318
1.0 in.	R-3.8	U-0.325	U-0.290	U-0.263
1.0 in.	R-5.0	U-0.314	U-0.281	U-0.255
1.0 in.	R-6.5	U-0.305	U-0.274	U-0.249
1.5 in.	R-11.0	U-0.267	U-0.243	U-0.223
2.0 in.	R-7.6	U-0.230	U-0.212	U-0.197
2.0 in.	R-10.0	U-0.219	U-0.202	U-0.188
2.0 in.	R-13.0	U-0.210	U-0.195	U-0.182
3.0 in.	R-11.4	U-0.178	U-0.167	U-0.157
3.0 in.	R-15.0	U-0.168	U-0.158	U-0.149
3.0 in.	R-19.0	U-0.161	U-0.152	U-0.144
3.5 in.	R-11.0	U-0.168	U-0.158	U-0.149
3.5 in.	R-13.0	U-0.161	U-0.152	U-0.144
3.5 in.	R-15.0	U-0.155	U-0.147	U-0.140
4.5 in.	R-17.1	U-0.133	U-0.126	U-0.121
4.5 in.	R-22.5	U-0.124	U-0.119	U-0.114
4.5 in.	R-25.2	U-0.122	U-0.116	U-0.112
5.0 in.	R-19.0	U-0.122	U-0.117	U-0.112
5.0 in.	R-25.0	U-0.115	U-0.110	U-0.106
5.0 in.	R-28.0	U-0.112	U-0.107	U-0.103
5.0 in.	R-32.0	U-0.109	U-0.105	U-0.101
5.5 in.	R-19.0	U-0.118	U-0.113	U-0.109
5.5 in.	R-20.9	U-0.114	U-0.109	U-0.105
5.5 in.	R-21.0	U-0.113	U-0.109	U-0.105
5.5 in.	R-27.5	U-0.106	U-0.102	U-0.099
5.5 in.	R-30.8	U-0.104	U-0.100	U-0.096
6.0 in.	R-22.8	U-0.106	U-0.102	U-0.098
6.0 in.	R-30.0	U-0.099	U-0.095	U-0.092
6.0 in.	R-33.6	U-0.096	U-0.093	U-0.090
6.5 in.	R-24.7	U-0.099	U-0.096	U-0.092
7.0 in.	R-26.6	U-0.093	U-0.090	U-0.087
7.5 in.	R-28.5	U-0.088	U-0.085	U-0.083
8.0 in.	R-30.4	U-0.083	U-0.081	U-0.079
1 in. Metal Clips at 24 in. on center horizontally and 16 in. vertically (also, where allowed by Section C402.1.3, for assemblies with a ratio of metal penetration area/mass wall area of < 0.0004 or < 0.04% of the mass wall area) See ASHRAE Fundamentals for determination of U-factors for assemblies that include metal other than screws and nails.				
1.0 in.	R-3.8	U-0.210	U-0.195	U-0.182
1.0 in.	R-5.0	U-0.184	U-0.172	U-0.162



<b>Framing Type and Depth</b>	<b>Rated R-value of Insulation Alone</b>	<b>Assembly U-factors for Solid Concrete Walls</b>	<b>Assembly U-factors for Concrete Block Walls: Solid Grouted</b>	<b>Assembly U-factors for Concrete Block Walls: Partially Grouted (Cores Uninsulated Except Where Specified)</b>
1.0 in.	R-5.6	U-0.174	U-0.163	U-0.154
1.5 in.	R-5.7	U-0.160	U-0.151	U-0.143
1.5 in.	R-7.5	U-0.138	U-0.131	U-0.125
1.5 in.	R-8.4	U-0.129	U-0.123	U-0.118
2.0 in.	R-7.6	U-0.129	U-0.123	U-0.118
2.0 in.	R-10.0	U-0.110	U-0.106	U-0.102
2.0 in.	R-11.2	U-0.103	U-0.099	U-0.096
2.5 in.	R-9.5	U-0.109	U-0.104	U-0.101
2.5 in.	R-12.5	U-0.092	U-0.089	U-0.086
2.5 in.	R-14.0	U-0.086	U-0.083	U-0.080
3.0 in.	R-11.4	U-0.094	U-0.090	U-0.088
3.0 in.	R-15.0	U-0.078	U-0.076	U-0.074
3.0 in.	R-16.8	U-0.073	U-0.071	U-0.069
3.5 in.	R-13.3	U-0.082	U-0.080	U-0.077
3.5 in.	R-17.5	U-0.069	U-0.067	U-0.065
3.5 in.	R-19.6	U-0.064	U-0.062	U-0.061
4.0 in.	R-15.2	U-0.073	U-0.071	U-0.070
4.0 in.	R-20.0	U-0.061	U-0.060	U-0.058
4.0 in.	R-22.4	U-0.057	U-0.056	U-0.054
5.0 in.	R-28.0	U-0.046	U-0.046	U-0.045
6.0 in.	R-33.6	U-0.039	U-0.039	U-0.038
7.0 in.	R-39.2	U-0.034	U-0.034	U-0.033
8.0 in.	R-44.8	U-0.030	U-0.030	U-0.029
9.0 in.	R-50.4	U-0.027	U-0.027	U-0.026
10 in.	R-56.0	U-0.024	U-0.024	U-0.024
11 in.	R-61.6	U-0.022	U-0.022	U-0.022
<b>Continuous Insulation Uninterrupted by Framing</b>				
No Framing	R-1.0	U-0.425	U-0.367	U-0.324
	R-2.0	U-0.298	U-0.269	U-0.245
	R-3.0	U-0.230	U-0.212	U-0.197
	R-4.0	U-0.187	U-0.175	U-0.164
	R-5.0	U-0.157	U-0.149	U-0.141
No Framing	R-6.0	U-0.136	U-0.129	U-0.124
	R-7.0	U-0.120	U-0.115	U-0.110
	R-8.0	U-0.107	U-0.103	U-0.099
	R-9.0	U-0.097	U-0.093	U-0.090
	R-10.0	U-0.088	U-0.085	U-0.083
No Framing	R-11.0	U-0.081	U-0.079	U-0.076
	R-12.0	U-0.075	U-0.073	U-0.071

<b>Framing Type and Depth</b>	<b>Rated R-value of Insulation Alone</b>	<b>Assembly U-factors for Solid Concrete Walls</b>	<b>Assembly U-factors for Concrete Block Walls: Solid Grouted</b>	<b>Assembly U-factors for Concrete Block Walls: Partially Grouted (Cores Uninsulated Except Where Specified)</b>
	R-13.0	U-0.070	U-0.068	U-0.066
	R-14.0	U-0.065	U-0.064	U-0.062
	R-15.0	U-0.061	U-0.060	U-0.059
No Framing	R-16.0	U-0.058	U-0.056	U-0.055
	R-17.0	U-0.054	U-0.053	U-0.052
	R-18.0	U-0.052	U-0.051	U-0.050
	R-19.0	U-0.049	U-0.048	U-0.047
	R-20.0	U-0.047	U-0.046	U-0.045
No Framing	R-21.0	U-0.045	U-0.044	U-0.043
	R-22.0	U-0.043	U-0.042	U-0.042
	R-23.0	U-0.041	U-0.040	U-0.040
	R-24.0	U-0.039	U-0.039	U-0.038
	R-25.0	U-0.038	U-0.037	U-0.037
No Framing	R-30.0	U-0.032	U-0.032	U-0.031
	R-35.0	U-0.028	U-0.027	U-0.027
	R-40.0	U-0.024	U-0.024	U-0.024
	R-45.0	U-0.022	U-0.021	U-0.021
	R-50.0	U-0.019	U-0.019	U-0.019
	R-55.0	U-0.018	U-0.018	U-0.018
	R-60.0	U-0.016	U-0.016	U-0.016
<b>Brick cavity wall with continuous insulation</b>				
No Framing	R-0.0	U-0.337	U-0.299	U-0.270
No Framing	R-3.8	U-0.148	U-0.140	U-0.133
No Framing	R-5.0	U-0.125	U-0.120	U-0.115
No Framing	R-6.5	U-0.106	U-0.102	U-0.098
No Framing	R-7.6	U-0.095	U-0.091	U-0.088
No Framing	R-10.0	U-0.077	U-0.075	U-0.073
No Framing	R-10.5	U-0.079	U-0.077	U-0.075
No Framing	R-11.4	U-0.070	U-0.068	U-0.066
No Framing	R-15.0	U-0.056	U-0.055	U-0.053
No Framing	R-16.5	U-0.054	U-0.053	U-0.052
No Framing	R-19.0	U-0.046	U-0.045	U-0.044
No Framing	R-22.5	U-0.041	U-0.040	U-0.039
No Framing	R-28.5	U-0.033	U-0.032	U-0.032
<b>Continuous Insulation Uninterrupted by Framing with Stucco and Continuous Metal Framing at 24 in. on center horizontally</b>				
1.0 in.	R-0.0 + R-19 c.i.	U-0.047	U-0.046	U-0.045
1.0 in.	R-3.8 + R-19 c.i.	U-0.045	U-0.044	U-0.044
1.0 in.	R-5.0 + R-19 c.i.	U-0.045	U-0.044	U-0.043
1.0 in.	R-6.5 + R-19 c.i.	U-0.045	U-0.044	U-0.043

Framing Type and Depth	Rated R-value of Insulation Alone	Assembly U-factors for Solid Concrete Walls	Assembly U-factors for Concrete Block Walls: Solid Grouted	Assembly U-factors for Concrete Block Walls: Partially Grouted (Cores Uninsulated Except Where Specified)
1.5 in.	R-11.0 + R-19 c.i.	U-0.044	U-0.043	U-0.043
2.0 in.	R-7.6 + R-19 c.i.	U-0.043	U-0.042	U-0.041
2.0 in.	R-10.0 + R-19 c.i.	U-0.042	U-0.041	U-0.041
2.0 in.	R-13.0 + R-19 c.i.	U-0.042	U-0.041	U-0.041
3.0 in.	R-11.4 + R-19 c.i.	U-0.041	U-0.040	U-0.039
3.0 in.	R-15.0 + R-19 c.i.	U-0.040	U-0.039	U-0.039
3.0 in.	R-19.0 + R-19 c.i.	U-0.040	U-0.039	U-0.038
3.5 in.	R-11.0 + R-19 c.i.	U-0.040	U-0.039	U-0.039
3.5 in.	R-13.0 + R-19 c.i.	U-0.040	U-0.039	U-0.038
5.0 in.	R-19.0 + R-19 c.i.	U-0.037	U-0.036	U-0.036
5.0 in.	R-25.0 + R-19 c.i.	U-0.036	U-0.035	U-0.035
5.0 in.	R-32.5 + R-19 c.i.	U-0.035	U-0.035	U-0.034
5.5 in.	R-19.0 + R-19 c.i.	U-0.036	U-0.036	U-0.035
5.5 in.	R-21.0 + R-19 c.i.	U-0.035	U-0.035	U-0.035

**Note for Default Table A103.3.7.1(2):**

- a. It is acceptable to use the U-factors in Table A103.3.7.1(2) for all concrete and masonry walls, provided that the grouting is equal to or less than that specified.
  - For ungrouted walls, use the partially grouted column.
  - For metal studs and z-furring, use the continuous-metal-framing category.
  - For discontinuous metal clips 1 inch square or smaller, use the metal-clip category.
  - For insulation that is attached without any framing members (e.g. glued), use the continuous-insulation uninterrupted-by-framing category. Continuous insulation may be installed on the interior or exterior of masonry walls, or between stand-alone walls in multilayer masonry walls, or on the interior or exterior of the concrete.
- b. For Table A103.3.7.1(2), the U-factor includes R-0.17 for exterior air film and R-0.68 for interior air film-vertical surfaces. For insulated walls, the U-factor also includes R-0.45 for 0.5 in. gypsum board. U-factors are provided for the following configurations:
  - (1) Concrete wall: 8-in. normal weight concrete wall with a density of 145 lb/ft<sup>3</sup>.
  - (2) Solid grouted concrete block wall: 8-in. medium weight ASTM C90 concrete block with a density of 115 lb/ft<sup>3</sup> and solid grouted cores.
  - (3) Partially grouted concrete block wall: 8-in. medium weight ASTM C90 concrete block with a density of 115 lb/ft<sup>3</sup> having reinforcing steel every 32 in. vertically and every 48 in. horizontally, with cores grouted in those areas only. Other cores are filled with insulating material only if there is no other insulation.
- c. For walls with insulation contained in a framing layer, the U-factors in Table A103.3.7.1(2) assume contact (and thermal bridging) between the mass wall and other framing. For wall assemblies with multiple layers where the wood or metal framing layer does not contact the concrete or masonry layer (i.e., walls with an airspace between the stud wall layer and the mass wall layer), it is acceptable to use the appropriate wood or metal frame wall default U-factors in Tables A103.3.1 or A103.3.6.1. Note: It is acceptable to use this approach where the insulation extends beyond the framing and is in contact with the mass wall layer (e.g. a nominal four-inch metal stud containing insulation that is nominally six inches thick and therefore extends two inches beyond the back of the metal stud).
- d. Except for wall assemblies qualifying for note 3, if not taken from Table A103.3.7.1(2), mass wall U-factors shall be determined in accordance with ASHRAE 90.1, Appendix A, Section A3.1 and Tables A3.1A to A3.1D, or Section A9.4.

**A103.3.7.2 Peripheral edges of intermediate concrete floors.** See Table A103.3.7.2.

**Table A103.3.7.2**  
**Default U-factors for Peripheral Edges of Intermediate Concrete Floors<sup>a, b, c((r-d))</sup>**

Slab Edge Treatment	Average Thickness of Wall above and below			
	6 inches	8 inches	10 inches	12 inches
Exposed Concrete	0.816	0.741	0.678	0.625
R-5 Exterior Insulation	0.161	0.157	0.154	0.152
R-6 Exterior Insulation	0.138	0.136	0.134	0.132
R-7 Exterior Insulation	0.122	0.120	0.118	0.116

Slab Edge Treatment	Average Thickness of Wall above and below			
	6 inches	8 inches	10 inches	12 inches
R-8 Exterior Insulation	0.108	0.107	0.106	0.104
R-9 Exterior Insulation	0.098	0.097	0.095	0.094
R-10 Exterior Insulation	0.089	0.088	0.087	0.086
R-11 Exterior Insulation	0.082	0.081	0.080	0.079
R-12 Exterior Insulation	0.076	0.075	0.074	0.074
R-13 Exterior Insulation	0.070	0.070	0.069	0.068
R-14 Exterior Insulation	0.066	0.065	0.065	0.064
R-15 Exterior Insulation	0.062	0.061	0.061	0.060

**Note for Table A103.3.7.2:**

- a. Exterior insulation values listed above are continuous R-values on the exterior side of the concrete floor.
- b. For conditions with an exterior wall above the peripheral edge of intermediate concrete floor but with no wall below the intermediate concrete floor this table may be used as long as the code minimum insulation is applied to the floor slab below the concrete floor.
- c. Typical conditions where conditioned space building envelope wall thermal insulation values are broken concrete floors include, but are not limited to, the following examples:
  - 1. Elevator hoistway shafts that serve the conditioned building and pass through unconditioned floors such as parking garage levels;
  - 2. Stairwell enclosures that serve the conditioned building and pass through unconditioned floors such as parking garage levels;
  - 3. Walls between interior and exterior building envelope that separate the interior conditioned space from an exterior courtyard or roofdeck;
  - 4. Walls between interior and exterior building envelope that separate the interior conditioned space from an exterior unconditioned space on parking garage levels.

**WSR 16-13-089  
PERMANENT RULES  
BUILDING CODE COUNCIL**

[Filed June 15, 2016, 2:00 p.m., effective July 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Makes editorial changes to the commercial portion of the Washington State Energy Code to correct editorial errors identified in the rules filed under WSR 16-03-072.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11C-10300, 51-11C-40100, 51-11C-40213, 51-11C-40215, 51-11C-40225, 51-11C-40330, 51-11C-40343, 51-11C-40345, 51-11C-40360, 51-11C-404021, 51-11C-40507, 51-11C-40602, 51-11C-40608, 51-11C-407051, 51-11C-40801, 51-11C-40804, 51-11C-40904, 51-11C-41000, and 51-11C-50300.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045, 19.27A.160.

Other Authority: RCW 19.27.074.

Adopted under notice filed as WSR 16-08-097 on April 5, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 19, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 19, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 10, 2016.

Steve K. Simpson  
Council Chair

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-10300 Section C103—Construction documents.**

**C103.1 General.** Construction documents and other supporting data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional.

**EXCEPTION:** The *code official* is authorized to waive the requirements for construction documents or other supporting data if the *code official* determines they are not necessary to confirm compliance with this code.

**C103.2 Information on construction documents.** Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when *approved by the code official*. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in suf-

ficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, as applicable:

1. Insulation materials and their *R*-values.
2. Fenestration *U*-factors and SHGCs.
3. Area-weighted *U*-factor and SHGC calculations.
4. Mechanical system design criteria.
5. Mechanical and service water heating system and equipment types, sizes and efficiencies.
6. Economizer description.
7. Equipment and systems controls.
8. Fan motor horsepower (hp) and controls.
9. Duct sealing, duct and pipe insulation and location.
10. Lighting fixture schedule with wattage and control narrative.
11. Location of daylight zones on floor plan.
12. Air barrier details including all air barrier boundaries and associated square foot calculations on all six sides of the air barrier as applicable.

**C103.2.1 Building thermal envelope depiction.** The building's thermal envelope shall be represented on the construction documents.

**C103.3 Examination of documents.** The *code official* shall examine or cause to be examined the accompanying construction documents and shall ascertain whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**C103.3.1 Approval of construction documents.** When the *code official* issues a permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "Reviewed for Code Compliance." Such *approved* construction documents shall not be changed, modified or altered without authorization from the *code official*. Work shall be done in accordance with the *approved* construction documents.

One set of construction documents so reviewed shall be retained by the *code official*. The other set shall be returned to the applicant, kept at the site of work and shall be open to inspection by the *code official* or a duly authorized representative.

**C103.3.2 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**C103.3.3 Phased approval.** The *code official* shall have the authority to issue a permit for the construction of part of an energy conservation system before the construction documents for the entire system have been submitted or *approved*, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire energy conservation system will be granted.

**C103.4 Amended construction documents.** Changes made during construction that are not in compliance with the *approved* construction documents shall be resubmitted for approval as an amended set of construction documents.

**C103.5 Retention of construction documents.** One set of *approved* construction documents shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**C103.6 Building documentation and close out submittal requirements.** The construction documents shall specify that the documents described in this section be provided to the building owner or owner's authorized agent within 180 days of the date of receipt of the certificate of occupancy.

**C103.6.1 Record documents.** Construction documents shall be updated to convey a record of the completed work. Such updates shall include mechanical, electrical and control drawings red-lined, or redrawn if specified, that show all changes to size, type and locations of components, equipment and assemblies.

**C103.6.2 Manuals.** An operating and maintenance manual shall be provided for each component, device, piece of equipment, and system required to be commissioned by this code. The manual shall include all of the following:

1. Submittal data indicating all selected options for each piece of equipment.
2. Manufacturer's operation manuals and maintenance manuals for each device, piece of equipment, and system requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions, cleaning and recommended relamping shall be clearly identified.
3. Name and address of at least one service agency.
4. Controls system inspection schedule, maintenance and calibration information, wiring diagrams, schematics, and control sequence descriptions. Desired or field-determined setpoints shall be permanently recorded on control drawings at control devices or, for digital control systems, on the graphic where settings may be changed.

**C103.6.3 Compliance documentation.** All energy code compliance forms and calculations shall be delivered in one document to the building owner as part of the project record documents, manuals, or as a standalone document. This document shall include the specific energy code year utilized for compliance determination for each system. NFRC certificates for the installed windows, list total area for each NFRC certificate, the interior lighting power compliance path (building area, space-by-space) used to calculate the lighting power allowance.

For projects complying with Section C401.2~~((-item one))~~ Item 1, the documentation shall include:

1. The envelop insulation compliance path (prescriptive or component performance).
2. All completed code compliance forms, and all compliance calculations including, but not limited to, those required by sections C402.1.5, C403.2.12.1, C405.4, and C405.5.

For projects complying with (~~C407~~) Section C401.2 Item 2, the documentation shall include:

1. A list of all proposed (~~envelope~~) envelope component types, areas and *U*-values.
2. A list of all lighting area types with areas, lighting power allowance, and installed lighting power density.
3. A list of each HVAC system modeled with the assigned and proposed system type.
4. Electronic copies of the baseline and proposed model input and output file. The input files shall be in a format suitable for rerunning the model and shall not consist solely of formatted reports of the inputs.

**C103.6.4 Systems operation training.** Training of the maintenance staff for equipment included in the manuals required by Section C103.6.2 shall include at a minimum:

1. Review of manuals and permanent certificate.
2. Hands-on demonstration of all normal maintenance procedures, normal operating modes, and all emergency shut-down and start-up procedures.
3. Training completion report.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40100 Section C401—General.**

**C401.1 Scope.** The provisions in this chapter are applicable to commercial buildings and their building sites.

**C401.2 Application.** Commercial buildings shall comply with one of the following:

1. The requirements of Sections C402, C403, C404, C405, C406, C408, C409 and C410.
2. The requirements of Section C407, C408, C409, C410, (~~C402.4~~) C402.5, C403.2, C404, C405.2, C405.3, C405.4, C405.6 and C405.7. The building energy consumption shall be equal to or less than 87, 90, or 93 percent of the standard reference design building, depending on the option selected per Section C407.3.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40213 Section C402.1.3—Insulation component *R*-value method.**

**C402.1.3 Insulation component *R*-value-based method.** *Building thermal envelope* opaque assemblies shall meet the requirements of Section C402.2 (~~and C402.4~~) based on the climate zone specified in Chapter 3. For opaque portions of the *building thermal envelope* intended to comply on an insulation component *R*-value basis, the *R*-values for insulation in framing areas, where required, and for continuous insulation, where required, shall not be less than that specified in Table C402.1.3. Commercial buildings or portions of commercial buildings enclosing Group R occupancies shall use the *R*-values from the "Group R" column of Table C402.1.3. Commercial buildings or portions of commercial buildings enclosing occupancies other than Group R shall use the *R*-values from the "All other" column of Table C402.1.3. The thermal resistance or *R*-value of the insulating material installed in, or

continuously on, below grade exterior walls of the building envelope required in accordance with Table C402.1.3 shall extend to the lowest floor of the conditioned space enclosed by the below grade wall. Doors having less than 50 percent opaque glass area shall be considered opaque doors. Opaque swinging doors shall comply with the Table C402.1.4 and opaque nonswinging doors shall comply with Table C402.1.3 or C402.1.4.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40215 Section C402.1.5—Component performance alternative.**

**C402.1.5 Component performance alternative.** Building envelope values and fenestration areas determined in accordance with Equation 4-2 shall be permitted in lieu of compliance with the *U*-factors and *F*-factors in Table C402.1.4 and C402.4 and the maximum allowable fenestration areas in Section C402.4.1.

**Equation 4-2**

$$A + B + C + D \leq \text{Zero}$$

Where:

- A = Sum of the (UA Dif) values for each distinct assembly type of the building thermal envelope, other than slabs on grade and below-grade walls
- |             |   |  |
|-------------|---|--|
| UA Dif      | = | UA Proposed - UA Table   |
| UA Proposed | = | Proposed <i>U</i> -value x Area  |
| UA Table    | = | ( <i>U</i> -factor from Table C402.1.4 or C402.4 or Section C402.1.3) x Area |
- B = Sum of the (FL Dif) values for each distinct slab on grade perimeter condition of the building thermal envelope
- |             |   |  |
|-------------|---|--|
| FL Dif      | = | FL Proposed - FL Table   |
| FL Proposed | = | Proposed <i>F</i> -value x Perimeter length                        |
| FL Table    | = | ( <i>F</i> -factor specified in Table C402.1.4) x Perimeter length |

The maximum allowed prescriptive vertical fenestration area as a percent of the gross above-grade wall area ratio is either:

1. 30%
2. 40% if the building complies with Section C402.4.1.1; or
3. 40% if the *U*-values used in calculating A for vertical fenestration are taken from Section C402.4.1.3 rather than Table C402.4

Where the proposed vertical fenestration area is less than or equal to the maximum allowed prescriptive vertical fenestration area, the value of ((D))  $C$  (Excess Vertical Glazing Value) shall be zero. Otherwise:

$$C = (CA \times UV) - (CA \times U_{Wall}), \text{ but not less than zero}$$

$CA$	=	(Proposed Vertical Fenestration Area) - (Vertical Fenestration Area allowed)
$U_{Wall}$	=	Sum of the (UA Proposed) values for each opaque assembly of the exterior wall
$UAW$	=	Sum of the (UA proposed) values for each above-grade wall assembly
$U_{Wall}$	=	$UAW$ /sum of wall area (excludes vertical fenestration area)
$UAV$	=	Sum of the (UA Proposed) values for each vertical fenestration assembly
$UV$	=	$UAV$ /total vertical fenestration area

Where the proposed skylight area is less than or equal to the skylight area allowed by Section C402.4.1, the value of ((E))  $D$  (Excess Skylight Value) shall be zero. Otherwise:

$$D = (DA \times US) - (DA \times U_{Roof}), \text{ but not less than zero}$$

$DA$	=	(Proposed Skylight Area) - (Allowable Skylight Area from Section C402.4.1)
$UAR$	=	Sum of the (UA Proposed) values for each roof assembly
$U_{Roof}$	=	$UAR$ /sum of roof area (excludes skylight area)
$UAS$	=	Sum of the (UA Proposed) values for each skylight assembly
$US$	=	$UAS$ /total skylight area

**C402.1.5.1 Component  $U$ -factors.** The  $U$ -factors for typical construction assemblies are included in Chapter 3 and Appendix A. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 3 or Appendix A, values shall be calculated in accordance with the ASHRAE *Handbook—Fundamentals*, using the framing factors listed in Appendix A.

For envelope assemblies containing metal framing, the  $U$ -factor shall be determined by one of the following methods:

1. Results of laboratory measurements according to acceptable methods of test.

2. ASHRAE *Handbook—Fundamentals* where the metal framing is bonded on one or both sides to a metal skin or covering.

3. The zone method as provided in ASHRAE *Handbook—Fundamentals*.

4. Effective framing/cavity  $R$ -values as provided in Appendix A.

When return air ceiling plenums are employed, the roof/ceiling assembly shall:

a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and

b. For gross area purposes, be based upon the interior face of the upper plenum surface.

5. Tables in ASHRAE 90.1-2010 Normative Appendix A.

**C402.1.5.2 SHGC rate calculations.** Solar heat gain coefficient shall comply with Table C402.4. The target  $SHGCA_t$  and the proposed  $SHGCA_p$  shall be calculated using Equations 4-3 and 4-4 and the corresponding areas and SHGCs from Table C402.4.

**Equation 4-3—Target  $SHGCA_t$**

$$\text{Equation C402-3} \\ \text{Target } SHGCA_t$$

$$SHGCA_t = SHGC_{ogt}(A_{ogt}) + SHGC_{vgt}(A_{vgt} + A_{vgmt} + A_{vgmot} + A_{vgdt})$$

Where:

$SHGCA_t$  = The target combined solar heat gain of the target fenestration area.

$SHGC_{ogt}$  = The solar heat gain coefficient for skylight fenestration found in Table C402.3.

$A_{ogt}$  = The proposed skylight area.

$SHGC_{vgt}$  = The solar heat gain coefficient for vertical fenestration found in Table C402.3. Buildings utilizing Section C402.3.1.3 shall use the SHGC value specified there. The SHGC may be adjusted for projection factors per the requirements of Section C402.3.

$A_{vgt}$  = The proposed vertical fenestration area with nonmetal framing.

$A_{vgmt}$  = The proposed vertical fenestration area with fixed metal framing.

$A_{vgmot}$  = The proposed vertical fenestration area with operable metal framing.

$A_{vgdt}$  = The proposed vertical fenestration area of entrance doors.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

**Equation 4-4  
Proposed SHGCA<sub>p</sub>**

$$SHGCA_p = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

SHGCA<sub>t</sub> = The combined proposed solar heat gain of the proposed fenestration area.

SHGC<sub>og</sub> = The solar heat gain coefficient of the skylights.

A<sub>og</sub> = The skylight area.

SHGC<sub>vg</sub> = The solar heat gain coefficient of the vertical fenestration.

A<sub>vg</sub> = The vertical fenestration area.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40225 Section C402.2.5—Floors.**

**C402.2.5 Floors.** The thermal properties (component *R*-values or assembly *U*- or *F*-factors) of floor assemblies over outdoor air or unconditioned space shall be as specified in Table C402.1.3 or C402.1.4 based on the construction materials used in the floor assembly. Floor framing cavity insulation or structural slab insulation shall be installed to maintain permanent contact with the underside of the subfloor decking or structural slabs.

- EXCEPTIONS:
1. The floor framing cavity insulation or structural slab insulation shall be permitted to be in contact with the top side of sheathing or continuous insulation installed on the bottom side of floor assemblies where combined with insulation that meets or exceeds the minimum *R*-value in Table ((~~C401.1.3~~) C402.1.3 for "Metal framed" or "Wood framed and other" values for "Walls, Above Grade" and extends from the bottom to the top of all perimeter floor framing or floor assembly members.
  2. Insulation applied to the underside of concrete floor slabs shall be permitted an air space of not more than 1 inch where it turns up and is in contact with the underside of the floor under walls associated with the *building thermal envelope*.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40330 Section C403.3—Economizers.**

**C403.3 Economizers (Prescriptive).** Air economizers shall be provided on all new systems including those serving computer server rooms, electronic equipment, radio equipment, and telephone switchgear. Economizers shall comply with Sections C403.3.1 through C403.3.4.

- EXCEPTIONS:
1. Systems complying with Section C403.6 Dedicated outdoor air systems (DOAS) with year-round cooling loads from lights and equipment of less than 5 watts per square foot.

2. Unitary or packaged systems serving one zone with dehumidification that affect other systems so as to increase the overall building energy consumption. New humidification equipment shall comply with Section C403.2.3.4.

3. Unitary or packaged systems serving one zone where the cooling efficiency meets or exceeds the efficiency requirements in Table C403.3.

4. Water-cooled refrigeration equipment serving chilled beams and chilled ceiling space cooling systems only which are provided with a water economizer meeting the requirements of Section C403.3.4.

5. Systems complying with all of the following criteria:

- 5.1. Consist of multiple water source heat pumps connected to a common water loop;
- 5.2. Have a minimum of 60 percent air economizer;
- 5.3. Have water source heat pumps with an EER at least 15 percent higher for cooling and a COP at least 15 percent higher for heating than that specified in Section C403.2.3;

5.4. Where provided, have a central boiler or furnace efficiency of 90 percent minimum for units up to 199,000 Btu/h; and

5.5. Provide heat recovery with a minimum 50 percent heat recovery effectiveness as defined in Section C403.5 to preheat the outside air supply.

6. For Group R occupancies, cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h and other cooling units with a total cooling capacity less than 54,000 Btu/h provided that these are high-efficiency cooling equipment with IEER, SEER, and EER values more than 15 percent higher than minimum efficiencies listed in Tables C403.2.3 (1) through (3), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. For split systems, compliance is based on the cooling capacity of individual fan coil units.

7. Variable refrigerant flow (VRF) systems, multiple-zone split-system heat pumps, consisting of multiple, individually metered indoor units with multi-speed fan motors, served on a single common refrigeration circuit with an exterior reverse-cycle heat pump with variable speed compressor(s) and variable speed condenser fan(s). These systems shall also be capable of providing simultaneous heating and cooling operation, where recovered energy from the indoor units operating in one mode can be transferred to one or more indoor units operating in the other mode, and shall serve at least 20 percent internal (no perimeter wall within 12') and 20 percent perimeter zones (as determined by conditioned floor area) and the outdoor unit shall be at least 65,000 Btu/h in total capacity. Systems utilizing this exception shall have 50 percent heat recovery effectiveness as defined by Section C403.5 on the outside air. For the purposes of this exception, dedicated server rooms, electronic equipment rooms or telecom switch rooms are not considered perimeter zones.

8. Equipment used to cool *Controlled Plant Growth Environments* provided these are high-efficiency cooling equipment with SEER, EER and IEER values a minimum of 20 percent greater than the values listed in Tables C403.2.3 (1), (3) and (7).



9. Equipment used to cool any spaces with year-round cooling loads from lights and equipment of greater than 5 watts per square foot, where it can be demonstrated through calculations, to the satisfaction of the *code official*, that the heat rejection load of the equipment will be recovered and used for on-site space heating or service water heating demands such that the energy use of the building is decreased in comparison to a baseline of the same equipment provided with an air economizer complying with Section C403.3.

10. Equipment used to cool any dedicated server room, electronic equipment room or telecom switch room provided the system complies with Option a, b or c in the table below. The total capacity of all systems without economizers shall not exceed 240,000 Btu/h per building or 10 percent of its air economizer capacity, whichever is greater. This exception shall not be used for Total Building Performance.

	<b>Equipment Type</b>	<b>Higher Equipment Efficiency</b>	<b>Part-Load Control</b>	<b>Economizer</b>
Option a	Tables C403.2.3(1) and C403.2.3(2) <sup>a</sup>	+15% <sup>b</sup>	Required over 85,000 Btu/h <sup>c</sup>	None Required
Option b	Tables C403.2.3(1) and C403.2.3(2) <sup>a</sup>	+5% <sup>d</sup>	Required over 85,000 Btu/h <sup>c</sup>	Waterside Economizer <sup>e</sup>
Option c	ASHRAE Standard 127 <sup>f</sup>	+0% <sup>g</sup>	Required over 85,000 Btu/h <sup>c</sup>	Waterside Economizer <sup>e</sup>

Notes for Exception 10:

<sup>a</sup>For a system where all of the cooling equipment is subject to the AHRI standards listed in Tables C403.2.3(1) and C403.2.3(2), the system shall comply with all of the following (note that if the system contains any cooling equipment that exceeds the capacity limits in Table C403.2.3(1) or C403.2.3(2), or if the system contains any cooling equipment that is not included in Table C403.2.3(1) or C403.2.3(2), then the system is not allowed to use this option).

<sup>b</sup>The cooling equipment shall have an EER value and an IPLV value that is a minimum of 15 percent greater than the value listed in Tables C403.2.3(1) and C403.2.3(2).

<sup>c</sup>For units with a total cooling capacity over 85,000 Btu/h, the system shall utilize part-load capacity control schemes that are able to modulate to a part-load capacity of 50 percent of the load or less that results in the compressor operating at the same or higher EER at part loads than at full load (e.g., minimum of two-stages of compressor unloading such as cylinder unloading, two-stage scrolls, dual tandem scrolls, but hot gas bypass is not credited as a compressor unloading system).

<sup>d</sup>The cooling equipment shall have an EER value and an IPLV value that is a minimum of 5 percent greater than the value listed in Tables C403.2.3(1) and C403.2.3(2).

<sup>e</sup>The system shall include a water economizer in lieu of air economizer. Water economizers shall meet the requirements of (~~C403.4.1.2 through C403.4.1.4~~) C403.3.1 and C403.3.2 and be capable of providing the total concurrent cooling load served by the connected terminal equipment lacking airside economizer, at outside air temperatures of 50°F dry-bulb/45°F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside temperatures. The equipment shall be served by a dedicated condenser water system unless a nondedicated condenser water system exists that can provide appropriate water temperatures during hours when waterside economizer cooling is available.

<sup>f</sup>For a system where all cooling equipment is subject to ASHRAE Standard 127.

<sup>g</sup>The cooling equipment subject to the ASHRAE Standard 127 shall have an EER value and an IPLV value that is equal or greater than the value listed in Tables C403.2.3(1) and C403.2.3(2) when determined in accordance with the rating conditions ASHRAE Standard 127 (i.e., not the rating conditions in AHRI Standard 210/240 or 340/360). This information shall be provided by an independent third party.

**Table C403.3  
Equipment Efficiency Performance  
Exception for Economizers**

<b>Climate Zones</b>	<b>Efficiency Improvement<sup>a</sup></b>
4C	64%
5B	59%

<sup>a</sup> If a unit is rated with an IPLV, IEER or SEER then to eliminate the required air or water economizer, the minimum cooling efficiency of the HVAC unit must be increased by the percentage shown. If the HVAC unit is only rated with a full load metric like EER or COP cooling, then these must be increased by the percentage shown.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40343 Section C403.4.2—Hydronic systems controls.**

**C403.4.2 Hydronic systems controls.** The heating of fluids that have been previously mechanically cooled and the cooling of fluids that have been previously mechanically heated shall be limited in accordance with Sections C403.4.2.1 through C403.4.2.3. Hydronic heating systems comprised of multiple-packaged boilers and designed to deliver conditioned water or steam into a common distribution system shall include automatic controls configured to sequence operation of the boilers. Hydronic heating systems comprised of a single boiler and greater than 500,000 Btu/h (146,550 W) input design capacity shall include either a multi-staged or modulating burner.

**C403.4.2.1 Three-pipe system.** Hydronic systems that use a common return system for both hot water and chilled water are prohibited.

**C403.4.2.2 Two-pipe changeover system.** Systems that use a common distribution system to supply both heated and chilled water shall be designed to allow a dead band between changeover from one mode to the other of at least 15°F (8.3°C) outside air temperatures; be designed to and provided with controls that will allow operation in one mode for at least 4 hours before changing over to the other mode; and be provided with controls that allow heating and cooling supply temperatures at the changeover point to be no more than 30°F (16.7°C) apart.

**C403.4.2.3 Hydronic (water loop) heat pump systems.** Hydronic heat pump systems shall comply with Sections C403.4.2.3.1 through C403.4.2.3.3.

**C403.4.2.3.1 Temperature dead band.** Hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection and heat addition shall have controls that are configured to provide a heat pump water supply temperature dead band of at least 20°F (11.1°C) between initiation of heat rejection and heat addition by the central devices.

EXCEPTION: Where a system loop temperature optimization controller is installed and can determine the most efficient operating temperature based on real time conditions of demand and capacity, dead bands of less than 20°F (11°C) shall be permitted.

**C403.4.2.3.2 Heat rejection.** Heat rejection equipment shall comply with Sections C403.4.2.3.2.1 and C403.4.2.3.2.2.

EXCEPTION: Where it can be demonstrated that a heat pump system will be required to reject heat throughout the year.

**C403.4.2.3.2.1 Climate Zone 4.** For Climate Zone 4:

1. If a closed-circuit cooling tower is used directly in the heat pump loop, either an automatic valve shall be installed to bypass all but a minimal flow of water around the tower, or lower leakage positive closure dampers shall be provided.

2. If an open-circuit tower is used directly in the heat pump loop, an automatic valve shall be installed to bypass all heat pump water flow around the tower.

3. If an open- or closed-circuit cooling tower is used in conjunction with a separate heat exchanger to isolate the cooling tower from the heat pump loop, then heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop.

**C403.4.2.3.2.2 Climate Zone 5.** For Climate Zone 5, if an open- or closed-circuit cooling tower is used, then a separate heat exchanger shall be provided to isolate the cooling tower from the heat pump loop, and heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop and providing an automatic valve to stop the flow of fluid.

**C403.4.2.3.3 Isolation valve.** Each hydronic heat pump on the hydronic system having a total pump system power exceeding 10 horsepower (hp) (7.5 kW) shall have a two-way (but not three-way) valve. For the purposes of this section, pump system power is the sum of the nominal power demand (i.e., nameplate horsepower at nominal motor efficiency) of motors of all pumps that are required to operate at design conditions to supply fluid from the heating or cooling source to all heat transfer devices (e.g., coils, heat exchanger) and return it to the source. This converts the system into a variable flow system and, as such, the primary circulation pumps shall comply with the variable flow requirements in Section C403.4.2.6.

**C403.4.2.4 Part load controls.** Hydronic systems greater than or equal to 300,000 Btu/h (88 kW) in design output capacity supplying heated or chilled water to comfort conditioning systems shall include controls that are configured to:

1. Automatically reset the supply-water temperatures in response to varying building heating and cooling demand using coil valve position, zone-return water temperature or outdoor air temperature. The temperature shall be reset by not less than 25 percent of the design supply-to-return water temperature difference.

EXCEPTION: Hydronic systems serving hydronic heat pumps.

2. Automatically vary fluid flow for hydronic systems with a combined motor capacity of 3 hp or larger with three or more control valves or other devices by reducing the system design flow rate by not less than 50 percent by designed valves that modulate or step open and close, or pumps that modulate or turn on and off as a function of load.

3. Automatically vary pump flow (( $\oplus$ )) on chilled-water systems and heat rejection loops serving water-cooled unitary air conditioners with a combined motor capacity of 3 hp or larger by reducing pump design flow by not less than 50 percent utilizing adjustable speed drives on pumps, or multiple-staged pumps where not less than one-half of the total pump horsepower is capable of being automatically turned off. Pump flow shall be controlled to maintain one control valve nearly wide open or to satisfy the minimum differential pressure.

EXCEPTIONS:

1. Supply-water temperature reset for chilled-water systems supplied by off-site district chilled water or chilled water from ice storage systems.
2. Minimum flow rates other than 50 percent as required by the equipment manufacturer for proper operation of equipment where using flow bypass or end-of-line 3-way valves.

3. Variable pump flow on dedicated equipment circulation pumps where configured in primary/secondary design to provide the minimum flow requirements of the equipment manufacturer for proper operation of equipment.

**C403.4.2.5 Boiler turndown.** *Boiler systems* with design input of greater than 1,000,000 Btu/h (293 kW) shall comply with the turndown ratio specified in Table C403.4.2.5.

The system turndown requirement shall be met through the use of multiple single input boilers, one or more *modulating boilers* or a combination of single input and modulating boilers.

**Table C403.4.2.5  
Boiler Turndown**

Boiler System Design Input (Btu/h)	Minimum Turndown Ratio
≥ 1,000,000 and less than or equal to 5,000,000	3 to 1
> 5,000,000 and less than or equal to 10,000,000	4 to 1
> 10,000,000	5 to 1

**C403.4.2.6 Pump isolation.** Chilled water plants including more than one chiller shall be capable of and configured to reduce flow automatically through the chiller plant when a chiller is shut down and automatically shut off flow to chillers that are shut down. Chillers piped in series for the purpose of increased temperature differential shall be considered as one chiller.

EXCEPTION: Chillers that are piped in series for the purpose of increased temperature differential.

Boiler plants including more than one boiler shall be capable of and configured to reduce flow automatically through the boiler plant when a boiler is shut down.

**C403.4.2.7 Variable flow controls.** Individual pumps required by this code to have variable speed control shall be controlled in one of the following manners:

1. For systems having a combined pump motor horsepower less than or equal to 20 hp (15 kW) and without direct digital control of individual coils, pump speed shall be a function of either:

- 1.1. Required differential pressure; or
- 1.2. Reset directly based on zone hydronic demand, or other zone load indicators; or
- 1.3. Reset directly based on pump power and pump differential pressure.

2. For systems having a combined pump motor horsepower that exceeds 20 hp (15 kW) or smaller systems with direct digital control, pump speed shall be a function of either:

- 2.1. The static pressure set point as reset based on the valve requiring the most pressure; or
- 2.2. Directly controlled based on zone hydronic demand.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40345 Section C403.4.4—Requirements for mechanical systems serving multiple zones.**

**C403.4.4 Requirements for mechanical systems serving multiple zones.** Sections C403.4.4.1 through C403.4.4.4 shall apply to ~~((complex))~~ mechanical systems serving multiple zones. Supply air systems serving multiple zones shall be VAV systems which, during periods of occupancy, are designed and configured to reduce primary air supply to each zone to one of the following before reheating, recooling or mixing takes place:

1. Thirty percent of the maximum supply air to each zone.
2. Three hundred cfm (142 L/s) or less where the maximum flow rate is less than 10 percent of the total fan system supply airflow rate.
3. The minimum ventilation requirements of Chapter 4 of the *International Mechanical Code*.
4. Any higher rate that can be demonstrated to reduce overall system annual energy use by offsetting reheat/recool energy losses through a reduction in outdoor air intake for the system, as *approved* by the code official.
5. The airflow rates to comply with applicable codes or accreditation standards such as pressure relationships or minimum air change rates.

EXCEPTION: The following define where individual zones or where entire air distribution systems are exempted from the requirement for VAV control:

1. Zones or supply air systems where at least 75 percent of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered or site-solar energy source.
2. Zones where special humidity levels are required to satisfy process needs.
3. Zones with a peak supply air quantity of 300 cfm (142 L/s) or less and where the flow rate is less than 10 percent of the total fan system supply airflow rate.
4. Zones without DDC for which the volume of air that is reheated, recooled or remixed is less than the larger of the following:
  - 4.1. 30 percent of the zone design peak supply rate.
  - 4.2. The outdoor airflow rate required to meet the ventilation requirements of Chapter 4 of the *International Mechanical Code* for the zone.
  - 4.3. Any higher rate that can be demonstrated, to the satisfaction of the code official, to reduce overall system annual energy usage by offsetting reheat/recool energy losses through a reduction in outdoor air intake for the system.
  - 4.4. The airflow rate required to comply with applicable codes or accreditation standards, such as pressure relationships or minimum air change rates.
5. Zones with DDC that comply with all of the following:
  - 5.1. The airflow rate in dead band between heating and cooling does not exceed the larger of the following:
    - 5.1.1. 20 percent of the zone design peak supply rate.
    - 5.1.2. The outdoor airflow rate required to meet the ventilation requirements of Chapter 4 of the *International Mechanical Code* for the zone.

5.1.3. Any higher rate that can be demonstrated, to the satisfaction of the code official, to reduce overall system annual energy usage by offsetting reheat/recool energy losses through a reduction in outdoor air intake for the system.

5.1.4. The airflow rate required to comply with applicable codes or accreditation standards, such as pressure relationships or minimum air change rates.

5.2. The airflow rate that is reheated, recooled, or mixed shall be less than 50 percent of the zone design peak supply rate.

5.3. The first stage of heating consists of modulating the zone supply air temperature setpoint up to a maximum setpoint while the airflow is maintained at the dead band flow rate.

5.4. The second stage of heating consists of modulating the airflow rate from the dead band flow rate up to the heating maximum flow rate.

6. *Zones* or supply air systems with thermostatic and humidistatic controls capable of operating in sequence the supply of heating and cooling energy to the *zones* and which are configured to prevent reheating, recooling, mixing or simultaneous supply of air that has been previously cooled, either mechanically or through the use of economizer systems, and air that has been previously mechanically heated.

**C403.4.4.1 Single duct variable air volume (VAV) systems, terminal devices.** Single duct VAV systems shall use terminal devices capable of and configured to reduce the supply of primary supply air before reheating or recooling takes place.

**C403.4.4.2 Dual duct and mixing VAV systems, terminal devices.** Systems that have one warm air duct and one cool air duct shall use terminal devices which are capable of and configured to reduce the flow from one duct to a minimum before mixing of air from the other duct takes place.

**C403.4.4.3 Multiple-zone VAV system ventilation optimization control.** Multiple-zone VAV systems with direct digital control of individual zone boxes reporting to a central control panel shall have automatic controls configured to reduce outdoor air intake flow below design rates in response to changes in system ventilation efficiency ( $E_v$ ) as defined by the *International Mechanical Code*.

EXCEPTIONS:

1. VAV systems with zonal transfer fans that recirculate air from other zones without directly mixing it with outdoor air, dual-duct dual-fan VAV systems, and VAV systems with fan-powered terminal units.
2. Systems having exhaust air energy recovery complying with Section C403.5.
3. Systems where total design exhaust airflow is more than 70 percent of total design outdoor air intake flow requirements.

**C403.4.4.4 Supply-air temperature reset controls.** Multiple zone HVAC systems shall include controls that automatically reset the supply-air temperature in response to representative building loads, or to outdoor air temperature. The controls shall be capable of resetting the supply air temperature at least 25 percent of the difference between the design supply-air temperature and the design room air temperature.

EXCEPTIONS:

1. Systems that prevent reheating, recooling or mixing of heated and cooled supply air.

2. Seventy-five percent of the energy for reheating is from site-recovered or site solar energy sources.
3. Zones with peak supply air quantities of 300 cfm (142 L/s) or less.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40360 Section C403.6—Dedicated outdoor air systems (DOAS).**

**C403.6 Dedicated outdoor air systems (DOAS) (This section is optional until June 30, 2017; and becomes prescriptive as of July 1, 2017).** For office, retail, education, libraries and fire stations. Outdoor air shall be provided to each occupied space by a dedicated outdoor air system (DOAS) which delivers 100 percent outdoor air without requiring operation of the heating and cooling system fans for ventilation air delivery.

EXCEPTIONS:

1. Occupied spaces that are not ventilated by a mechanical ventilation system and are only ventilated by a natural ventilation system per Section 402 of the *International Mechanical Code*.
2. High efficiency variable air volume (VAV) systems complying with Section C403.7. This exception shall not be used as a substitution for a DOAS per Section C406.6 or as a modification to the requirements for the Standard Reference Design per Section C407.

**C403.6.1 Energy recovery ventilation with DOAS.** The DOAS shall include *energy recovery ventilation* that complies with the minimum energy recovery efficiency and energy recovery bypass requirements, where applicable, of Section C403.5.1.

EXCEPTIONS:

1. Occupied spaces under the threshold of Section C403.5 with an average occupant load greater than 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) that include demand control ventilation configured to reduce outdoor air by at least 50% below design minimum ventilation rates when the actual occupancy of the space served by the system is less than the design occupancy.
2. Systems installed for the sole purpose of providing makeup air for systems exhausting toxic, flammable, paint, or corrosive fumes or dust, dryer exhaust, or commercial kitchen hoods used for collecting and removing grease vapors and smoke.

**C403.6.2 Heating/cooling system fan controls.** Heating and cooling equipment fans, heating and cooling circulation pumps, and terminal unit fans shall cycle off and terminal unit primary cooling air shall be shut off when there is no call for heating or cooling in the zone.

EXCEPTION:

Fans used for heating and cooling using less than 0.12 watts per cfm may operate when space temperatures are within the setpoint deadband (Section C403.2.4.1.2) to provide destratification and air mixing in the space.

**C403.6.3 Impracticality.** Where the code official determines that full compliance with all the requirements of Sections C403.6.1 and C403.6.2 would be impractical, it is permissible to provide an approved alternate means of compliance that achieves a comparable level of energy efficiency. For the purposes of this section, impractical means that an HVAC

system complying with Section C403.6 cannot effectively be utilized due to an unusual use or configuration of the building.

**C403.7 High efficiency variable air volume (VAV) systems.** For HVAC systems subject to the requirements of Section C403.6 but utilizing Exception 2 of that section, a high efficiency VAV system may be provided without a separate parallel DOAS when the system is designed, installed, and configured to comply with all of the following criteria (this exception shall not be used as a substitution for a DOAS per Section C406.6 or as a modification to the requirements for the Standard Reference Design per Section C407):

1. The VAV systems are provided with airside economizer per Section 403.3 without exceptions.

2. A direct-digital control (DDC) system is provided to control the VAV air handling units and associated terminal units per Section C403.2.4.12 regardless of sizing thresholds of Table C403.2.4.12.1.

3. Multiple-zone VAV systems with a minimum outdoor air requirement of 2,500 cfm (1180 L/s) or greater shall be equipped with a device capable of measuring outdoor airflow intake under all load conditions. The system shall be capable of increasing or reducing the outdoor airflow intake based on feedback from the VAV terminal units as required by Section C403.4.4.3, without exceptions, and Section C403.2.6.2 demand controlled ventilation.

4. Multiple-zone VAV systems with a minimum outdoor air requirement of 2,500 cfm (1180 L/s) or greater shall be equipped with a device capable of measuring supply airflow to the VAV terminal units under all load conditions.

5. In addition to meeting the zone isolation requirements of C403.2.4.4 a single VAV air handling unit shall not serve more than 50,000 square feet (2323 m<sup>2</sup>) unless a single floor is greater than 50,000 square feet (2323 m<sup>2</sup>) in which case the air handler is permitted to serve the entire floor.

6. The primary maximum cooling air for the VAV terminal units serving interior cooling load driven zones shall be sized for a supply air temperature that is a minimum of 5°F greater than the supply air temperature for the exterior zones in cooling.

7. Air terminal units with a minimum primary airflow setpoint of 50% or greater of the maximum primary airflow setpoint shall be sized with an inlet velocity of no greater than 900 feet per minute.

8. DDC systems be designed and configured per the guidelines set by high performance sequences of operation for HVAC systems (ASHRAE GPC 36, RP-1455).

9. Allowable fan motor horsepower shall not exceed 90% of the allowable HVAC fan system bhp (Option 2) as defined by Section C403.2.11.1.

10. All fan powered VAV terminal units (series or parallel) shall be provided with electronically commutated motors. The DDC system shall be configured to vary the speed of the motor as a function of the heating and cooling load in the space. Minimum speed shall not be greater than 66% of design airflow required for the greater of heating or cooling operation. Minimum speed shall be used during periods of low heating and cooling operation and ventilation-only operation.

**EXCEPTION:** For series fan powered terminal units where the volume of primary air required to deliver the ventilation requirements at minimum speed exceeds the air that would be delivered at the speed defined above, the minimum speed setpoint shall be configured to exceed the value required to provide the required ventilation air.

11. Fan-powered VAV terminal units shall only be permitted at perimeter zones with an envelope heating load requirement. All other VAV terminal units shall be single duct terminal units.

12. When in occupied heating or in occupied deadband between heating and cooling all fan powered VAV terminal units shall be configured to reset the primary air supply setpoint, based on the VAV air handling unit outdoor air vent fraction, to the minimum ventilation airflow required per *International Mechanical Code* without utilizing the exceptions 2, 3, or 4 of Section C403.4.4.

13. Spaces that are larger than 150 square feet (~~((XX))~~ 14 m<sup>2</sup>) and with an occupant load greater than or equal to 25 people per 1000 square feet (93 m<sup>2</sup>) of floor area (as established in Table 403.3.1.1 of the *International Mechanical Code*) shall be provided with all of the following features:

13.1. A dedicated VAV terminal unit capable of controlling the space temperature and minimum ventilation shall be provided.

13.2. Demand control ventilation (DCV) shall be provided that utilizes a carbon dioxide sensor to reset the ventilation setpoint of the VAV terminal unit from the design minimum to design maximum ventilation rate as required by Chapter 4 of the *International Mechanical Code*.

13.3. Occupancy sensors shall be provided that are configured to reduce the minimum ventilation rate to zero and setback room temperature setpoints by a minimum of 5°F, for both cooling and heating, when the space is unoccupied.

14. Dedicated server rooms, electronic equipment rooms, telecom rooms, or other similar spaces with cooling loads greater than 5 watts/sf shall be provided with separate, independent HVAC systems to allow the VAV air handlers to turn off during unoccupied hours in the office space and to allow the supply air temperature reset to occur.

**EXCEPTION:** The VAV air handling unit and VAV terminal units may be used for secondary backup cooling when there is a failure of the primary HVAC system. Additionally, server rooms, electronic equipment rooms, telecom rooms, or other similar spaces shall be provided with airside economizer per Section 403.3 without using the exceptions to Section C403.3.

**EXCEPTION:** Heat recovery per exception 9 of Section 403.3 may be in lieu of airside economizer for the separate, independent HVAC system.

15. HVAC system central heating or cooling plant will include a minimum of one of the following options:

15.1. VAV terminal units with hydronic heating coils connected to systems with hot water generation equipment limited to the following types of equipment: Gas-fired hydronic boilers with a thermal efficiency,  $E_t$ , of not less than 90%, air-to-water heat pumps or heat recovery chillers.

15.2. Chilled water VAV air handling units connected to systems with chilled water generation equipment with IPLV values more than 25% higher than the minimum part load

efficiencies listed in Table C403.2.3(7), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify. The smallest chiller or compressor in the central plant shall not exceed 20% of the total central plant cooling capacity or the chilled water system shall include thermal storage sized for a minimum of 20% of the total central cooling plant capacity.

16. The DDC system shall include a fault detection and diagnostics (FDD) system complying with the following:

16.1. The following temperature sensors shall be permanently installed to monitor system operation:

- 16.1.1. Outside air.
- 16.1.2. Supply air.
- 16.1.3. Return air.

16.2. Temperature sensors shall have an accuracy of  $\pm 2^{\circ}\text{F}$  ( $1.1^{\circ}\text{C}$ ) over the range of  $40^{\circ}\text{F}$  to  $80^{\circ}\text{F}$  ( $4^{\circ}\text{C}$  to  $26.7^{\circ}\text{C}$ ).

16.3. The VAV air handling unit controller shall be configured to provide system status by indicating the following:

- 16.3.1. Free cooling available.
- 16.3.2. Economizer enabled.
- 16.3.3. Compressor enabled.
- 16.3.4. Heating enabled.
- 16.3.5. Mixed air low limit cycle active.
- 16.3.6. The current value of each sensor.

16.4. The VAV air handling unit controller shall be capable of manually initiating each operating mode so that the operation of compressors, economizers, fans and the heating system can be independently tested and verified.

16.5. The VAV air handling unit shall be configured to report faults to a fault management application accessible by

day-to-day operating or service personnel or annunciated locally on zone thermostats.

16.6. The VAV terminal unit shall be configured to report if the VAV inlet valve has failed by performing the following diagnostic check at a maximum interval of once a month:

16.6.1. Command VAV terminal unit primary air inlet valve closed and verify that primary airflow goes to zero.

16.6.2. Command VAV terminal unit primary air inlet valve to design airflow and verify that unit is controlling to within 10% of design airflow.

16.7. The VAV terminal unit shall be configured to report and trend when the zone is driving the following VAV air handling unit reset sequences. The building operator shall have the capability to exclude zones used in the reset sequences from the DDC control system graphical user interface:

16.7.1. Supply air temperature setpoint reset to lowest supply air temperature setpoint for cooling operation.

16.7.2. Supply air duct static pressure setpoint reset for the highest duct static pressure setpoint allowable.

16.8. The FDD system shall be configured to detect the following faults:

16.8.1. Air temperature sensor failure/fault.

16.8.2. Not economizing when the unit should be economizing.

16.8.3. Economizing when the unit should not be economizing.

16.8.4. Outdoor air or return air damper not modulating.

16.8.5. Excess outdoor air.

16.8.6 VAV terminal unit primary air valve failure.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-404021 Table C404.2—Minimum performance of water-heating equipment.**

**Table C404.2  
Minimum Performance of Water-Heating Equipment**

Equipment Type	Size Category (input)	Subcategory or Rating Condition	Performance Required <sup>a, b</sup>	Test Procedure
Storage water heaters, electric	$\leq 12 \text{ kW}^d$	Resistance	$0.93 - 0.00132V, \text{EF}$	DOE 10 C.F.R. Part 430
	$\leq 24 \text{ amps and } \leq 250 \text{ volts}$	Heat pump	$0.93 - 0.00132V, \text{EF}$	DOE 10 C.F.R. Part 430
	$> 12 \text{ kW}^d$	Resistance	$(0.3 + 27/V_m, \%/h)$	Section G.2 of ANSI Z21.10.3
Instantaneous water heaters, electric	All	Resistance	$0.93 - 0.00132V, \text{EF}$	DOE 10 C.F.R. Part 430
Storage water heaters, gas	$\leq 75,000 \text{ Btu/h}$	$\geq 20 \text{ gal}$	$0.67 - 0.0019V, \text{EF}$	DOE 10 C.F.R. Part 430
	$> 75,000 \text{ Btu/h}$	$< 4,000 \text{ Btu/h/gal}$	$80\% E_t (Q/800 + 110\sqrt{V})$ SL, Btu/h	Section G.1 and G.2 of ANSI Z21.10.3
Instantaneous water heaters, gas	$> 50,000 \text{ Btu/h and } < 200,000 \text{ Btu/h}$	$\geq 4,000 \text{ (Btu/h)/gal and } < 2 \text{ gal}$	$0.62 - 0.0019V, \text{EF}$	DOE 10 C.F.R. Part 430
	$\geq 200,000 \text{ Btu/h}^e$	$\geq 4,000 \text{ Btu/h/gal and } < 10 \text{ gal}$	$80\% E_t$	Section G.1 and G.2 of ANSI Z21.10.3
	$\geq 200,000 \text{ Btu/h}$	$\geq 4,000 \text{ Btu/h/gal and } \geq 10 \text{ gal}$	$80\% E_t (Q/800 + 110\sqrt{V})$ SL, Btu/h	
Storage water heaters, oil	$\leq 105,000 \text{ Btu/h}$	$\geq 20 \text{ gal}$	$0.59 - 0.0019V, \text{EF}$	DOE 10 C.F.R. Part 430
	$> 105,000 \text{ Btu/h}$	$< 4,000 \text{ Btu/h/gal}$	$78\% E_t (Q/800 + 110\sqrt{V})$ SL, Btu/h	Section G.1 and G.2 of ANSI Z21.10.3

Equipment Type	Size Category (input)	Subcategory or Rating Condition	Performance Required <sup>a, b</sup>	Test Procedure
Instantaneous water heaters, oil	≤ 210,000 Btu/h	≥ 4,000 Btu/h/gal and < 2 gal	0.59 - 0.0019V, EF	DOE 10 C.F.R. Part 430
	> 210,000 Btu/h	≥ 4,000 Btu/h/gal and < 10 gal	80% E <sub>t</sub>	Section G.1 and G.2 of ANSI Z21.10.3
	> 210,000 Btu/h	≥ 4,000 Btu/h/gal and ≥ 10 gal	78% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	
Hot water supply boilers, gas and oil	≥ 300,000 Btu/h and < 12,500,000 Btu/h	≥ 4,000 Btu/h/gal and < 10 gal	80% E <sub>t</sub>	Section G.1 and G.2 of ANSI Z21.10.3
Hot water supply boilers, gas	≥ 300,000 Btu/h and < 12,500,000 Btu/h	≥ 4,000 Btu/h/gal and ≥ 10 gal	80% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	
Hot water supply boilers, oil	≥ 300,000 Btu/h and < 12,500,000 Btu/h	≥ 4,000 Btu/h/gal and > 10 gal	78% E <sub>t</sub> (Q/800 + 110√V) SL, Btu/h	
Pool heaters, gas and oil	All	—	78% E <sub>t</sub>	ASHRAE 146
Heat pump pool heaters	All	—	4.0 COP	AHRI 146
Unfired storage tanks	All	—	Minimum insulation requirement R-12.5 (h • ft <sup>2</sup> • °F)/Btu	(none)

For SI: °C = [(°F) - 32]/1.8, 1 British thermal unit per hour = 0.2931 W, 1 gallon = 3.785 L, 1 British thermal unit per hour per gallon = 0.078 W/L.

- a Energy factor (EF) and thermal efficiency (E<sub>t</sub>) are minimum requirements. In the EF equation, V is the rated volume in gallons.
- b Standby loss (SL) is the maximum Btu/h based on a nominal 70°F temperature difference between stored water and ambient requirements. In the SL equation, Q is the nameplate input rate in Btu/h. In the SL equation for electric water heaters, V is the rated volume in gallons and V<sub>m</sub> is the measured volume in gallons. In the SL equation for oil and gas water heaters and boilers, V is the rated volume in gallons.
- c Instantaneous water heaters with input rates below 200,000 Btu/h shall comply with these requirements if the water heater is designed to heat water to temperatures 180°F or higher.
- d Electric water heaters with an input rating of 12 kW (40,950 Btu/h) or less that are designed to heat water to temperatures of 180°F or greater shall comply with the requirements for electric water heaters that have an input rating greater than 12 kW (40,950 Btu/h).

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40507 Section C405.7—Electrical energy consumption.**

**C405.6 Electrical transformers.** Electric transformers shall meet the minimum efficiency requirements of Table C405.6 as tested and rated in accordance with the test procedure listed in DOE 10 C.F.R. 431. The efficiency shall be verified through certification under an approved certification program or, where no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the transformer manufacturer.

- EXCEPTION: The following transformers are exempt:
1. Transformers that meet the Energy Policy Act of 2005 exclusions based on the DOE 10 C.F.R. 431 definition of special purpose applications.
  2. Transformers that meet the Energy Policy Act of 2005 exclusions that are not to be used in general purpose applications based on information provided in DOE 10 C.F.R. 431.
  3. Transformers that meet the Energy Policy Act of 2005 exclusions with multiple voltage taps where the highest tap is at least 20 percent more than the lowest tap.
  4. Drive transformers.
  5. Rectifier transformers.
  6. Auto-transformers.
  7. Uninterruptible power system transformers.

8. Impedance transformers.
9. Regulating transformers.
10. Sealed and nonventilating transformers.
11. Machine tool transformer.
12. Welding transformer.
13. Grounding transformer.
14. Testing transformer.

**Table C405.6**  
**Minimum Nominal Efficiency Levels For 10 C.F.R. 431**  
**Low Voltage Dry-Type Distribution Transformers**

Single Phase Transformers		Three Phase Transformers	
kVA <sup>a</sup>	Efficiency (%) <sup>b</sup>	kVA <sup>a</sup>	Efficiency (%) <sup>b</sup>
15	97.7	15	97.0
25	98.0	30	97.5
37.5	98.2	45	97.7
50	98.3	75	98.0
75	98.5	112.5	98.2
100	98.6	150	98.3
167	98.7	225	98.5
250	98.8	300	98.6

Single Phase Transformers		Three Phase Transformers	
333	98.9	500	98.7
		750	98.8
		1000	98.9

- a kiloVolt-Amp rating.
- b Nominal efficiencies shall be established in accordance with the DOE 10 C.F.R. 431 test procedure for low voltage dry-type transformers.

**C405.7 Dwelling unit electrical energy consumption (mandatory).** Each dwelling unit located in a Group R-2 building shall have a separate electrical meter. A utility tenant meter meets this requirement. See Section C409 for additional requirements for energy metering and energy consumption management.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40602 Section C406.2—HVAC option.**

**C406.2 More efficient HVAC equipment and fan performance.** Buildings shall comply with Sections C406.2.1 through C406.2.3.

**C406.2.1 HVAC system selection.** No less than 90 percent of the total HVAC capacity serving the building shall be provided by equipment that is listed in Tables C403.2.3(1) through C403.2.3(9) or a combination thereof.

EXCEPTION: Air-to-water heat pumps or heat recovery chillers are also permitted to be utilized for Option C406.2.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-407051 Table C407.5.1(1)—Specifications for the standard reference and proposed design.**

**Table C407.5.1(1)  
Specifications for the Standard Reference and Proposed Designs**

Building Component Characteristics	Standard Reference Design	Proposed Design
Space use classification	Same as proposed	The space use classification shall be chosen in accordance with Table C405.4.2 for all areas of the building covered by this permit. Where the space use classification for a building is not known, the building shall be categorized as an office building.
Roofs	Type: Insulation entirely above deck Gross area: Same as proposed U-factor: From Table C402.1.4 Solar absorptance: 0.75 Emittance: 0.90	As proposed As proposed As proposed As proposed As proposed
Walls, above-grade	Type: Mass wall if proposed wall is mass; otherwise steel-framed wall Gross area: Same as proposed U-factor: From Table C402.1.4	As proposed As proposed As proposed

**C406.2.2 Minimum equipment efficiency.** Equipment shall exceed the minimum efficiency requirements listed in Tables C403.2.3(1) through C403.2.3((7)) (9) by 15 percent, in addition to the requirements of Section C403. Where multiple performance requirements are provided, the equipment shall exceed all requirements by 15 percent.

EXCEPTION: Equipment that is larger than the maximum capacity range indicated in Tables C403.2.3(1) through C403.2.3(9) shall utilize the values listed for the largest capacity equipment for the associated equipment type shown in the table.

**C406.2.3 Minimum fan efficiency.** Stand-alone supply, return and exhaust fans designed for operating with motors over 750 watts (1 hp) shall have an energy efficiency classification of not less than FEG 71 as defined in AMCA 205. The total efficiency of the fan at the design point of operation shall be within 10 percentage points of either the maximum total efficiency of the fan or the static efficiency of the fan.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40608 Section C406.8—Envelope option.**

**C406.8 Enhanced envelope performance.** The total UA of the building thermal envelope shall be 15 percent lower than the maximum allowable UA for a building of identical configuration and fenestration area in accordance with Section ((C402.1.2)) C402.1.5 and Equation 4-2, where UA equals the sum of the U-values of each distinct envelope assembly multiplied by the area in square feet of that assembly.



Building Component Characteristics	Standard Reference Design	Proposed Design
	Solar absorptance: 0.75 Emittance: 0.90	As proposed As proposed
Walls, below-grade	Type: Mass wall Gross area: Same as proposed U-Factor: From Table C402.1.4 with insulation layer on interior side of walls	As proposed As proposed As proposed
Floors, above-grade	Type: Joist/framed floor Gross area: Same as proposed U-factor: From Table C402.1.4	As proposed As proposed As proposed
Floors, slab-on-grade	Type: Unheated F-factor: From Table C402.1.4	As proposed As proposed
Opaque Doors	Type: Swinging Area: Same as proposed U-factor: From Table C402.1.4	As proposed As proposed As proposed
Vertical Fenestration Other than opaque doors	Area 1. The proposed vertical fenestration area; where the proposed vertical fenestration area is less than 30 percent of above-grade wall area. 2. 30 percent of above-grade wall area; where the proposed vertical fenestration area is 30 percent or more of the above-grade wall area. U-factor: From Table C402.4 for the same framing material as proposed SHGC: From Table C402.4 except that for climates with no requirement (NR) SHGC = 0.40 shall be used External shading and PF: None	As proposed  As proposed As proposed As proposed
Skylights	Area 1. The proposed skylight area; where the proposed skylight area is less than 3 percent of gross area of roof assembly. 2. 3 percent of gross area of roof assembly; where the proposed skylight area is 3 percent or more of gross area of roof assembly. U-factor: From Table C402.4 SHGC: From Table C402.4 except that for climates with no requirement (NR) SHGC = 0.40 shall be used	As proposed  As proposed As proposed
Air leakage	For infiltration, the air leakage rate as determined below shall be modeled at 100% when the building fan system is off, and at 25% when the building fan system is on, unless otherwise approved by the building official for unusually pressurized buildings. Per PNNL Report 18898, Infiltration Modeling Guidelines for Commercial Building Energy Analysis, the building air leakage rates as determined in accordance with Section C402.5.1.2 at 0.30 in. w.g. (75 Pa) shall be converted for modeling in annual energy analysis programs by	The Proposed Design air-leakage rate shall be the same as the Standard Design.

Building Component Characteristics	Standard Reference Design	Proposed Design
	being multiplied by 0.112 unless other multipliers are approved by the building official (e.g., a tested air leakage of 0.40 cfm/ft <sup>2</sup> of total building envelope area at 0.30 in. w.g. (75 Pa) would be calculated at 0.045 cfm/ft <sup>2</sup> of building envelope area). The calculated infiltration rate shall be normalized to the input required by the modeling software.	
Lighting, interior	The interior lighting power shall be determined in accordance with Table C405.4.2. As proposed when the occupancy of the space is not known.  Automatic lighting controls (e.g., programmable controls or automatic controls for daylight utilization) shall be modeled in <i>the standard reference design</i> as required by Section C405.	As proposed; where the occupancy of the space is not known, the lighting power density shall be based on the space classification as offices in Table C405.4.2(1).
Lighting, exterior	The lighting power shall be determined in accordance with Table C405.5.2(2). Areas and dimensions of tradable and nontradable surfaces shall be the same as proposed.	As proposed
Internal gains	Same as proposed	Receptacle, motor and process loads shall be modeled and estimated based on the space use classification. All end-use load components within and associated with the building shall be modeled to include, but not be limited to, the following: Exhaust fans, parking garage ventilation fans, exterior building lighting, swimming pool heaters and pumps, elevators, escalators, refrigeration equipment and cooking equipment.
Schedules	Same as proposed	Operating schedules shall include hourly profiles for daily operation and shall account for variations between weekdays, weekends, holidays and any seasonal operation. Schedules shall model the time-dependent variations in occupancy, illumination, receptacle loads, thermostat settings, mechanical ventilation, HVAC equipment availability, service hot water usage and any process loads. The schedules shall be typical of the proposed building type as determined by the designer and approved by the jurisdiction.
Outdoor airflow rates	Same as proposed, or no higher than those allowed by Section C403.2.6 (without exception 1), whichever is less.  Demand control ventilation: Shall be modeled as required by Section C403.6 including reduction to the minimum ventilation rate when unoccupied.	As proposed, in accordance with Section C403.2.6.  As proposed

Building Component Characteristics	Standard Reference Design	Proposed Design
Heating systems	<p>Fuel type: Same as proposed design</p> <p>Equipment type<sup>a</sup>: From Tables C407.5.1(2), C407.5.1(3), and C407.5.1(4)</p> <p>Efficiency: From Tables C403.2.3(2), C403.2.3(3), C403.2.3(4) and C403.2.3(5)</p> <p>Preheat coils: For HVAC system numbers 1 through 4, a preheat coil shall be modeled controlled to a fixed setpoint 20°F less than the design room heating temperature setpoint.</p> <p>Capacity<sup>b</sup>: Sized proportionally to the capacities in the proposed design based on sizing runs, i.e., the ratio between the capacities used in the annual simulations and the capacities determined by the sizing runs shall be the same for both the proposed design and <i>standard reference design</i>, and shall be established such that no smaller number of unmet heating load hours and no larger heating capacity safety factors are provided than in the proposed design.</p> <p>Weather conditions used in sizing runs to determine <i>standard reference design</i> equipment capacities may be based either on hourly historical weather files containing typical peak conditions or on design days developed using 99.6% heating design temperatures and 1% dry-bulb and 1% wet-bulb cooling design temperatures.</p>	<p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p>
Cooling systems	<p>Fuel type: Same as proposed design</p> <p>Equipment type<sup>a</sup>: From Tables C407.5.1(2), C407.5.1(3), and C407.5.1(4)</p> <p>Efficiency: From Tables C403.2.3(1), C403.2.3(2) and C403.2.3(3). Chillers shall use Path A efficiency.</p> <p>Capacity<sup>b</sup>: Sized proportionally to the capacities in the proposed design based on sizing runs, i.e., the ratio between the capacities used in the annual simulations and the capacities determined by the sizing runs shall be the same for both the proposed design and <i>standard reference design</i>, and shall be established such that no smaller number of unmet cooling load hours and no larger cooling capacity safety factors are provided than in the proposed design.</p> <p>Economizer<sup>d</sup>: Same as proposed, in accordance with Section C403.3. The high-limit shutoff shall be a dry-bulb switch with a setpoint as determined by Table C403.3.3.3.</p>	<p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p> <p>As proposed</p>
Energy recovery	<p><i>Standard reference design</i> systems shall be modeled where required in Section C403.5.</p>	<p>As proposed</p>

Building Component Characteristics	Standard Reference Design	Proposed Design
Fan systems	<p>Airflow rate: System design supply airflow rates for the <i>standard reference design</i> shall be based on a supply-air-to-room-air temperature difference of 20°F or the required ventilation air or makeup air, whichever is greater. If return or relief fans are specified in the proposed design, the <i>standard reference design</i> shall also be modeled with fans serving the same functions and sized for the <i>standard reference design</i> system supply fan air quantity less the minimum outdoor air, or 90% of the supply fan air quantity, whichever is larger.</p> <p>Motor brake horsepower: System fan electrical power for supply, return, exhaust, and relief (excluding power to fan-powered VAV boxes) shall be calculated using the following formulas:                      For systems <u>5, 7, 8 and 10</u> in Table C407.5.1(4),  <math>P_{fan} = ((CFMS)) CFM_s \times 0.3</math>                      For all other systems, including DOAS,  <math>P_{fan} = bhp \times 746 / \text{Fan Motor Efficiency}</math>                      Where:  <math>P_{fan}</math> = Electric power to fan motor (watts)  <math>bhp</math> = Brake horsepower of <i>standard reference design</i> fan motor from Table C403.2.12.1(1) - Option 2                      Fan motor = The efficiency from Tables C405.8(1) through C405.8(4) for the efficiency next motor size greater than the <math>bhp</math> using the enclosed motor at 1800 rpm  <math>((CFMS)) CFM_s</math> = The <i>standard reference design</i> system maximum design supply fan airflow rate in cfm                      DOAS fan power shall be calculated separately from the brake horsepower allowance.</p>	<p>As proposed</p> <p>As proposed</p>
On-site renewable energy	No on-site renewable energy shall be modeled in the <i>standard reference design</i> .	As proposed.
Shading from adjacent structures/terrain	Same as proposed.	For the <i>standard reference design</i> and the proposed building, shading by permanent structures and terrain shall be taken into account for computing energy consumption whether or not these features are located on the building site. A permanent fixture is one that is likely to remain for the life of the proposed design.
Service water heating	<p>Fuel type: Same as proposed</p> <p>Efficiency: From Table C404.2 and per Section C404.2.1</p> <p>Capacity: Same as proposed</p> <p>Demand: Same as proposed</p>	<p>As proposed</p> <p>As proposed</p> <p>Service hot-water energy consumption shall be calculated explicitly based upon the volume of service hot water required and the entering makeup water and the leaving service hot water</p>

Building Component Characteristics	Standard Reference Design	Proposed Design
	<p>Where no service water hot water system exists or is specified in the proposed design, no service hot water heating shall be modeled.</p> <p>Drain water heat recovery: Not required.</p>	<p>temperatures. Entering water temperatures shall be estimated based upon the location. Leaving temperatures shall be based upon the end-use requirements.</p> <p>Service water loads and usage shall be the same for both the <i>standard reference design</i> and the proposed design and shall be documented by the calculation procedures recommended by the manufacturer's specifications or generally accepted engineering methods.</p> <p style="text-align: center;">As proposed</p> <p style="text-align: center;">As proposed</p> <p>Drain water heat recovery modeling shall take into account manufacturer's rated efficiencies per C404.9, quantity of connected drains, the proportional flow rates between the waste stream and the preheated stream. Reductions in service water heating energy use for drain water heat recovery shall be demonstrated by calculations.</p>

- a Where no heating system exists or has been specified, the heating system shall be modeled as fossil fuel. The system characteristics shall be identical in both the standard reference design and proposed design.
- b The ratio between the capacities used in the annual simulations and the capacities determined by sizing runs shall be the same for both the standard reference design and proposed design.
- c Where no cooling system exists or no cooling system has been specified, the cooling system shall be modeled as an air-cooled single-zone system, one unit per thermal zone. The system characteristics shall be identical in both the standard reference design and proposed design.
- d If an economizer is required in accordance with Section C403.3 and where no economizer exists or is specified in the proposed design, then an air economizer shall be provided in the standard reference design in accordance with Section C403.3.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40801 Section C408.1—General.**

**C408.1 General.** A building commissioning process led by a *certified commissioning professional* shall be completed for mechanical systems in Section C403, service water heating systems in Section C404, electrical power and lighting systems in Section C405 and energy metering in Section C409.

**EXCEPTION:** Buildings, or portions thereof, which are exempt from Sections C408.2 through C408.6 may be excluded from the commissioning process.

**C408.1.1 Commissioning in construction documents.** Construction document notes shall clearly indicate provisions for commissioning and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements.

**C408.1.2 Commissioning plan.** A commissioning plan shall be developed by the project's certified commissioning profes-

sional and shall outline the organization, schedule, allocation of resources, and documentation requirements of the commissioning process. Items 1 through 4 shall be included with the construction documents, and items 5 through 8 shall be submitted prior to the first mechanical inspection. For projects where no mechanical inspection is required, items 5 through 8 shall be submitted prior to the first electrical inspection.

1. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities.

2. Roles and responsibilities of the commissioning team, including statement of qualifications of the commissioning professional ((~~in accordance with Section C408.1.1~~)).

3. A schedule of activities including systems testing and balancing, functional performance testing, and verification of the building documentation requirements in Section C103.6.

4. Where the certified commissioning professional is an employee of one of the registered design professionals of

record or an employee or subcontractor of the project contractor, an In-House Commissioning Disclosure and Conflict Management Plan shall be submitted with the commissioning plan. This plan shall disclose the certified commissioning professional's contractual relationship with other team members and provide a conflict management plan demonstrating that the certified commissioning professional is free to identify any issues discovered and report directly to the owner.

5. A listing of the specific equipment, appliances or systems to be tested and a description of the tests to be performed.

6. Functions to be tested.

7. Conditions under which the test will be performed.

8. Measurable criteria for performance.

**C408.1.3 Final commissioning report.** A final commissioning report shall be completed and certified by the *certified commissioning professional* and delivered to the building owner or owner's authorized agent. The report shall be organized with mechanical, lighting, service water heating and metering findings in separate sections to allow independent review. The report shall record the activities and results of the commissioning process and be developed from the final commissioning plan with all of its attached appendices. The report shall include:

1. Results of functional performance tests.

2. Disposition of deficiencies found during testing, including details of corrective measures used or proposed.

3. Functional performance test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

EXCEPTION: Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

**C408.1.4. Commissioning process completion requirements.** Prior to the final mechanical, plumbing and electrical inspections or obtaining a certificate of occupancy, the *certified commissioning professional* or approved agency shall provide evidence of systems *commissioning* and completion in accordance with the provisions of this section.

Copies of all documentation shall be given to the owner and made available to the *code official* upon request in accordance with Section C408.1.4.3.

**C408.1.4.1 Commissioning progress report for code compliance.** A preliminary report of commissioning test procedures and results shall be completed and certified by the *certified commissioning professional* or *approved agency* and provided to the building owner or owner's authorized agent. The report shall be organized with mechanical, lighting, service water heating and metering findings in separate sections to allow independent review. The report shall be identified as "Preliminary Commissioning Report" and shall identify:

1. Itemization of deficiencies found during testing required by this code that have not been corrected at the time of report preparation.

2. Deferred tests that cannot be performed at the time of report preparation because of climatic conditions, with anticipated date of completion.

3. Climatic conditions required for performance of the deferred tests.

4. Status of the project's record documents, manuals and systems operation training with respect to requirements in Section C103.6.

**C408.1.4.2 Acceptance of report.** Buildings, or portions thereof, shall not be considered acceptable for a final inspection pursuant to Section ((C104.3)) C104.2 until the *code official* has received a letter of transmittal from the building owner acknowledging that the building owner or owner's authorized agent has received the Preliminary Commissioning Report. Completion of the Commissioning Compliance Checklist (Figure C408.1.4.2) is deemed to satisfy this requirement.

**C408.1.4.3 Copy of report.** The *code official* shall be permitted to require that a copy of the Preliminary Commissioning Report be made available for review by the *code official*.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-40804 Section C408.4—Service water heating systems commissioning.**

**C408.4 Service water heating systems commissioning ((and completion requirements)).** Service water heating equipment and controls subject to Section C404 shall be included in the commissioning process required by Section C408.1. The commissioning process shall minimally include all energy code requirements for which the code states that equipment or controls shall "be capable of" or "configured to" perform specific functions.

EXCEPTION: Service water heating systems are exempt from the commissioning process in buildings where the largest service water heating system capacity is less than 200,000 Btu/h (58.6 W) and where there are no pools or permanent spas.

**C408.4.1 Functional performance testing.** Functional performance testing specified in Sections C408.4.1.1 through C408.4.1.3 shall be conducted. Written procedures which clearly describe the individual systematic test procedures, the expected systems' response or acceptance criteria for each procedure, the actual response or findings, and any pertinent discussion shall be followed. Testing shall affirm operation with the system under 50 percent water heating load.

**C408.4.1.1 Equipment.** Equipment functional performance testing shall demonstrate the installation and operation of components, systems, and system-to-system interfacing relationships in accordance with approved plans and specifications such that operation, function, and maintenance serviceability for each of the commissioned systems is confirmed. Testing shall include all modes and *sequence of operation*, including under full-load, part-load and the following emergency conditions:

1. Redundant or *automatic* back-up mode;

2. Performance of alarms; and

3. Mode of operation upon a loss of power and restoration of power.

**C408.4.1.2 Controls.** Service water heating controls shall be tested to document that control devices, components, equip-

ment, and systems are calibrated, adjusted and operate in accordance with approved plans and specifications. Sequences of operation shall be functionally tested to document they operate in accordance with *approved* plans and specifications.

**C408.4.1.3 Pools and spas.** Service water heating equipment, time switches, and heat recovery equipment which serve pools and permanent spas shall undergo a functional test to determine that they operate in accordance with manufacturer's specifications.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-40904 Section C409.4—Measurement devices, data acquisition system and energy display.**

**C409.4 Measurement devices, data acquisition system and energy display.**

**C409.4.1 Meters.** Meters and other measurement devices required by this section shall have local displays or be configured to automatically communicate energy data to a data acquisition system. Source meters may be any digital-type meters. Current sensors or flow meters are allowed for end use metering, provided that they have an accuracy of +/- 5%. All required metering systems and equipment shall provide at least hourly data that is fully integrated into the data acquisition and display system per the requirements of Section C409.

**C409.4.2 Data acquisition system.** The data acquisition system shall store the data from the required meters and other sensing devices for a minimum of 36 months. For each energy supply and end use category required by C409.2 and C409.3, it shall provide real-time energy consumption data and logged data for any hour, day, month or year.

**C409.4.3 Energy display.** For each building subject to Section C409.2 and C409.3, either a readily accessible and visible display, or a web page or other electronic document accessible to building management or to a third-party energy data analysis service shall be provided in the building accessible by building operation and management personnel. The display shall graphically provide the current energy consumption rate for each whole building energy source, plus each end use category, as well as the average and peak values for any day, week or year.

**C409.4.4 Commissioning.** The entire system shall be commissioned in accordance with Section ((C408.5)) C408. Deficiencies found during testing shall be corrected and retested and the commissioning report shall be updated to confirm that the entire metering and data acquisition and display system is fully functional.

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-41000 Section C410—Refrigeration system requirements.**

**C410.1 General (prescriptive).** Walk-in coolers, walk-in freezers, refrigerated warehouse coolers, refrigerated warehouse freezers, and refrigerated display cases shall comply with this Section.

**C410.1.1 Refrigeration equipment performance.** Refrigeration equipment shall have an energy use in kWh/day not greater than the values of Tables C410.2(1) and C410.2(2) when tested and rated in accordance with AHRI Standard 1200. The energy use shall be verified through certification under an approved certification program or, where a certification program does not exist, the energy use shall be supported by data furnished by the equipment manufacturer.

**Table C410.1.1(1)  
Minimum Efficiency Requirements: Commercial Refrigeration**

EQUIPMENT TYPE	APPLICATION	ENERGY USE LIMITS (kWh per day) <sup>a</sup>	TEST PROCEDURE
Refrigerator with solid doors	Holding Temperature	0.10 x V + 2.04	AHRI 1200
Refrigerator with transparent doors		0.12 x V + 3.34	
Freezers with solid doors		0.40 x V + 1.38	
Freezers with transparent doors		0.75 x V + 4.10	
Refrigerator/freezers with solid doors		The greater of 0.12 x V + 3.34 or 0.70	
Commercial refrigerators	Pulldown	0.126 x V + 3.51	

<sup>a</sup> V = Volume of the chiller for frozen compartment as defined in AHAM-HRF-1.

**Table C410.1.1(2)  
Minimum Efficiency Requirements: Commercial Refrigerators and Freezers**

EQUIPMENT TYPE				ENERGY USE LIMITS (kWh per day) <sup>a,b</sup>	TEST PROCEDURE
Equipment Class <sup>c</sup>	Family Code	Operating Mode	Rating Temperature		
VOP.RC.M	Vertical open	Remote condensing	Medium	0.82 x TDA + 4.07	AHRI 1200

EQUIPMENT TYPE				ENERGY USE LIMITS (kWh per day) <sup>a,b</sup>	TEST PROCEDURE
Equipment Class <sup>c</sup>	Family Code	Operating Mode	Rating Temperature		
SVO.RC.M	Semivertical open	Remote con- densing	Medium	0.83 x TDA + 3.18	
HZO.RC.M	Horizontal open	Remote con- densing	Medium	0.35 x TDA + 2.88	
VOP.RC.L	Vertical open	Remote con- densing	Low	2.27 x TDA + 6.85	
HZO.RC.L	Horizontal open	Remote con- densing	Low	0.57 x TDA + 6.88	
VCT.RC.M	Vertical trans- parent door	Remote con- densing	Medium	0.22 x TDA + 1.95	
VCT.RC.L	Vertical trans- parent door	Remote con- densing	Low	0.56 x TDA + 2.61	
SOC.RC.M	Service over counter	Remote con- densing	Medium	0.51 x TDA + 0.11	
VOP.SC.M	Vertical open	Self-contained	Medium	1.74 x TDA + 4.71	
SVO.SC.M	Semivertical open	Self-contained	Medium	1.73 x TDA + 4.59	
HZO.SC.M	Horizontal open	Self-contained	Medium	0.77 x TDA + 5.55	
HZO.SC.L	Horizontal open	Self-contained	Low	1.92 x TDA + 7.08	
VCT.SC.I	Vertical trans- parent door	Self-contained	Ice cream	0.67 x TDA + 3.29	
VCS.SC.I	Vertical solid door	Self-contained	Ice cream	0.38 x V + 0.88	
HCT.SC.I	Horizontal transparent door	Self-contained	Ice cream	0.56 x TDA + 0.43	
SVO.RC.L	Semivertical open	Remote con- densing	Low	2.27 x TDA + 6.85	
VOP.RC.I	Vertical open	Remote con- densing	Ice cream	2.89 x TDA + 8.7	
SVO.RC.I	Semivertical open	Remote con- densing	Ice cream	2.89 x TDA + 8.7	
HZO.RC.I	Horizontal open	Remote con- densing	Ice cream	0.72 x TDA + 8.74	
VCT.RC.I	Vertical trans- parent door	Remote con- densing	Ice cream	0.66 x TDA + 3.05	
HCT.RC.M	Horizontal transparent door	Remote con- densing	Medium	0.16 x TDA + 0.13	
HCT.RC.L	Horizontal transparent door	Remote con- densing	Low	0.34 x TDA + 0.26	
HCT.RC.I	Horizontal transparent door	Remote con- densing	Ice cream	0.4 x TDA + 0.31	
VCS.RC.M	Vertical solid door	Remote con- densing	Medium	0.11 x V + 0.26	
VCS.RC.L	Vertical solid door	Remote con- densing	Low	0.23 x V + 0.54	



EQUIPMENT TYPE				ENERGY USE LIMITS (kWh per day) <sup>a,b</sup>	TEST PROCEDURE
Equipment Class <sup>c</sup>	Family Code	Operating Mode	Rating Temperature		
VCS.RC.I	Vertical solid door	Remote condensing	Ice cream	$0.27 \times V + 0.63$	
HCS.RC.M	Horizontal solid door	Remote condensing	Medium	$0.11 \times V + 0.26$	
HCS.RC.L	Horizontal solid door	Remote condensing	Low	$0.23 \times V + 0.54$	
HCS.RC.I	Horizontal solid door	Remote condensing	Ice cream	$0.27 \times V + 0.63$	
SOC.RC.L	Service over counter	Remote condensing	Low	$1.08 \times TDA + 0.22$	
SOC.RC.I	Service over counter	Remote condensing	Ice cream	$1.26 \times TDA + 0.26$	
VOP.SC.L	Vertical open	Self-contained	Low	$4.37 \times TDA + 11.82$	
VOP.SC.I	Vertical open	Self-contained	Ice cream	$5.55 \times TDA + 15.02$	
SVO.SC.L	Semivertical open	Self-contained	Low	$4.34 \times TDA + 11.51$	
SVO.SC.I	Semivertical open	Self-contained	Ice cream	$5.52 \times TDA + 14.63$	
HZO.SC.I	Horizontal open	Self-contained	Ice cream	$2.44 \times TDA + 9.0$	
SOC.SC.I	Service over counter	Self-contained	Ice cream	$1.76 \times TDA + 0.36$	
HCS.SC.I	Horizontal solid door	Self-contained	Ice cream	$0.38 \times V + 0.88$	

- a V = Volume of the case, as measured in accordance with Appendix C of AHRI 1200.
- b TDA = Total display area of the case, as measured in accordance with Appendix D of AHRI 1200.
- c Equipment class designations consist of a combination [(in sequential order separated by periods (AAA).(BB).(C))]:
  - (AAA) An equipment family code where:
    - VOP = Vertical open
    - SVO = Semi-vertical open
    - HZO = Horizontal open
    - VCT = Vertical transparent doors
    - VCS = Vertical solid doors
    - HCT = Horizontal transparent doors
    - HCS = Horizontal solid doors
    - SOC = Service over counter
  - (BB) An operating mode code:
    - RC = Remote condensing
    - SC = Self-contained
  - (C) A rating temperature code:
    - M = Medium temperature (38°F)
    - L = Low temperature (0°F)
    - I = Ice cream temperature (15°F)

For example, "VOP.RC.M" refers to the "vertical-open, remote-condensing, medium-temperature" equipment class.

**C410.2 Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers.** Refrigerated warehouse coolers and refrigerated warehouse freezers shall comply with this section. Walk-in coolers and walk-in freezers that are not either site assembled or site constructed shall comply with the following:

1. Be equipped with automatic door-closers that firmly close walk-in doors that have been closed to within 1 inch (25 mm) of full closure.

EXCEPTION: Automatic closers are not required for doors more than 45 inches (1143 mm) in width or more than 7 feet (2134 mm) in height.

2. Doorways shall have strip doors, curtains, spring-hinged doors or other method of minimizing infiltration when doors are open.

3. *Walk-in coolers and refrigerated warehouse coolers* shall contain wall, ceiling, and door insulation of not less than R-25 or have wall, ceiling and door assembly *U*-factors no greater than *U*-0.039. *Walk-in freezers and refrigerated warehouse freezers* shall contain wall, ceiling and door insulation of not less than R-32 or have wall, ceiling and door assembly *U*-factors no greater than *U*-0.030.

EXCEPTION: Glazed portions of doors or structural members need not be insulated.

4. The floor of *walk-in freezers* shall contain floor insulation of not less than R-28 or have a floor assembly *U*-factor no greater than *U*-0.035.

5. Transparent reach-in doors for *walk-in freezers* and windows in *walk-in freezer* doors shall be of triple-pane glass, either filled with inert gas or with heat-reflective treated glass.

6. Windows and transparent reach-in doors for *walk-in coolers* doors shall be of double-pane or triple-pane, inert gas-filled, heat-reflective treated glass.

7. Evaporator fan motors that are less than 1 hp (0.746 kW) and less than 460 volts shall use electronically commutated motors, brushless direct-current motors, or 3-phase motors.

8. Condenser fan motors that are less than 1 hp (0.746 kW) shall use electronically commutated motors, permanent split capacitor-type motors or 3-phase motors.

9. Where antisweat heaters without antisweat heater controls are provided, they shall have a total door rail, glass and frame heater power draw of not more than 7.1 W/ft<sup>2</sup> (76 W/m<sup>2</sup>) of door opening for *walk-in freezers* and 3.0 W/ft<sup>2</sup> (32 W/m<sup>2</sup>) of door opening for *walk-in coolers*.

10. Where antisweat heater controls are provided, they shall reduce the energy use of the antisweat heater as a function of the relative humidity in the air outside the door or to the condensation on the inner glass pane.

11. Lights in *walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers* shall either use light sources with an efficacy of not less than 40 lumens per watt, including ballast losses, or shall use light sources with an efficacy of not less than 40 lumens per watt, including ballast losses, in conjunction with a device that turns off the lights within 15 minutes when the space is not occupied.

**C410.2.1 Walk-in coolers and walk-in freezers.** Site-assembled or site-constructed *walk-in coolers* and *walk-in freezers* shall comply with the following:

1. Automatic door closers shall be provided that fully close walk-in doors that have been closed to within 1 inch (25 mm) of full closure.

EXCEPTION: Closers are not required for doors more than 45 inches (1143 mm) in width or more than 7 feet (2134 mm) in height.

2. Doorways shall be provided with strip doors, curtains, spring-hinged doors or other method of minimizing infiltration when the doors are open.

3. Walk-in cooler walls, ceilings and doors shall be provided with insulation having a thermal resistance of not less than R-25 or have wall, ceiling and door assembly *U*-factors no greater than *U*-0.039. *Walk-in freezers* walls, ceilings and doors shall be provided with insulation having a thermal resistance of not less than R-32 or have wall, ceiling, door and slab assembly *U*-factors no greater than *U*-0.030.

EXCEPTION: Insulation is not required for glazed portions of doors or at structural members associated with the walls, ceiling or door frame.

4. The floor of *walk-in freezers* shall be provided with insulation having a thermal resistance of not less than R-28 or have a floor assembly *U*-factor no greater than *U*-0.035.

5. Transparent reach-in doors for and windows in opaque *walk-in freezer* doors shall be provided with triple-pane glass having the interstitial spaces filled with inert gas or provided with heat-reflective treated glass.

6. Transparent reach-in doors (~~(for)~~) and windows in opaque *walk-in cooler* doors shall be double-pane heat-reflective treated glass having the interstitial space gas filled.

7. Evaporator fan motors that are less than 1 hp (0.746 kW) and less than 460 volts shall be electronically commutated motors or 3-phase motors.

8. Condenser fan motors that are less than 1 hp (0.746 kW) in capacity shall be of the electronically commutated or permanent split capacitor-type or shall be 3-phase motors.

EXCEPTION: Fan motors in *walk-in coolers* and *walk-in freezers* combined in a single enclosure greater than 3,000 square feet (279 m<sup>2</sup>) in floor area are exempt.

9. Antisweat heaters that are not provided with antisweat heater controls shall have a total door rail, glass and frame heater power draw not greater than 7.1 W/ft<sup>2</sup> (76 W/m<sup>2</sup>) of door opening for *walk-in freezers*, and not greater than 3.0 W/ft<sup>2</sup> (32 W/m<sup>2</sup>) of door opening for *walk-in coolers*.

10. Antisweat heater controls shall be capable of reducing the energy use of the antisweat heater as a function of the relative humidity in the air outside the door or to the condensation on the inner glass pane.

11. Light sources shall have an efficacy of not less than 40 lumens per watt, including any ballast losses, or shall be provided with a device that automatically turns off the lights within 15 minutes of when the *walk-in cooler* or *walk-in freezer* was last occupied.

**C410.2.2 Refrigerated display cases.** Site-assembled or site-constructed refrigerated display cases shall comply with the following:

1. Lighting and glass doors in refrigerated display cases shall be controlled by one of the following:

1.1. Time switch controls to turn off lights during non-business hours. Timed overrides for display cases shall turn the lights on for up to 1 hour and shall automatically time out to turn the lights off.

1.2. Motion sensor controls on each display case section that reduce lighting power by at least 50 percent within 3 minutes after the area within the sensor range is vacated.

2. Low-temperature display cases shall incorporate temperature-based defrost termination control with a time-limit default. The defrost cycle shall terminate first on an upper

temperature limit breach and second upon a time limit breach.

3. Antisweat heater controls shall reduce the energy use of the antisweat heater as a function of the relative humidity in the air outside the door or to the condensation on the inner glass pane.

**C410.3 Refrigeration systems.** Refrigerated display cases, *walk-in coolers* or *walk-in freezers* that are served by remote compressor and remote condensers not located in a *condensing unit*, shall comply with Sections C410.4.1 and C410.4.2.

EXCEPTION: Systems where the working fluid in the refrigeration cycle goes through both subcritical and supercritical states (transcritical) or that use ammonia refrigerant are exempt.

**C410.3.1 Condensers serving refrigeration systems.** Fan-powered condensers shall comply with the following:

1. The design *saturated condensing temperatures* for air-cooled condensers shall not exceed the design dry-bulb temperature plus 10°F (5.6°C) for *low-temperature refrigeration systems*, and the design dry-bulb temperature plus 15°F (8°C) for *medium temperature refrigeration systems* where the *saturated condensing temperature* for blend refrigerants shall be determined using the average of liquid and vapor temperatures as converted from the condenser drain pressure.

2. Condenser fan motors that are less than 1 hp (0.75 kW) shall use electronically commutated motors, permanent split-capacitor-type motors or 3-phase motors.

3. Condenser fans for air-cooled condensers, evaporatively cooled condensers, air- or water-cooled fluid coolers or cooling towers shall reduce fan motor demand to not more than 30 percent of design wattage at 50 percent of design air volume, and incorporate one of the following continuous variable speed fan control approaches:

3.1. Refrigeration system condenser control for air-cooled condensers shall use variable setpoint control logic to reset the condensing temperature setpoint in response to ambient dry-bulb temperature.

3.2. Refrigeration system condenser control for evaporatively cooled condensers shall use variable setpoint control logic to reset the condensing temperature setpoint in response to ambient wet-bulb temperature.

4. Multiple fan condensers shall be controlled in unison.

5. The minimum condensing temperature setpoint shall be not greater than 70°F (21°C).

**C410.3.2 Compressor systems.** Refrigeration compressor systems shall comply with the following:

1. Compressors and multiple-compressor system suction groups shall include control systems that use floating suction pressure control logic to reset the target suction pressure temperature based on the temperature requirements of the attached refrigeration display cases or walk-ins.

EXCEPTION: Controls are not required for the following:

1. Single-compressor systems that do not have variable capacity capability.
2. Suction groups that have a design saturated suction temperature of 30°F (-1.1°C) or higher, suction groups that comprise the high stage of a two-stage or cascade system, or suction groups that primarily serve chillers for secondary cooling fluids.

2. Liquid subcooling shall be provided for all low-temperature compressor systems with a design cooling capacity equal to or greater than 100,000 Btu/hr (29.3 kW) with a design-saturated suction temperature of -10°F (-23°C) or lower. The subcooled liquid temperature shall be controlled at a maximum temperature setpoint of 50°F (10°C) at the exit of the subcooler using either compressor economizer (inter-stage) ports or a separate compressor suction group operating at a saturated suction temperature of 18°F (-7.8°C) or higher.

2.1. Insulation for liquid lines with a fluid operating temperature less than 60°F (15.6°C) shall comply with Table C403.2.10.

3. Compressors that incorporate internal or external crankcase heaters shall provide a means to cycle the heaters off during compressor operation.

**AMENDATORY SECTION** (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-50300 Section C503—Alterations.**

**C503.1 General.** Alterations to any building or structure shall comply with the requirements of the code for new construction. Alterations shall be such that the existing building or structure is no less conforming with the provisions of this code than the existing building or structure was prior to the alteration. Alterations to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Alterations shall not create an unsafe or hazardous condition or overload existing building systems.

EXCEPTION: The following alterations need not comply with the requirements for new construction provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Surface applied window film installed on existing single pane fenestration assemblies to reduce solar heat gain provided the code does not require the glazing fenestration to be replaced.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Section C402.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. *Roof recover*.
6. *Air barriers* shall not be required for *roof recover* and roof replacement where the *alterations* or renovations to the building do not include *alterations*, renovations or *repairs* to the remainder of the building envelope.
7. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided however that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

**C503.2 Change in space conditioning.** Any nonconditioned space that is altered to become *conditioned space* or *semi-heated space* shall be required to be brought into full compliance with this code. Any semi-heated space that is altered to

become conditioned space shall be required to be brought into full compliance with this code.

EXCEPTION: Where the component performance building envelope option in Section C402.1.5 is used to comply with this Section, the Proposed UA is allowed to be up to 110 percent of the Target UA. Where the total building performance option in Section C407 is used to comply with this section, the annual energy consumption of the proposed design is allowed to be 110 percent of the annual energy consumption otherwise allowed by Section C407.3.

**C503.3 Building envelope.** New building envelope assemblies that are part of the alteration shall comply with Sections C402.1 through C402.5 as applicable.

EXCEPTION: Air leakage testing is not required for alterations and repairs, unless the project includes a change in space conditioning according to Section C503.2 or a change of occupancy or use according to Section C505.1.

**C503.3.1 Roof replacement.** *Roof replacements* shall comply with Table C402.1.3 or C402.1.4 where the existing roof assembly is part of the *building thermal envelope* and contains insulation entirely above the roof deck.

**C503.3.2 Vertical fenestration.** The addition of *vertical fenestration* that results in a total building vertical fenestration area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.4. Alterations that result in a total building vertical fenestration area greater than specified in Section C402.4.1 shall comply with one of the following:

1. Vertical fenestration alternate per Section C402.1.3 for the new vertical fenestration added.
2. Vertical fenestration alternate per Section C402.4.1.1 for the area adjacent to the new vertical fenestration added.
3. Component performance option with target area adjustment per Section C402.1.5 or the total building performance option in Section C407 for the whole building.

**C503.3.2.1 Application to replacement fenestration products.** Where some or all of an existing *fenestration* unit is replaced with a new *fenestration* product, including sash and glazing, the replacement *fenestration* unit shall meet the applicable requirements for *U*-factor and *SHGC* in Table C402.4.

EXCEPTION: An area-weighted average of the *U*-factor of replacement fenestration products being installed in the building for each fenestration product category listed in Table C402.4 shall be permitted to satisfy the *U*-factor requirements for each fenestration product category listed in Table C402.4. Individual fenestration products from different product categories listed in Table C402.4 shall not be combined in calculating the area-weighted average *U*-factor.

**C503.3.3 Skylight area.** The addition of *skylights* that results in a total building skylight area less than or equal to that specified in Section C402.4.1 shall comply with Section C402.4. *Alterations* that result in a total building skylight area greater than that specified in Section C402.4.1 shall comply with the component performance option with target area adjustment per Section C402.1.5 or the total building performance option in Section C407 for the whole building.

**C503.4 Mechanical systems.** Those parts of systems which are altered or replaced shall comply with Section C403. Additions or alterations shall not be made to an existing mechanical system that will cause the existing mechanical system to become out of compliance.

EXCEPTION: Existing mechanical systems which are altered or where parts of the systems are replaced are not required to be modified to comply with Section C403.6 as long as mechanical cooling is not added to the system.

All new systems in existing buildings, including packaged unitary equipment and packaged split systems, shall comply with Section C403.

Where mechanical cooling is added to a space that was not previously cooled, the mechanical system shall comply with either Section C403.6 or C403.3.

- EXCEPTIONS:
1. Alternate designs that are not in full compliance with this code may be approved when the code official determines that existing building constraints including, but not limited to, available mechanical space, limitations of the existing structure, or proximity to adjacent air intakes/exhausts make full compliance impractical. Alternate designs shall provide alternate energy savings strategies including, but not limited to, Demand Control Ventilation or increased mechanical cooling or heating efficiency above that required by Tables C403.2.3(1) through C403.2.3(10).
  2. Qualifying small equipment: This exception shall not be used for unitary cooling equipment installed outdoors or in a mechanical room adjacent to the outdoors. This exception is allowed to be used for other cooling units and split systems serving one zone with a total cooling capacity rated in accordance with Section C403.2.3 of less than 33,000 Btu/h (hereafter referred to as qualifying small systems) provided that these are high-efficiency cooling equipment with SEER and EER values more than 15 percent higher than minimum efficiencies listed in Tables C403.2.3 (1) through (3), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. The total capacity of all qualifying small equipment without economizers shall not exceed 72,000 Btu/h per building, or 5 percent of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R occupancies is not included in determining the total capacity of all units without economizers in a building. Redundant units are not counted in the capacity limitations. This exception shall not be used for the shell-and-core permit or for the initial tenant improvement or for Total Building Performance.
  3. Chilled water terminal units connected to systems with chilled water generation equipment with IPLV values more than 25 percent higher than minimum part load efficiencies listed in Table C403.2.3(7), in the appropriate size category, using the same test procedures. Equipment shall be listed in the appropriate certification program to qualify for this exception. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20 percent of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizers in a building. This exception shall not be used for

the initial permit (this includes any initial permit for the space including, but not limited to, the shell-and-core permit, built-to-suit permit, and tenant improvement permit) or for Total Building Performance Method.

Alterations to existing mechanical cooling systems shall not decrease economizer capacity unless the system complies with either Section C403.2.6 or C403.3. In addition, for existing mechanical cooling systems that do not comply with either Section C403.2.6 or C403.3, including both the individual unit size limits and the total building capacity limits on

units without economizer; other alterations shall comply with Table C503.4.

When space cooling equipment is replaced, controls shall comply with all requirements under Section C403.6 and related subsections or provide for integrated operation with economizer in accordance with Section C403.3.1.

Existing equipment currently in use may be relocated within the same floor or same tenant space if removed and reinstalled within the same permit.

**Table C503.4  
Economizer Compliance Options for Mechanical Alterations**

	<b>Option A</b>	<b>Option B (alternate to A)</b>	<b>Option C (alternate to A)</b>	<b>Option D (alternate to A)</b>
<b>Unit Type</b>	<b>Any alteration with new or replacement equipment</b>	<b>Replacement unit of the same type with the same or smaller output capacity</b>	<b>Replacement unit of the same type with a larger output capacity</b>	<b>New equipment added to existing system or replacement unit of a different type</b>
1. Packaged Units	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,3</sup>	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,3</sup>	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,4</sup>
2. Split Systems	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	Efficiency: + 10/5% <sup>5</sup> Economizer: shall not decrease existing economizer capability	Only for new units < 54,000 Btuh replacing unit installed prior to 1991 (one of two): Efficiency: + 10/5% <sup>5</sup> Economizer: 50% <sup>6</sup>	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,4</sup>
			For units > 54,000 Btuh or any units installed after 1991: Option A	
3. Water Source Heat Pump	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	(two of three): Efficiency: + 10/5% <sup>5</sup> Flow control valve <sup>7</sup> Economizer: 50% <sup>6</sup>	(three of three): Efficiency: + 10/5% <sup>5</sup> Flow control valve <sup>7</sup> Economizer: 50% <sup>6</sup> (except for certain pre-1991 systems <sup>8</sup> )	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,4</sup> (except for certain pre-1991 systems <sup>8</sup> )
4. Hydronic Economizer using Air-Cooled Heat Rejection Equipment (Dry Cooler)	Efficiency: min. <sup>1</sup> Economizer: 1433 <sup>2</sup>	Efficiency: + 10/5% <sup>5</sup> Economizer: shall not decrease existing economizer capacity	Option A	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,4</sup>
5. Air-Handling Unit (including fan coil units) where the system has an air-cooled chiller	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	Economizer: shall not decrease existing economizer capacity	Option A (except for certain pre-1991 systems <sup>8</sup> )	Option A (except for certain pre-1991 systems <sup>8</sup> )

	<b>Option A</b>	<b>Option B (alternate to A)</b>	<b>Option C (alternate to A)</b>	<b>Option D (alternate to A)</b>
<b>Unit Type</b>	<b>Any alteration with new or replacement equipment</b>	<b>Replacement unit of the same type with the same or smaller output capacity</b>	<b>Replacement unit of the same type with a larger output capacity</b>	<b>New equipment added to existing system or replacement unit of a different type</b>
6. Air-Handling Unit (including fan coil units) and Water-cooled Process Equipment, where the system has a water-cooled chiller <sup>10</sup>	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	Economizer: shall not decrease existing economizer capacity	Option A (except for certain pre-1991 systems <sup>8</sup> and certain 1991-2004 systems <sup>9</sup> )	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,4</sup> (except for certain pre-1991 systems <sup>8</sup> and certain 1991-2015 systems <sup>9</sup> )
7. Cooling Tower	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	No requirements	Option A	Option A
8. Air-Cooled Chiller	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	Efficiency: + 5% <sup>11</sup> Economizer: shall not decrease existing economizer capacity	Efficiency (two of two): (1) + 10% <sup>12</sup> and (2) multistage Economizer: shall not decrease existing economizer capacity	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,4</sup>
9. Water-Cooled Chiller	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	Efficiency (one of two): (1) + 10% <sup>13</sup> or (2) plate frame heat exchanger <sup>15</sup> Economizer: shall not decrease existing economizer capacity	Efficiency (two of two): (1) + 15% <sup>14</sup> and (2) plate-frame heat exchanger <sup>15</sup> Economizer: shall not decrease existing economizer capacity	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,4</sup>
10. Boiler	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2</sup>	Efficiency: + 8% <sup>16</sup> Economizer: shall not decrease existing economizer capacity	Efficiency: + 8% <sup>16</sup> Economizer: shall not decrease existing economizer capacity	Efficiency: min. <sup>1</sup> Economizer: C403.3 <sup>2,4</sup>

- 1 Minimum equipment efficiency shall comply with Section C403.2.3 and Tables C403.2.3(1) through C403.2.3(10).
- 2 System and building shall comply with Section C403.3 (including both the individual unit size limits and the total building capacity limits on units without economizer). It is acceptable to comply using one of the exceptions to Section C403.3 or C504.3.4.
- 3 All equipment replaced in an existing building shall have air economizer complying with Section C403.3 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 2 to Section C503.4.
- 4 All separate new equipment added to an existing building shall have air economizer complying with Section C403.3 unless both the individual unit size and the total capacity of units without air economizer in the building is less than that allowed in Exception 3 to Section C503.4.
- 5 Equipment shall have a capacity-weighted average cooling system efficiency:
  - a. For units with a cooling capacity below 54,000 Btuh, a minimum of 10% greater than the requirements in Tables C403.2.3(1) and C403.2.3(2).
  - b. For units with a cooling capacity of 54,000 Btuh and greater, a minimum of 5% greater than the requirements in Tables C403.2.3(1) and C403.2.3(2).
- 6 Minimum of 50% air economizer that is ducted in a fully enclosed path directly to every heat pump unit in each zone, except that ducts may terminate within 12 inches of the intake to an HVAC unit provided that they are physically fastened so that the outside air duct is directed into the unit intake. If this is an increase in the amount of outside air supplied to this unit, the outside air supply system shall be configured to provide this additional outside air and equipped with economizer control.
- 7 Have flow control valve to eliminate flow through the heat pumps that are not in operation with variable speed pumping control complying with Section C403.4.2 for that heat pump.
  - When the total capacity of all units with flow control valves exceeds 15% of the total system capacity, a variable frequency drive shall be installed on the main loop pump.
  - As an alternate to this requirement, have a capacity-weighted average cooling system efficiency that is 5% greater than the requirements in note 5 (i.e., a minimum of 15%/10% greater than the requirements in Tables C403.2.3(1) and C403.2.3(2)).

- 8 Systems installed prior to 1991 without fully utilized capacity are allowed to comply with Option B, provided that the individual unit cooling capacity does not exceed 90,000 Btuh.
- 9 Economizer not required for systems installed with water economizer plate and frame heat exchanger complying with previous codes between 1991 and June 2016, provided that the total fan coil load does not exceed the existing or added capacity of the heat exchangers.
- 10 For water-cooled process equipment where the manufacturers specifications require colder temperatures than available with waterside economizer, that portion of the load is exempt from the economizer requirements.
- 11 The air-cooled chiller shall have an IPLV efficiency that is a minimum of 5% greater than the IPLV requirements in Table C403.2.3(7).
- 12 The air-cooled chiller shall:
- 13 Have an IPLV efficiency that is a minimum of 10% greater than the IPLV requirements in Table C403.2.3(7); and
  - 14 Be multistage with a minimum of two compressors.
- 13 The water-cooled chiller shall have an IPLV efficiency that is a minimum of 10% greater than the IPLV requirements in Table C403.2.3(7).
- 14 The water-cooled chiller shall have an IPLV efficiency that is a minimum of 15% greater than the IPLV requirements in Table C403.2.3(7).
- 15 Economizer cooling shall be provided by adding a plate-frame heat exchanger on the waterside with a capacity that is a minimum of 20% of the chiller capacity at standard AHRI rating conditions.
- 16 The replacement boiler shall have an efficiency that is a minimum of 8% higher than the value in Table C403.2.3(5), except for electric boilers.

**C503.5 Service hot water systems.** New service hot water systems that are part of the alteration shall comply with Section C404.

**C503.6 Lighting and motors.** Alterations that replace 50 percent or more of the luminaires in a space enclosed by walls or ceiling-height partitions, replace 50 percent or more of parking garage luminaires, or replace 50 percent or more of the total installed wattage of exterior luminaires shall comply with Sections C405.4 and C405.5. Where less than 50 percent of the fixtures in an interior space enclosed by walls or ceiling-height partitions or parking garage are new, or 50 percent or more of the installed exterior wattage is altered, the installed lighting wattage shall be maintained or reduced.

Where new wiring is being installed to serve added fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Sections (~~C405.2.2.3~~) C405.2.1, C405.2.3, C405.2.4, C405.2.5, C405.2.7, C405.3, and as applicable C408.3. In addition, office areas less than 300 ft<sup>2</sup> enclosed by walls or ceiling-height partitions, and all meeting and conference rooms, and all school classrooms, shall be equipped with occupancy sensors that comply with Section C405.2.1 and C408.3. Where a new lighting panel (or a moved lighting panel) with all new raceway and conductor wiring from the panel to the fixtures is being installed, controls shall also comply with the other requirements in Sections C405.2 and C408.3.

Where new walls or ceiling-height partitions are added to an existing space and create a new enclosed space, but the lighting fixtures are not being changed, other than being relocated, the new enclosed space shall have controls that comply with Sections C405.2.1, C405.2.2, C405.2.3, C405.2.4, C405.2.5 and C408.3.

Those motors which are altered or replaced shall comply with Section C405.8.

**C503.7 Refrigeration systems.** Those parts of systems which are altered or replaced shall comply with Section C410. Additions or alterations shall not be made to an existing refrigerated space or system that will cause the existing mechanical system to become out of compliance. All new refrigerated spaces or systems in existing buildings, including refrigerated display cases, shall comply with Section C410.

**WSR 16-13-090**  
**PERMANENT RULES**  
**WASHINGTON STATE LOTTERY**

[Filed June 15, 2016, 2:47 p.m., effective July 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: In order to maintain best practices regarding accounting procedures utilized in the industry, Washington's lottery would like to update WAC 315-04-180 by allowing for an additional option in payment procedures based on retailer business type.

Citation of Existing Rules Affected by this Order:  
Amending WAC 315-04-180.

Statutory Authority for Adoption: RCW 67.70.040 (1), (3).

Adopted under notice filed as WSR 16-10-043 on April 28, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 7, 2016.

Jana L. Jones  
Legal Counsel

AMENDATORY SECTION (Amending WSR 07-11-154, filed 5/22/07, effective 6/22/07)

**WAC 315-04-180 Obligations of lottery retailers.**  
(1)(a) Upon acceptance of a pack of instant tickets from the director, the retailer shall be responsible for the condition and security of the pack. The retailer shall hold the pack in its own safekeeping until it is ready to begin sale of the pack.

Immediately prior to beginning sale, the retailer shall place the pack in "activated" status in the lottery's instant ticket accounting system (ITAS). Placement in activated status designates that the tickets in the pack may be sold, and prizes in the pack may be paid.

(b) In the event that instant tickets accepted by the retailer are lost, stolen or in any way unaccounted for prior to their being placed in activated status on ITAS, the retailer shall, upon discovery of their disappearance, immediately notify the director of each pack or portion of a pack so unaccounted for, lost or stolen. The retailer may be required to provide the director a police report or other evidence of the pack's disappearance. The retailer may be charged twenty-five dollars for each pack or portion of a pack unaccounted for, lost or stolen.

(c) A retailer may return an unopened pack, at no charge, to the director at any time prior to the pack having been placed in activated status. Within thirty days of the official end of an instant game, a retailer shall return to the director all packs never activated in that game.

(d) Upon placement of a pack in activated status, the retailer shall be liable to the director for payment for the pack, in the amount calculated under WAC 315-06-035. Payment for a pack shall be due to the director (1) no later than fifty calendar days after the pack has been placed in activated status or when eighty percent of the low tiered prizes have been validated, thereby validating the pack; or (2) payment for a pack shall be due to the director no later than twenty-one days after activation. The director shall not reimburse the retailer for any ticket losses which occur after activation of the pack from which the tickets came, except as allowed by WAC 315-04-210(2) or 315-06-190.

(e) Each lottery retailer and lottery license applicant shall sign and comply with a lottery instant retailer agreement. Failure to sign or to comply shall result in revocation or denial of a retailer's lottery license.

(2) Each lottery retailer shall abide by the law, these rules and all other directives or instructions issued by the director.

(3) Each lottery retailer grants to the director an irrevocable license to enter upon the premises of the lottery retailer in which tickets may be sold or any other location under the control of the lottery retailer where the director may have good cause to believe lottery materials and/or tickets are stored or kept in order to inspect said lottery materials and/or tickets and the licensed premises.

(4) All property given, except tickets, to a lottery retailer remains the property of the director, and, upon demand, the lottery retailer agrees to deliver forthwith the same to the director.

(5) All books and records pertaining to the lottery retailer's lottery activities shall be made available for inspection and copying, during the normal business hours of the lottery retailer and between 8:00 a.m. and 5:00 p.m., Monday through Friday, upon demand by the director.

(6) All books and records pertaining to the lottery retailer's lottery activities shall be subject to seizure by the director without prior notice.

(7) No lottery retailer shall advertise or otherwise display advertising in any part of the lottery retailer's premises as a

licensed location which may be considered derogatory or adverse to the operations or dignity of the lottery.

**WSR 16-13-110**  
**PERMANENT RULES**  
**HEALTH CARE AUTHORITY**  
(Washington Apple Health)

[Filed June 20, 2016, 3:59 p.m., effective August 1, 2016]

Effective Date of Rule: August 1, 2016.

Purpose: WAC 182-535-1050 was amended to add a definition for "six months."

WAC 182-535-1245 was amended to align it with current policies and to reference the definition of six months in WAC 182-535-1050.

WAC 182-535-1400 was amended to remove two obsolete references (182-535-1240 and 182-535-1290), remove references to the thirty minute billing code (which was eliminated by the American Dental Association/Centers for Medicare and Medicaid Services), and add language about dentures to align the WAC with existing WAC and current policies.

Citation of Existing Rules Affected by this Order: Amending WAC 182-535-1050, 182-535-1245, and 182-535-1400.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 16-10-034 on April 27, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: June 20, 2016.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1050 Dental-related services—Definitions.** The following definitions and abbreviations and those found in chapter 182-500 WAC apply to this chapter. The medicaid agency also uses dental definitions found in the American Dental Association's Current Dental Terminology (CDT) and the American Medical Association's Physician's



Current Procedural Terminology (CPT). Where there is any discrepancy between the CDT or CPT and this section, this section prevails. (CPT is a trademark of the American Medical Association.)

**"Access to baby and child dentistry (ABCD)"** is a program to increase access to dental services in targeted areas for medicaid eligible infants, toddlers, and preschoolers up through the age of five. See WAC 182-535-1300 for specific information.

**"American Dental Association (ADA)"** is a national organization for dental professionals and dental societies.

**"Anterior"** refers to teeth (maxillary and mandibular incisors and canines) and tissue in the front of the mouth. Permanent maxillary anterior teeth include teeth six, seven, eight, nine, ten, and eleven. Permanent mandibular anterior teeth include teeth twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven. Primary maxillary anterior teeth include teeth C, D, E, F, G, and H. Primary mandibular anterior teeth include teeth M, N, O, P, Q, and R.

**"Asymptomatic"** means having or producing no symptoms.

**"Base metal"** means dental alloy containing little or no precious metals.

**"Behavior management"** means using the assistance of one additional dental professional staff to manage the behavior of a client to facilitate the delivery of dental treatment.

**"By-report"** - A method of reimbursement in which the department determines the amount it will pay for a service when the rate for that service is not included in the agency's published fee schedules. Upon request the provider must submit a "report" which describes the nature, extent, time, effort and/or equipment necessary to deliver the service.

**"Caries"** means carious lesions or tooth decay through the enamel or decay of the root surface.

**"Comprehensive oral evaluation"** means a thorough evaluation and documentation of a client's dental and medical history to include extra-oral and intra-oral hard and soft tissues, dental caries, missing or unerupted teeth, restorations, occlusal relationships, periodontal conditions (including periodontal charting), hard and soft tissue anomalies, and oral cancer screening.

**"Conscious sedation"** is a drug-induced depression of consciousness during which a client responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, spontaneous ventilation is adequate, and cardiovascular function is maintained.

**"Core buildup"** refers to building up of clinical crowns, including pins.

**"Coronal"** is the portion of a tooth that is covered by enamel.

**"Coronal polishing"** is a mechanical procedure limited to the removal of plaque and stain from exposed tooth surfaces.

**"Crown"** means a restoration covering or replacing part or the whole clinical crown of a tooth.

**"Current dental terminology (CDT)"** is a systematic listing of descriptive terms and identifying codes for reporting dental services and procedures performed by dental prac-

tioners. CDT is published by the Council on Dental Benefit Programs of the American Dental Association (ADA).

**"Current procedural terminology (CPT)"** is a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

**"Decay"** is a term for caries or carious lesions and means decomposition of tooth structure.

**"Deep sedation"** is a drug-induced depression of consciousness during which a client cannot be easily aroused, ventilatory function may be impaired, but the client responds to repeated or painful stimulation.

**"Dental general anesthesia"** see **"general anesthesia."**

**"Dentures"** means an artificial replacement for natural teeth and adjacent tissues, and includes complete dentures, immediate dentures, overdentures, and partial dentures.

**"Denturist"** means a person licensed under chapter 18.30 RCW to make, construct, alter, reproduce, or repair a denture.

**"Endodontic"** means the etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and associated periradicular conditions.

**"EPSDT"** means the agency's early and periodic screening, diagnosis, and treatment program for clients twenty years of age and younger as described in chapter 182-534 WAC.

**"Extraction"** see **"simple extraction"** and **"surgical extraction."**

**"Flowable composite"** is a diluted resin-based composite dental restorative material that is used in cervical restorations and small, low stress bearing occlusal restorations.

**"Fluoride varnish, rinse, foam or gel"** is a substance containing dental fluoride which is applied to teeth.

**"General anesthesia"** is a drug-induced loss of consciousness during which a client is not arousable even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Clients may require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

**"High noble metal"** is a dental alloy containing at least sixty percent pure gold.

**"Limited oral evaluation"** is an evaluation limited to a specific oral health condition or problem. Typically a client receiving this type of evaluation has a dental emergency, such as trauma or acute infection.

**"Limited visual oral assessment"** is an assessment by a dentist or dental hygienist to determine the need for fluoride treatment and/or when triage services are provided in settings other than dental offices or dental clinics.

**"Major bone grafts"** is a transplant of solid bone tissue(s).

**"Medically necessary"** see WAC 182-500-0070.

**"Minor bone grafts"** is a transplant of nonsolid bone tissue(s), such as powdered bone, buttons, or plugs.

"**Noble metal**" is a dental alloy containing at least twenty-five percent but less than sixty percent pure gold.

"**Oral evaluation**" see "**comprehensive oral evaluation.**"

"**Oral hygiene instruction**" means instruction for home oral hygiene care, such as tooth brushing techniques or flossing.

"**Oral prophylaxis**" is the dental procedure of scaling and polishing which includes removal of calculus, plaque, and stains from teeth.

"**Partials**" or "**partial dentures**" are a removable prosthetic appliance that replaces missing teeth in one arch.

"**Periodic oral evaluation**" is an evaluation performed on a patient of record to determine any changes in the client's dental or medical status since a previous comprehensive or periodic evaluation.

"**Periodontal maintenance**" is a procedure performed for clients who have previously been treated for periodontal disease with surgical or nonsurgical treatment. It includes the removal of supragingival and subgingival microorganisms and deposits with hand and mechanical instrumentation, an evaluation of periodontal conditions, and a complete periodontal charting as appropriate.

"**Periodontal scaling and root planing**" is a procedure to remove plaque, calculus, microorganisms, and rough cementum and dentin from tooth surfaces. This includes hand and mechanical instrumentation, an evaluation of periodontal conditions, and a complete periodontal charting as appropriate.

"**Posterior**" refers to the teeth (maxillary and mandibular premolars and molars) and tissue towards the back of the mouth. Permanent maxillary posterior teeth include teeth one, two, three, four, five, twelve, thirteen, fourteen, fifteen, and sixteen. Permanent mandibular posterior teeth include teeth seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two. Primary maxillary posterior teeth include teeth A, B, I, and J. Primary mandibular posterior teeth include teeth K, L, S, and T.

"**Proximal**" is the surface of the tooth near or next to the adjacent tooth.

"**Radiograph (X ray)**" is an image or picture produced on a radiation sensitive film emulsion or digital sensor by exposure to ionizing radiation.

"**Reline**" means to resurface the tissue side of a denture with new base material or soft tissue conditioner in order to achieve a more accurate fit.

"**Root canal**" is the chamber within the root of the tooth that contains the pulp.

"**Root canal therapy**" is the treatment of the pulp and associated periradicular conditions.

"**Root planing**" is a procedure to remove plaque, calculus, microorganisms, and rough cementum and dentin from tooth surfaces. This includes hand and mechanical instrumentation.

"**Scaling**" is a procedure to remove plaque, calculus, and stain deposits from tooth surfaces.

"**Sealant**" is a dental material applied to teeth to prevent dental caries.

"**Simple extraction**" is the routine removal of a tooth.

"**Six months**" is equal to one hundred eighty days.

"**Standard of care**" means what reasonable and prudent practitioners would do in the same or similar circumstances.

"**Surgical extraction**" is the removal of a tooth by cutting of the gingiva and bone. This includes soft tissue extractions, partial boney extractions, and complete boney extractions.

"**Symptomatic**" means having symptoms (e.g., pain, swelling, and infection).

"**Temporomandibular joint dysfunction (TMJ/TMD)**" is an abnormal functioning of the temporomandibular joint or other areas secondary to the dysfunction.

"**Therapeutic pulpotomy**" is the surgical removal of a portion of the pulp (inner soft tissue of a tooth), to retain the healthy remaining pulp.

"**Usual and customary**" means the fee that the provider usually charges nonmedicaid customers for the same service or item. This is the maximum amount that the provider may bill the agency.

"**Wisdom teeth**" are the third molars, teeth one, sixteen, seventeen, and thirty-two.

"**Xerostomia**" is a dryness of the mouth due to decreased saliva.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1245 Access to baby and child dentistry (ABCD) program.** The access to baby and child dentistry (ABCD) program is a program established to increase access to dental services for medicaid-eligible clients ages five and younger.

(1) Client eligibility for the ABCD program is as follows:

(a) Clients must be age five and younger. Once enrolled in the ABCD program, eligible clients are covered until their sixth birthday.

(b) Clients eligible under one of the following medical assistance programs are eligible for the ABCD program:

(i) Categorically needy program (CNP);

(ii) Limited casualty program-medically needy program (LCP-MNP);

(iii) Children's health program; or

(iv) State children's health insurance program (SCHIP).

(c) ABCD program services for eligible clients enrolled in a managed care organization (MCO) plan are paid through the fee-for-service payment system.

(2) Health care providers and community service programs identify and refer eligible clients to the ABCD program. If enrolled, the client and an adult family member may receive:

(a) Oral health education;

(b) "Anticipatory guidance" (expectations of the client and the client's family members, including the importance of keeping appointments); and

(c) Assistance with transportation, interpreter services, and other issues related to dental services.

(3) The agency pays enhanced fees only to ABCD-certified dentists and other agency-approved certified providers

for furnishing ABCD program services. ABCD program services include, when appropriate:

(a) Family oral health education. An oral health education visit:

(i) Is limited to one visit per day per family, up to two visits per child in a twelve-month period, per provider or clinic; and

(ii) Must include all of the following:

(A) "Lift the lip" training;

(B) Oral hygiene training;

(C) Risk assessment for early childhood caries;

(D) Dietary counseling;

(E) Discussion of fluoride supplements; and

(F) Documentation in the client's file or the client's designated adult member's (family member or other responsible adult) file to record the activities provided and duration of the oral education visit.

(b) Comprehensive oral evaluations as defined in WAC 182-535-1050, once per client, per provider or clinic, as an initial examination. The agency covers an additional comprehensive oral evaluation if the client has not been treated by the same provider or clinic within the past five years;

(c) Periodic oral evaluations (up to two visits per client, per calendar year, per provider or clinic;

~~(e))~~ as defined in WAC 182-535-1050, once every six months. Six months must elapse between the comprehensive oral evaluation and the first periodic oral evaluation;

(d) Topical application of fluoride varnish;

~~((f))~~ (e) Amalgam, resin, and glass ionomer restorations on primary teeth, as specified in the agency's current published documents;

~~((g))~~ (f) Therapeutic pulpotomy;

~~((h))~~ (g) Prefabricated stainless steel crowns on primary teeth, as specified in the agency's current published documents;

~~((i))~~ (h) Resin-based composite crowns on anterior primary teeth; and

~~((j))~~ (i) Other dental-related services, as specified in the agency's current published documents.

(4) The client's file must show documentation of the ABCD program services provided.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535-1400 Payment for dental-related services.** (1) The agency considers that a provider who furnishes covered dental services to an eligible client has accepted the agency's rules and fees.

(2) Participating providers must bill the agency their usual and customary fees.

(3) Payment for dental services is based on the agency's schedule of maximum allowances. Fees listed in the agency's fee schedule are the maximum allowable fees.

(4) The agency pays the provider the lesser of the billed charge (usual and customary fee) or the agency's maximum allowable fee.

(5) The agency pays dental general anesthesia services for eligible clients as follows:

(a) ~~((The initial thirty minutes constitutes))~~ Fifteen-minute increments are billed as one unit of time. When a dental procedure (requiring dental general anesthesia results in) requires multiple (time) fifteen-minute units and there is a remainder (less than fifteen minutes), the remainder (or fraction) is considered (as one time) one unit.

(b) When billing for anesthesia, the provider must show the actual beginning and ending times in the client's medical record. Anesthesia time begins when the provider starts to physically prepare the client for the induction of anesthesia in the operating room area (or its equivalent), and ends when the provider is no longer in constant attendance (i.e., when the client can be safely placed under postoperative supervision).

(6) The agency pays "by report" on a case-by-case basis, for a covered service that does not have a set fee.

(7) Participating providers must bill a client according to WAC 182-502-0160, unless otherwise specified in this chapter.

(8) If the client's eligibility for dental services ends before the conclusion of the dental treatment, payment for any remaining treatment is the client's responsibility. The exceptions to this (is) are complete dentures and resin partial dentures as described in WAC ((182-535-1240 and 182-535-1290)) 182-535-1090.

#### WSR 16-13-116

#### PERMANENT RULES

#### DEPARTMENT OF

#### LABOR AND INDUSTRIES

[Filed June 21, 2016, 10:45 a.m., effective July 22, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed rules describe the new preferred worker eligibility requirements and explain the expanded incentives available to eligible employers. The proposed rules explain how eligible employers participate in the preferred worker program in order to receive financial incentives similar to the existing stay at work program, plus a continuous employment bonus only available under the preferred worker program. The enabling legislation and the proposed rules also extend the incentives to include the employer of injury if insured through the state fund.

Citation of Existing Rules Affected by this Order: Amending WAC 296-16-100 What is the department's "preferred worker" program?, 296-16-110 Who may be certified as a "preferred worker"?, 296-16-120 Who certifies industrially injured or ill workers as "preferred workers"?, 296-16-130 How long does a worker's "preferred worker" certification last?, 296-16-135 Will the department grant a worker "preferred worker" certification under multiple open claims at the same time?, 296-16-140 Which employers are eligible to benefit from the "preferred worker" program?, 296-16-150 What benefits do eligible employers receive from the "preferred worker" program? and 296-16-160 What must an employer do to qualify for benefits when hiring or reemploying a "preferred worker"?; new WAC 296-16-113 What are the preferred worker certification requirements for a worker with developmental disabilities as defined by RCW 71A.10.-

020?, 296-16-125 Can a worker's preferred worker certification be revoked?, 296-16-145 Who must confirm the worker has returned to work that is consistent with the worker's limitations and physical restrictions? and 296-16-180 Can a denial decision about preferred worker certification or employer incentive eligibility be protested or appealed?; and repealing WAC 296-16-112 For purposes of the "preferred worker" program, who is the "employer of record"?, 296-16-115 How does a worker apply for "preferred worker" certification?, and 296-16-170 Where may an employer obtain an Intent to Hire Preferred Worker form?

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, chapter 137, Laws of 2015 (SHB 1496).

Adopted under notice filed as WSR 16-09-088 on April 19, 2016.

Changes Other than Editing from Proposed to Adopted Version:

- Minor edits to improve grammar, consistency and clarity.
- Added reminder to employers about equipment purchase limit in SHB 1496.
- Revised language about continuous employment incentive start date to align with SHB 1496.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 8, Repealed 3.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 8, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 21, 2016.

Joel Sacks  
Director

AMENDATORY SECTION (Amending WSR 05-01-105, filed 12/15/04, effective 1/15/05)

**WAC 296-16-100 What is the department's ((~~the~~)) preferred worker((~~the~~)) program?** The department's ((~~the~~)) preferred worker((~~the~~)) program provides eligible employers with financial incentives to hire certified ((~~the~~)) preferred workers((~~," and to reemploy certified "preferred workers" with developmental disabilities~~)).

AMENDATORY SECTION (Amending WSR 05-01-105, filed 12/15/04, effective 1/15/05)

**WAC 296-16-110 Who may be certified as a ((~~the~~)) preferred worker((~~the~~))?** (1) A worker may be certified as a ((~~the~~)) preferred worker((~~"if he or she"~~)), in the sole discretion of

the supervisor of industrial insurance or the supervisor's designee, if the worker has an open state fund insured claim for an industrial injury or occupational disease, or a closed state fund claim where the closure is not final, that((~~:~~

(1) Prevents the worker from returning to work with the employer of record, and substantially impairs the likelihood of the worker's reemployment with a different employer; or

(2) Has resulted in payment of time-loss compensation benefits for a period of at least fourteen consecutive days, if the worker has a developmental disability as defined by RCW 71A.10.020-)) results in a permanent disability which may be a substantial obstacle to employment.

(2) For purposes of subsection (1) of this section, permanent disability is defined as:

(a) A permanent loss of physical or mental function, causally related to the industrial injury or occupational disease, from which, within the limits of medical probability, further recovery is not expected; and

(b) The injured worker's health care provider has permanently restricted the worker from returning to the job of injury; and

(c) The work restrictions in (b) of this subsection are supported by medical findings appropriate to the worker's physical or mental condition.

(3) For purposes of subsection (1) of this section, "substantial obstacle to employment" means one or more of the following limitations apply:

(a) The worker is unable to perform at least one of the essential functions of the job of injury;

(b) The department finds the worker eligible for vocational retraining;

(c) The worker is permanently restricted to a lighter category of physical work demands; for example, a worker previously able to perform heavy work is permanently restricted to sedentary or light work.

(4) The preferred worker certification is assigned to the worker, and the preferred worker incentives are available to any qualified employer who may hire the worker during the preferred worker certification period.

#### NEW SECTION

**WAC 296-16-113 What are the preferred worker certification requirements for a worker with developmental disabilities as defined by RCW 71A.10.020?** (1) A worker with a developmental disability may be certified as a preferred worker, in the sole discretion of the supervisor of industrial insurance or the supervisor's designee, if the worker has an open state fund insured claim for an industrial injury or occupational disease, or a closed state fund claim where the closure is not final, that results in payment of time-loss compensation benefits for a period of at least fourteen consecutive days.

(2) A worker with developmental disabilities does not need to apply for preferred worker certification. The department will evaluate the worker's eligibility for certification after receiving the employer's documentation described in WAC 296-16-160(3).

(3) If the health care provider has released the worker without restrictions and the worker is returning to the job of record, a job analysis or job description is not needed.

**AMENDATORY SECTION** (Amending WSR 05-01-105, filed 12/15/04, effective 1/15/05)

**WAC 296-16-120 Who certifies industrially injured or ill workers as ((=))preferred workers((=))?** Only a department employee with authority to do so may certify a worker as a ((=))preferred worker((=)).

**NEW SECTION**

**WAC 296-16-125 Can a worker's preferred worker certification be revoked?** The department can revoke the preferred worker certification when the worker no longer meets the certification requirements outlined in WAC 296-16-110.

**AMENDATORY SECTION** (Amending WSR 05-01-105, filed 12/15/04, effective 1/15/05)

**WAC 296-16-130 How long does a worker's ((=))preferred worker((=)) certification last?** (1) A worker's ((=))preferred worker((=)) certification lasts for thirty-six consecutive months of employment at medically approved work, and will not be extended.

**(Exception:** The department may interrupt the certification period if:  
(1) Medical documentation shows that the worker is unable to work or look for work, due to the industrial injury or occupational disease for which the "preferred worker" certification was granted; and  
(2) The worker's claim for the same injury or disease is still open:))

The thirty-six consecutive month period begins the first date the certified preferred worker actually returns to work at a medically approved job, but ends no later than five years after claim closure.

(2) The department may interrupt the certification period if medical documentation shows the worker is unable to work due to the industrial injury or occupational disease in:

(a) The open claim in which preferred worker certification was granted; or

(b) A new, accepted claim for a condition or conditions sustained while performing medically approved work as a certified preferred worker.

(3) If the department interrupts the certification period, and when the worker is again able to work ((or look for work)), the certification period will resume. ((The period of interruption does not count toward the thirty-six month total:))

**AMENDATORY SECTION** (Amending WSR 05-17-040, filed 8/9/05, effective 9/15/05)

**WAC 296-16-135 Will the department grant a worker ((=))preferred worker((=)) certification under multiple open claims at the same time?** No. While a worker may have multiple open claims at the same time, the department will not grant the worker ((=))preferred worker((=)) cer-

tification under more than one of these claims at the same time.

(1) If the worker still has ((=))preferred worker((=)) certification time remaining from a previous claim, and also applies for ((=))preferred worker((=)) certification under a subsequent claim, the department will not grant the worker additional certification. In order to seek employment as a certified ((=))preferred worker((=)) the worker must use the certification time remaining from the previous claim.

(2) If the worker received ((=))preferred worker((=)) certification under a prior claim, and the thirty-six months of that certification has ended, the worker may be eligible for ((=))preferred worker((=)) certification under a subsequent ((or new open)) claim.

**AMENDATORY SECTION** (Amending WSR 05-01-105, filed 12/15/04, effective 1/15/05)

**WAC 296-16-140 Which employers are eligible to benefit from the ((=))preferred worker((=)) program?** ((When an employer offers the worker a medically appropriate job, the employer is eligible to benefit from the "preferred worker" program if:

~~(1) The employer is the employer of record who reemploys their own worker, and the worker:~~

~~(a) Has a developmental disability as defined by RCW 71A.10.020; and~~

~~(b) Under the open claim with that employer, has received payment of time loss compensation for a period of at least fourteen consecutive days; or~~

~~(2) The employer is NOT the employer of record, and the employer hires a certified preferred worker:)) The following employers may be eligible to benefit from the preferred worker program if they employ a certified preferred worker in a job approved by the injured worker's health care provider and the department's credentialed vocational rehabilitation professional:~~

~~(1) A Washington state fund employer with an industrial insurance account in good standing with the department, as outlined in WAC 296-17-31004(4); or~~

~~(2) A self-insured employer who employs a worker who is certified as a preferred worker under a state fund claim.~~

**NEW SECTION**

**WAC 296-16-145 Who must confirm the worker has returned to work that is consistent with the worker's limitations and physical restrictions?** (1) Preferred worker benefits are only available when the offered job is approved by:

(a) A credentialed vocational rehabilitation professional who meets the qualifications in WAC 296-19A-210; and

(b) The injured worker's health care provider.

(2) For the purposes of chapter 296-16 WAC, the injured worker's health care provider is defined as:

(a) The attending provider; or

(b) The current primary care provider; or

(c) In cases of diagnosed and accepted mental health conditions, the treating psychiatrist or psychiatric advanced registered nurse practitioner or, if there is no treating psychi-

atrist or psychiatric advanced registered nurse practitioner, the treating psychologist.

(3) The final determination in subsection (1) of this section must be made by the department's credentialed vocational rehabilitation professional, who may make a referral to an independent credentialed vocational rehabilitation professional for an on-site job analysis or other evaluation that may be necessary to confirm the job is appropriate for the worker's restrictions.

AMENDATORY SECTION (Amending WSR 05-01-105, filed 12/15/04, effective 1/15/05)

**WAC 296-16-150 What benefits ~~((d))~~ can an eligible employer~~((s))~~ receive from the ~~((u))~~preferred worker~~((u))~~ program? ~~((1))~~ Eligible employers insured with the state fund who hire a certified "preferred worker," or who reemploy a certified "preferred worker" with developmental disabilities:**

~~(a) Do not pay accident fund and medical aid fund premiums for that worker during the "preferred worker" certification period; and~~

~~(b) Will not have the cost of any new claim filed by that worker charged to their experience rating, if the claim is for a new injury sustained or an occupational disease diagnosed during the "preferred worker" certification period.~~

~~(2) Eligible self-insured employers who hire a certified "preferred worker," or who reemploy a certified "preferred worker" with developmental disabilities, will receive reimbursement from the second injury fund for all benefits paid on any new claim filed by that worker, if the claim is for a new injury sustained or an occupational disease diagnosed during the "preferred worker" certification period.)~~ (1) In the sole discretion of the supervisor of industrial insurance or the supervisor's designee, an eligible employer, insured through the state fund or self-insured, may receive benefits shown in the table below:

<u>A preferred worker certified on or after January 1, 2016, who is hired by:</u>		
<u>Employer</u>	<u>State Fund employer (pays premiums to L&amp;I)</u>	<u>Self-insured employer</u>
<u>(a) Wage, clothing, and equipment reimbursements specified in subsection (2) of this section.</u> <u>(b) Continuous employment incentive specified in subsection (3) of this section.</u>	<u>X</u>	<u>X</u>

<u>A preferred worker certified on or after January 1, 2016, who is hired by:</u>		
<u>Employer</u>	<u>State Fund employer (pays premiums to L&amp;I)</u>	<u>Self-insured employer</u>
<u>(c) Does not pay accident fund and medical aid fund premiums for hours worked by the preferred worker.</u> <u>(d) Will not have the cost of any new claim filed by that preferred worker charged to their experience rating.</u>	<u>X</u>	
<u>(e) Receives reimbursement from the second injury fund for all benefits paid on any new claim filed by that worker during the certification period.</u>		<u>X</u>

(2) An eligible employer, insured through the state fund or self-insured, may be reimbursed for the following expenses actually incurred while employing a preferred worker who was certified on or after January 1, 2016, at work approved under WAC 296-16-145, performed during the worker's certification period:

(a) Fifty percent of basic gross wages paid to the worker for the work actually performed, for up to sixty-six days in a twenty-four month period and a maximum of ten thousand dollars per worker certification period.

(i) Basic gross wages means the basic hourly wages or salary. Basic gross wages do not include tips, commissions, bonuses, board, housing, fuel, health care, dental care, vision care, per diem, reimbursements for work-related expenses, or any other payments.

(ii) A partial day worked counts as one day. Example: The worker works a four-hour shift. This counts as one day out of the sixty-six.

(iii) If the worker's single shift spans two calendar days, that shift counts as one day. Example: The worker's single shift starts at 10:00 p.m., November 14th, and continues until 6:30 a.m., November 15th. This counts as one day out of the sixty-six.

(iv) The sixty-six days do not have to be consecutive.

(v) The employer may choose which sixty-six days to seek reimbursement for.

(vi) The employer cannot be reimbursed for dates the employer employed the worker that are more than twenty-four months after the earliest day the department has already reimbursed on the claim. Example: The first work date for which the employer was reimbursed was February 1, 2016. The twenty-four month eligibility period ends January 31, 2018.

(vii) The employer must submit the request for reimbursement within one year of the date the work was performed.

(viii) The employer must submit to the department documentation such as payroll records and time cards that verify the dates worked and basic gross wages paid.

(b) Clothing the employer purchased for the worker, necessary to perform the medically approved work, up to four hundred dollars per worker certification period.

(i) The department will not reimburse the employer for any clothing the employer provided to the worker that the employer normally provides to its workers.

(ii) When the work ends, the clothing belongs to the worker.

(iii) The employer must submit the request for reimbursement within one year of the date of purchase, and include itemized receipts.

(c) Tools and equipment the employer purchased to enable the worker to perform the medically approved work, up to two thousand five hundred dollars per worker certification period.

(i) The department will not reimburse the employer for any tools and equipment the employer provided to the worker that the employer normally provides to its workers.

(ii) The employer cannot be reimbursed for tools and equipment purchased prior to offering the job to the worker.

(iii) When the work ends, the tools and equipment belong to the employer.

(iv) The employer must submit the request for reimbursement within one year of the date of purchase, and include itemized receipts.

(3) An eligible employer who continuously employs a certified preferred worker at the medically approved job without reduction in base wages for at least twelve consecutive months, beginning on or after January 1, 2016, may receive a one-time continuous employment incentive payment at the sole discretion of the supervisor of industrial insurance or the supervisor's designee.

(a) The twelve months begin the date the worker is certified as a preferred worker or the first date of employment, whichever is later.

(b) For purposes of this section, "continuous employment" is defined as maintaining the same work pattern as the medically approved job date of hire. "Same work pattern" generally refers to the number of hours worked per week and the worker's primary shift, for example, days, swing, or graveyard shift, as long as total hours are not reduced. For example, a farm laborer returns to approved work as an employee in the farm's retail outlet, Monday through Thursday, 8:00 a.m. to 4:00 p.m., thirty-two hours per week. A month later, the schedule changes to Tuesday through Friday, 8:00 a.m. to 4:00 p.m., thirty-two hours per week. The work pattern is the same as the medically approved job date of hire. However, a change to shift hours that are 4:00 p.m. to midnight may be a change in work pattern.

(c) "Without reduction" means the worker receives the same base wage or greater from the date of hire throughout the twelve-month period. In addition, the employer must continue any health care benefits the certified preferred worker

had at the time of hire, unless these benefits are inconsistent with the employer's current benefit program for workers.

(d) The one-time payment is equal to the lesser of ten percent of the worker's wages or ten thousand dollars. Wages for the one-time payment include commissions and bonuses paid, but do not include tips, board, housing, fuel, health care, dental care, vision care, per diem, reimbursements for work-related expenses, or any other payments.

(e) Only one continuous employment incentive is payable per worker certification period.

(f) The employer must submit the request for the continuous employment incentive within one year of the date the twelve months ended.

(4) If the department receives a valid reimbursement or incentive request from different employers within the same worker certification period, the requests will be paid in the order received by the department up to the limits described.

(5) The employer cannot be reimbursed under both the stay at work and preferred worker programs for the same dates worked or expenses incurred.

AMENDATORY SECTION (Amending WSR 05-01-105, filed 12/15/04, effective 1/15/05)

**WAC 296-16-160 What must an employer do to qualify for benefits when hiring or reemploying a ((=))preferred worker((=))?** ((An employer must complete an *Intent to Hire Preferred Worker* form. The employer must return the completed form to the department within sixty days from the "preferred worker's" first day of:-

(1) Employment, if the employer is a subsequent or new employer. In these situations, the employer must also provide the department a description of the job offered to the worker.

(2) Reemployment, if the employer is the employer of record and the worker has a developmental disability as defined by RCW 71A.10.020. In these situations, if the doctor has released the worker without restrictions and the worker is returning to the job of record, a job description is not needed.)) (1) An employer must employ the certified preferred worker in a job that:

(a) Will continue to be available into the foreseeable future; and

(b) Is confirmed as consistent with the worker's permanent work restrictions as outlined in WAC 296-16-145; and

(c) Addresses a business need or provides economic value to the employer.

(2) The employer will not be eligible for preferred worker incentives if the offered job is any of the following:

(a) The job of injury with minor or no modifications;

(b) Work that is beyond the worker's medical restrictions;

(c) Work which requires training beyond the usual and customary training provided by the employer to similar employees;

(d) On-the-job training.

(3) Except for tools and equipment as described in WAC 296-16-150 (2)(c), and the continuous employment incentive as described in WAC 296-16-150(3), in no case will the employer receive any preferred worker benefits for dates

worked prior to the department's receipt of all required documentation. The employer must submit to the department:

(a) A copy of the completed job analysis or department's job description form, approved by the worker's health care provider; and

(b) The job offer, signed by the worker; and

(c) The preferred worker request form, available on the department's web site, completed and signed by the employer.

(d) Once all appropriately completed documents described in (a) through (c) of this subsection have been received by the department, the employer can be reimbursed for the cost of any tools and equipment as described in WAC 296-16-150 (2)(c) if purchased within sixty days of the first date of the preferred worker's employment.

(4) After the offered job is approved by the department's credentialed vocational rehabilitation professional, preferred worker benefits can be granted. The benefit start date will be no earlier than the first workday after the department receives the employer's completed documentation.

(5) If the job is offered after the preferred worker's claim is closed, the worker's restrictions at time of claim closure will apply.

#### NEW SECTION

**WAC 296-16-180 Can a denial decision about preferred worker certification or employer incentive eligibility be protested or appealed?** Yes, the employer, injured worker, or health care provider can send a written protest to the department or appeal to the board of industrial insurance appeals within sixty days from the date the decision is communicated.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-16-112 For purposes of the "preferred worker" program, who is the "employer of record"?
- WAC 296-16-115 How does a worker apply for "preferred worker" certification?
- WAC 296-16-170 Where may an employer obtain an *Intent to Hire Preferred Worker* form?

**WSR 16-13-119  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed June 21, 2016, 10:55 a.m., effective June 21, 2016]

Effective Date of Rule: June 21, 2016.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: As permitted by RCW 34.05.380 (3)(c), immediate implementation is necessary in order to implement SHB 2443 and to prevent

[no further information supplied by agency] because of imminent peril to the public health, safety, or welfare.

Purpose: The factory assembled structures (FAS) program is adopting amendments to chapter 296-150V WAC, Conversion vendor units and medical units as a result of SHB 2443 (chapter 167, Laws of 2016), which passed the legislature in 2016. The bill requires used conversion vending units (food trucks) and medical units that are manufactured in other states and have been used for six months or more to comply with the applicable permitting, inspection, and plan review requirements administered by the program.

This rule making will: Adopt modifications to existing rules for definition, inspection, insignia, and design-plan approval for consistency with statutory requirements. For example:

- Clarifying the definition of conversion vendor unit;
- Adopting language to specify the design-plan approval requirements for conversion vendor units; and
- Repealing the rule for obtaining an insignia for exempt conversion vendor units and medical units.

Citation of Existing Rules Affected by this Order: Amending WAC 296-150V-0020 What definitions apply to this chapter?, 296-150V-0200 Who must obtain conversion vendor unit or medical unit insignia?, 296-150V-0210 What are the insignia requirements?, 296-150V-0230 What are the insignia application requirements?, 296-150V-0240 What documentation do you need to perform an alteration inspection?, 296-150V-0300 When is design-plan approval required? and 296-150V-0580 Must I obtain an insignia for used conversion vendor units or medical units?; and repealing WAC 296-150V-0205 Can I obtain an exempt vendor/medical insignia?

Statutory Authority for Adoption: Chapter 43.22 RCW, Department of labor and industries.

Adopted under notice filed as WSR 16-09-093 on April 19, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 7, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 1.

Date Adopted: June 21, 2016.

Joel Sacks  
Director



AMENDATORY SECTION (Amending WSR 05-23-002, filed 11/3/05, effective 12/4/05)

**WAC 296-150V-0020 What definitions apply to this chapter? "Alteration"** is the replacement, addition, modification, or removal of any equipment or installation that affects the construction for concentrated floor loads, fire and life safety, or the plumbing, mechanical, and electrical systems of a conversion vendor unit or medical unit.

The following are not considered alterations:

- Repairs with approved parts;
- Modifications of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

**"Approved"** is approved by the department of labor and industries.

**"Consumer"** is a person or organization, excluding a manufacturer or dealer of conversion vendor units or medical units, who buys or leases a conversion vendor unit or medical unit.

**"Conversion vendor unit"** or **"Conversion vending unit"** means a motor vehicle or other structure that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be 8 feet 6 inches or less in width (exterior floor measurement) in the set-up position, and the inside working area must be less than 40 feet in length (interior floor measurement). Conversion vendor units:

- Are transported in only one section;
- Are designed for highway use;
- Are temporarily occupied for distribution of items, e.g., food;
- Are built on a permanent chassis; and
- Include at least one of the following systems: Plumbing, mechanical or 120 and/or 240 volt electrical.

**Note:** The conversion vendor unit may NOT include a dining area.

**"Damaged in transit"** means damage that affects the integrity of a concentrated floor load design or any of the systems.

**"Dealer"** is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading conversion vendor units, or medical units.

**"Department"** is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, P.O. Box 44440, Olympia, WA 98504-4440.

**"Design plan"** is a plan for the construction or alteration of a conversion vendor unit or medical unit or conversion of a vehicle to a conversion vendor unit or medical unit including floor plans, specifications, or test results necessary for a complete evaluation of the design, if applicable.

**"Design option"** is a design that a manufacturer may use as an option to its conversion vendor unit or medical unit design plan.

**"Educational facility"** is a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes:

Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

**"Equipment"** is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a conversion vendor unit or medical unit.

**"Factory assembled structure (FAS) advisory board"** is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to conversion vendor units and medical units.

**"Health or personal care facilities"** are buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated. (Further defined in WAC 296-46B-010.)

**"Insignia"** is a label that we attach to a conversion vendor unit or medical unit to verify that the structure meets the requirements of this chapter and the applicable codes.

**"Install"** is to erect, construct, assemble, or set a conversion vendor unit or medical unit in place.

**"Institutional facility"** is a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

**"Labeled"** is to bear the department's insignia.

**"Listed"** is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

**"Local enforcement agency"** is an agency of city or county government with power to enforce local regulations governing the installation of a conversion vendor unit or medical unit.

**"Medical unit"** is a type of self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles, and which:

- Is transportable;
- Is temporarily placed and used;
- Is built on a permanent chassis;
- Includes at least one system;
- Is for temporary use only.

**"One-year design plan"** is a design plan that expires one year after approval or when a new state building code has been adopted.

**"System"** is part of a conversion vendor unit or medical unit designed to serve a particular function. Examples include plumbing, electrical, or mechanical systems.

**AMENDATORY SECTION** (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

**WAC 296-150V-0200 Who must obtain conversion vendor unit or medical unit insignia?** (1) You must obtain an insignia from us for each conversion vendor unit or medical unit manufactured, sold, leased, or used in Washington state.

(2) You do not need an insignia for a conversion vendor unit or medical unit(=

~~(a) When a unit has been used outside of the state for six months before being brought into Washington state (see RCW 43.22.380); or~~

~~(b))~~ if a unit was manufactured prior to July 1, 1968. (See RCW 43.22.370.)

(3) You must obtain an insignia when conversion vendor units or medical units are altered in Washington state.

(4) You must obtain an alteration insignia when a conversion vendor unit or medical unit is damaged in transit after leaving the manufacturing location or during an on-site installation and an alteration or repair is necessary. The insignia indicates the conversion vendor unit or medical unit was altered or repaired.

(5) You must have an approved design plan and pass our inspection before we will attach an insignia.

Note: All conversion vendor units and medical units must have insignia if they are altered; this includes the exceptions in subsection (2)(a) and (b) of this section.

**AMENDATORY SECTION** (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

**WAC 296-150V-0210 What are the insignia requirements?** (1) If you are applying for insignia, you must have your design plan approved when required by WAC 296-150V-0300 and your conversion vendor unit or medical unit inspected and approved by us.

(2) If you are a manufacturer, dealer, or owner applying for an alteration insignia, your alteration must be inspected and approved by us. Approval of the design plan may also be required.

(3) We will attach the insignia to your conversion vendor unit or medical unit after:

(a) We receive from you the required forms and fees listed in WAC 296-150V-3000; and

(b) Your conversion vendor unit or medical unit has passed final inspection.

**AMENDATORY SECTION** (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

**WAC 296-150V-0230 What are the insignia application requirements?** (1) If you are requesting insignia for conversion vendor units or medical units (~~(that you intend to manufacture under a new design plan;))~~) your completed application must include:

(a) A completed design plan approval request form when required by WAC 296-150V-0300;

(b) When required by WAC 296-150V-0300, one complete set of design plans, specifications, engineering analysis and test procedures and results (when applicable), plus one

additional set for each manufacturing location where the design plan will be used;

(c) For medical units at least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. For conversion vendor units a professional engineer or architect stamp is only required on the structural load test or calculations required by WAC 296-150V-0930. We will retain the set with the original wet stamp; and

(d) A one-time initial filing fee, the design plan fee when required by WAC 296-150V-0300, and the fee for each insignia (see WAC 296-150V-3000).

(2) If you are requesting insignia under an approved design plan, your completed application must include:

(a) A completed insignia application form; and

(b) The fee for each conversion vendor unit or medical unit insignia (see WAC 296-150V-3000).

**AMENDATORY SECTION** (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

**WAC 296-150V-0240 What documentation do you need to perform an alteration inspection?** If you alter a conversion vendor unit or medical unit, we must inspect the alteration.

(1) Before we perform an alteration inspection and attach an alteration insignia, you must send us:

(a) Description of the proposed alteration;

(b) The plan review fee;

(c) The inspection fee; and

(d) The insignia application and fee.

(2) A design plan review is not required if the alteration can be made without altering any of the existing structure and if the alteration does not involve one or more of the systems listed in WAC 296-150V-0300.

Note: All fees are listed in WAC 296-150V-3000 at the end of this chapter.

**AMENDATORY SECTION** (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

**WAC 296-150V-0300 When is design-plan approval required?** Design plans for conversion vendor units and medical units are required for units that are sold, leased, or used in Washington state and must be approved when:

(1) ~~((You build a new unit;~~

~~(2) You modify))~~ Conversion vendor units that contain one or more of the following components:

(a) Concentrated loads exceeding five hundred pounds (see WAC 296-150V-0930);

(b) Fuel gas piping systems and equipment;

(c) Solid fuel burning equipment;

(d) Fire suppression systems;

(e) Commercial hoods;

(f) Electrical systems and equipment in excess of 30 amps/120 volts;

(g) Electrical systems with more than five circuits;

(h) Electrical systems incorporating photovoltaic energy, fuel cell energy, or other alternative energy systems;

(i) Plumbing drainage systems conveying solid or bodily waste.

(2) Medical units.

(3) Modification of an approved design plan through addendums;

~~((3) You add)~~ (4) Addition of options to an approved design plan through addendums.

AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

**WAC 296-150V-0580 Must I obtain an insignia for used conversion vendor units or medical units?** All used conversion vendor units or medical units that are to be installed on a building site or used in Washington state must have an insignia of approval from us ~~((, with the exception of those in WAC 296-150V-0200(2)))~~.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-150V-0205 Can I obtain an exempt vendor/medical insignia?

**WSR 16-13-120**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 21, 2016, 10:57 a.m., effective July 22, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: In order to comport with HB 2444 (chapter 168, Laws of 2016), the division of occupational safety and health is amending the right-to-know fee assessment rules under WAC 296-63-005 Selected industries, to remove the reference to the standard industrial classification system to determine which industries are to be assessed a fee to support the right-to-know program. In its place the system used by the Bureau of Labor Statistics will be used.

Citation of Existing Rules Affected by this Order: Amending WAC 296-63-005 Selected industries.

Statutory Authority for Adoption: Chapters 49.17 and 49.70 RCW.

Other Authority: HB 2444 (chapter 168, Laws of 2016).

Adopted under notice filed as WSR 16-09-094 on April 19, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 21, 2016.

Joel Sacks  
Director

AMENDATORY SECTION (Amending WSR 86-23-003, filed 11/6/86)

**WAC 296-63-005 Selected industries.** Fees shall only be assessed to employers engaged in business operations ~~((having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal Office of Management and Budget, within the following major groups:~~

~~(1) Numbers 01 through 08 (agriculture and forestry industries);~~

~~(2) Numbers 10 through 14 (mining industries);~~

~~(3) Numbers 15 through 17 (construction industries);~~

~~(4) Numbers 20 through 39 (manufacturing industries);~~

~~(5) Numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services);~~

~~(6) Number 75 (automotive repair services, and garages);~~

~~(7) Number 76 (miscellaneous repair services);~~

~~(8) Number 80 (health services);~~

~~(9) Number 82 (educational services)) in the following industries, as classified by the current industry classification system used by the bureau of labor statistics:~~

~~(1) Agriculture and forestry industries.~~

~~(2) Mining, quarrying, and oil and gas extraction.~~

~~(3) Construction industries.~~

~~(4) Manufacturing industries.~~

~~(5) Transportation, pipeline, communications, electric, gas, and sanitary services.~~

~~(6) Automotive repair, services, and garages.~~

~~(7) Miscellaneous repair services.~~

~~(8) Health services.~~

~~(9) Educational services.~~

**WSR 16-13-141**  
**PERMANENT RULES**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2016-04—Filed June 22, 2016, 8:57 a.m., effective July 23, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Title insurance agent affiliated business reports (repeal WAC 284-29-110).

Citation of Existing Rules Affected by this Order: Repealing WAC 284-29-110.

Statutory Authority for Adoption: RCW 48.02.060 and 48.29.005.

Adopted under notice filed as WSR 16-11-061 on May 13, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Date Adopted: June 22, 2016.

Mike Kreidler  
Insurance Commissioner

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-29-110 No report required.

**WSR 16-13-151**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed June 22, 2016, 11:28 a.m., effective July 23, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is making changes to match requirements in chapter 13.38 RCW, the Washington State Indian Child Welfare Act, and the federal Indian Child Welfare Act, 25 U.S.C. chapter 21, as well as to reflect changes in children's administration (CA) policy. Currently, the WAC definition of Indian child as well as the application of the local Indian child welfare advisory committee (LICWAC) processes in the WAC is contrary to state and federal law. Updates to each of these sections will harmonize the WAC sections with state and federal law.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-70-615; and amending WAC 388-70-091, 388-70-092, 388-70-093, 388-70-095, 388-70-450, 388-70-600, 388-70-610, 388-70-620, 388-70-630, and 388-70-640.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Chapter 13.38 RCW, 25 U.S.C. chapter 21.

Adopted under notice filed as WSR 16-09-025 on April 12, 2016.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made in response to comments received during the open public comment period:

WAC 388-70-450(3), removed the words "when consistent with the wishes of the biological parents and/or the child."

WAC 388-70-450(4), removed the words "The child's wish to be involved in his or her Indian culture shall be considered."

WAC 388-70-610, changed from the proposed "may" to "must" requiring the appointment of a CA LICWAC liaison as a necessary position for LICWAC to function.

WAC 388-70-620(3), added "DSHS staff."

In addition to the changes listed above, the department has changed "shall" to "must" to be consistent with agency standards.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 10, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 1.

Date Adopted: June 14, 2016.

Katherine I. Vasquez  
Rules Coordinator

#### AMENDATORY SECTION (Amending Order 1167, filed 10/27/76)

**WAC 388-70-091 Foster care planning for Indian children—Definitions.** ((For the purposes of these rules, the term "Indian" includes the following groups:

(1) ~~An enrolled Indian:~~

(a) ~~Any person who is enrolled or eligible for enrollment in a recognized tribe.~~

(b) ~~Any person determined, or eligible to be found, to be an Indian by the Secretary of the Interior.~~

(c) ~~An Eskimo, Aleut or other Alaskan native.~~

(2) ~~A Canadian Indian: Any person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.~~

(3) ~~An unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized Indian tribe or urban Indian/Alaskan native community organization.))~~

For the purposes of WACs 388-70-091, 388-70-092, 388-70-093, 388-70-095, 388-70-450, and 388-70-600 through 388-70-640, the term "Indian child" is defined as any

unmarried and unemancipated Indian person who is under age eighteen and is one of the following:

- (1) A member of an Indian tribe; or
- (2) Is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

AMENDATORY SECTION (Amending Order 1167, filed 10/27/76)

**WAC 388-70-092 Foster care for Indian children— Tribal sovereignty.** ~~((Neither))~~ The licensing of Indian foster homes ~~((nor the))~~ and placement and supervision of Indian children within the ~~((exterior))~~ boundaries of an Indian reservation ~~((, shall))~~ must not in any way abridge the sovereignty of an Indian nation or tribe ~~((nor shall)).~~ Compliance with these rules and regulations ~~((be deemed a relinquishment of))~~ does not relinquish the sovereign authority ~~((by))~~ of an Indian nation or tribe or ~~((by))~~ the state of Washington.

AMENDATORY SECTION (Amending Order 1167, filed 10/27/76)

**WAC 388-70-093 Foster care for Indian children— Services.** Documented efforts ~~((shall))~~ must be made to avoid separating the Indian child from his or her parents, relatives, tribe or cultural heritage. Consequently:

(1) When a family identifies Indian ancestry under the federal and state Indian child welfare acts, the children's administration (CA) caseworker has fifteen calendar days, or ten business days, from the date of identification to complete a family ancestry chart and begin the membership inquiry process. A copy of the family ancestry chart will be retained in the child's most current case file volume.

(2) CA staff will contact all identified federally recognized tribes in the case of Indian children being placed in foster care by the department or for whom the department has supervisory responsibility ~~((, the local Indian child welfare advisory committee, predesignated by a tribal council, or appropriate urban Indian organization shall be contacted. Members of that committee will serve as resource persons for the purposes of cooperative planning and aid in placement)).~~

~~((2))~~ (3) If requested by a federally recognized tribe, or if a federally recognized tribe is unavailable the local Indian child welfare advisory committees (LICWAC) as defined under WAC 388-70-600 will serve as resource persons for the purposes of cooperative planning and aid in placement.

(4) The resources of the tribal government, ~~((department and))~~ the Indian community, and the department ~~((shall))~~ must be used to locate the child's parents and relatives to assist in locating possible placement resources, and to assist in the development of a plan to overcome the problem that brought the child to the attention of the authorities, ~~((and/))~~ or the department, or both the authorities and the department.

~~((3))~~ (5) In planning foster care placements for Indian children, ~~((demonstrable consideration shall be given to tribal membership, tribal culture and Indian religions))~~ CA will follow the federal and state Indian child welfare acts with regard to placement preference. The case record ~~((shall))~~ must document the reasons and circumstances of casework decisions and consideration in those regards.

~~((4))~~ (6) (The following resources for foster home placement of Indian children will be explored and followed in the following order: Relatives' homes, homes of other Indian families of same tribe, other Indian foster parents and non-Indian foster homes specifically recruited and trained in cooperation with the local Indian child welfare advisory committee to meet the special needs of Indian foster children and in the geographic proximity that will insure continuation of the parent-child relationship. The training of non-Indian foster parents shall be designed and delivered in cooperation with the above committee and/or persons designated by the committee.

~~((5))~~ For each Indian child who will be in care for more than 30 days, including those for whom adoption is planned, the ESSO shall make documented effort to complete two copies of the "family ancestry chart" (except in those cases where parents specifically indicate in writing they do not want the child enrolled). One copy will be retained in the child's file; the other will be forwarded to the bureau of Indian affairs office or the department of Indian affairs agency in Canada serving that child's tribe or band. The BIA of the department of Indian affairs agency will review the chart for possible enrollment eligibility in conjunction with the enrollment committee of the appropriate tribe or urban Indian community.

(6) The ESSO shall develop its social resources and staff training programs designed to meet the special needs of Indian children through coordination with tribal, Indian health service, bureau of Indian affairs social service staff, appropriate urban Indian and Alaskan native consultants, national, state and local Indian welfare organizations and ESSO child welfare advisory committees.) CA, in partnership with federally recognized tribes and CA contracted agencies, will develop training for staff and caregivers designed to meet the needs of Indian children and their families. CA may also partner with urban Indian organizations, CA LICWACs, national, state and local Indian child welfare organizations, and Native American/Alaskan Native consultants.

(7) The ~~((ESSO shall))~~ CA must make diligent and ~~((demonstrable))~~ ongoing efforts to recruit facilities and/or homes particularly capable of meeting the ~~((special))~~ needs of Indian children ~~((with the assistance of the local Indian child welfare advisory committees)).~~

AMENDATORY SECTION (Amending Order 1255, filed 12/1/77)

**WAC 388-70-095 (~~Foster care for Indian children~~—) Serious injury, death, abandonment, child abuse, neglect, incarceration of an Indian child.** When an Indian child in ~~((foster))~~ the care and custody of the department dies, is seriously injured, abandoned or incarcerated, in addition to other appropriate notifications, the department ~~((shall))~~ promptly advise the ESSO Indian child welfare advisory committee and appropriate tribal council. ~~WAC 388-15-131(4) provides for notification about child abuse/neglect incidents)~~ must notify the federally recognized tribe or tribes within twenty-four hours.

AMENDATORY SECTION (Amending Order 1167, filed 10/27/76)

**WAC 388-70-450 Adoptive planning for Indian children by department staff.** (1) ~~((Definitions: For the purposes of these rules the term "Indian" includes the following groups:~~

~~(a) Enrolled Indian~~

~~(i) Any person who is enrolled or eligible for enrollment in a recognized tribe.~~

~~(ii) Any person determined, or eligible to be found, to be an Indian by the secretary of the interior.~~

~~(iii) An Eskimo, Aleut or other Alaskan native.~~

~~(b) Canadian Indian: A person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.~~

~~(c) Unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized tribe or urban Indian/Alaskan native community organization.) In planning adoptive or pre-adoptive placements for Indian children under WAC 388-70-091, CA will follow the federal and state Indian child welfare acts with regard to placement preference.~~

~~(2) ((An adoptive family shall be considered Indian if one or both parents are Indian by the above definitions.)) An adoptive family must be considered Indian if one or both parents is:~~

~~(a) A member of a federally recognized tribe; or~~

~~(b) An Alaska Native and a member of a Regional Corporation as defined in Title 43 U.S.C. Sec. 1606.~~

~~(3) In adoptive planning for Indian children, the unique ((tribal, cultural and religious sovereignty of Indian nations,)) cultural, religious, and sovereignty of federally recognized tribes and communities ((shall)) must be recognized. ((When consistent with the wishes of the biological parents and/or the child,)) The adoption of Indian children by Indian families is the primary goal.~~

~~(4) ((Standards implementing the policy are:~~

~~(a) Adoption exchange. In the referrals for an Indian child, adoptive homes having the following characteristics shall be given preference in the following order, each category being allowed 30 days before proceeding to the next.~~

~~(i) An Indian family of the same tribe as the child.~~

~~(ii) A Washington Indian family considering tribal cultural differences.~~

~~(iii) An Indian family from elsewhere in the United States or Canada through the adoption resource exchange of North America. Attention shall be given to matching the child's tribal culture to that of the adoptive family.~~

~~(iv) Any other family which can provide a suitable home to an Indian child, as well as instill pride and understanding in the child's tribal and cultural heritage.~~

~~(b) Foster parent adoptions: As a part of the total evaluation for approving a foster parent adoption of an Indian child, ESSO service staff shall document the foster family's past performance and future commitment in exposing the child to its Indian tribal and cultural heritage. The child's wish to be involved in his Indian culture shall be considered.) As a part of the total evaluation for approving a foster parent adoption of an Indian child, CA staff will document the foster family's~~

past performance and future commitment in exposing the child to their Indian heritage.

~~((e)) (5) When an Indian child, in the custody of an out-of-state agency, is referred for potential adoptive parents residing in Washington, ((documentation shall be obtained that assures the department's standards for planning for Indian children have been complied with-)) CA will follow the interstate compact and placement of Indian children policy of Washington state.~~

~~(6) When an Indian child, in the care and custody of CA, is referred for adoption out of Washington, CA will follow the interstate compact and placement of Indian children policy of Washington state.~~

~~(7) In the event of an international adoption CA will follow policy and ensure that placement preferences are followed per the federal and state Indian child welfare acts.~~

~~((s)) (8) ((Local)) CA staff ((shall)) may consult with ((an)) a local Indian child welfare advisory committee in planning for adoptive placement of Indian children when a federally recognized tribe has chosen not to be involved.~~

AMENDATORY SECTION (Amending Order 1167, filed 10/27/76)

**WAC 388-70-600 Local Indian child welfare advisory committee—Purpose.** The intent of WAC ((388-70-096)) 388-70-091, 388-70-092, 388-70-093, 388-70-095, 388-70-450, and 388-70-600 through 388-70-640 ((is)) are to ensure protection of the Indian identity of Indian children, their rights as Indian children, and the maximum utilization of available Indian resources for Indian children. To ensure the realization of this intent, information about each current and future case involving Indian children for whom the department of social and health services has a responsibility ((shall)) must be referred to a local Indian child welfare advisory committee on an ongoing basis when a federally recognized tribe has not responded, is unavailable, or requests LICWAC involvement according to procedures which recognize the privacy rights of the families.

The purposes of local Indian child welfare advisory committees are:

(1) To promote ((relevant)) social service planning for Indian children.

(2) To encourage the preservation of the Indian family, tribe, heritage, and identity of each Indian child served by the department of social and health services.

(3) To assist in obtaining participation by representatives of tribal governments and Indian organizations in departmental planning for Indian children for whom the department has a responsibility.

AMENDATORY SECTION (Amending Order 1167, filed 10/27/76)

**WAC 388-70-610 Local Indian child welfare advisory committee—Membership.** Local Indian child welfare advisory committees ((shall)) must be established within each region. The number and locations of the local committees ((shall)) must be mutually determined by the Indian tribal governments and urban Indian organizations served by that region and the DSHS regional administrator.

(1) The committee (~~shall~~) must consist of representatives designated by tribal government and urban Indian organizations. The regional administrator (~~shall~~) must appoint committee members from among those individuals designated by Indian authorities. These members should be familiar with and knowledgeable about the needs of children in general as well as the particular needs of Indian children residing in the service area.

(2) The committee may also include bureau of Indian affairs staff, (~~and/or~~) Indian health service staff (~~if approved by participating tribal councils and urban Indian organizations~~), and other community members.

(3) The (~~DSHS~~) CA regional administrator (~~and/or the ESSO administrator shall~~) must appoint a member of his or her child welfare (~~supervisory~~) staff as a liaison member of the committee.

(4) The local Indian child welfare advisory committee is an ad hoc advisory committee not specifically authorized by statute. As such its members are not entitled to per diem and travel expenses for the performance of advisory committee functions. (~~This rule shall not be construed, however, to prohibit expense payments to members who are otherwise qualified for and perform services compensable under other programs such as the volunteer programs.~~)

AMENDATORY SECTION (Amending Order 1167, filed 10/27/76)

**WAC 388-70-620 Local Indian child welfare advisory committee—Functions.** (~~(+)~~) The functions of the local Indian child welfare advisory committee are to:

~~((a)) (1) (Assistance to) Assist~~ DSHS staff in cooperative planning for Indian children.

~~((b) Consultation to DSHS staff regarding the provision of adoption, foster care and child protective services on behalf of Indian children.~~

~~((c) Reviewing the situations of Indian children.)~~

(2) Consult DSHS staff on behalf of Indian children regarding the provision of the child's safety, well-being, and permanency on behalf of Indian children.

~~((d) Assisting in the implementation of recommended plans.~~

~~((e) Assisting in the recruitment of and making recommendations regarding the licensing of foster and adoptive homes for Indian children and providing culturally relevant services to Indian children.)~~

(3) Assist DSHS staff in providing culturally relevant services to Indian children; and

~~((f)) (4) Make requests to the (ESSO) CA administrator to initiate reviews of casework decisions that the committee believes to be detrimental to the best interests of Indian children.~~

~~((g) Acts in an advisory capacity to the regional administrator and ESSO administrator regarding the department's implementation and monitoring of the rules related to foster care, child protection, and adoption services to Indian children and their families.)~~

AMENDATORY SECTION (Amending Order 1167, filed 10/27/76)

**WAC 388-70-630 Local Indian child welfare advisory committee—Meetings.** Each committee and the (~~regional administrator and/or ESSO administrator~~) CA local Indian child welfare advisory committee staff liaison will mutually agree as to time, place and frequency and conduct of official committee meetings.

AMENDATORY SECTION (Amending WSR 89-05-063, filed 2/15/89)

**WAC 388-70-640 Local Indian child welfare advisory committee—Confidentiality.** The members of the local Indian child welfare advisory committee (~~shall~~) must agree to abide by RCW 74.04.060 and the rules of confidentiality binding the DSHS staff.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-70-615 Local Indian child welfare advisory committee—Subcommittees.

#### **WSR 16-13-157**

##### **PERMANENT RULES**

#### **HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed June 22, 2016, 11:56 a.m., effective July 23, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to chapter 182-517 WAC clarify requirements for medicare savings programs and state-funded buy-in programs.

- WAC 182-517-0310 and 182-517-0320 were repealed and the content was moved to WAC 182-517-0100 and 182-517-0300 as appropriate.
- WAC 182-517-0100 and 182-517-0300 were renamed and content from the chapter was reorganized to more clearly distinguish between requirements for federal medicare savings programs and state-funded medicare buy-in programs.

Amendments to WAC 182-502-0110 streamline language and clarify how the agency pays coinsurance, copayments, and deductibles for qualified medical beneficiary (QMB) and non-QMB clients.

Citation of Existing Rules Affected by this Order: Repealing WAC 182-517-0310 and 182-517-0320; and amending WAC 182-517-0100, 182-517-0300, and 182-502-0110.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 16-09-012 on April 8, 2016.

Changes Other than Editing from Proposed to Adopted Version: **(1) The agency corrected the references in WAC 182-517-0100 (2)(a)(iii) and (iv) as follows:**

(iii) Not exceed the income limits in (de) of this subsection; and

(iv) Not exceed the resource limits in (ee) of this subsection.

**(2) The agency changed WAC 182-517-0300 (1)(c) as follows:**

(c) Is ~~receiving benefits~~ eligible for coverage under:

**(3) The agency changed WAC 182-502-0110(2) to read:**

(2) The agency pays medicare coinsurance, copayments, and deductibles for Part A, Part B, and medicare advantage Part C for an eligible person under subsection (1) of this section:

**(4) The agency changed the title of WAC 182-502-0110 to:**

Conditions of payment—Medicare coinsurance, copayments, and deductibles.

**(5) The agency changed WAC 182-517-0100 (3)(a)(ii) and (3)(b)(ii) to read:**

(3)(a)(ii) Medicare coinsurance, copayments, and deductibles for Part A, Part B, and medicare advantage Part C, subject to the limitations in WAC 182-502-0110.

(3)(b)(ii) The medicaid program pays medicare coinsurance, copayments, and deductibles for Part A, Part B, and medicare advantage Part C, subject to the limitations in WAC 182-502-0110.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 2.

Date Adopted: June 22, 2016.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-502-0110 Conditions of payment—Medicare coinsurance, copayments, and deductibles ~~((and coinsurance))~~.** (1) The following people are eligible for benefits under this section:

(a) Dual-eligible clients enrolled in categorically needy Washington apple health programs;

(b) Dual-eligible clients enrolled in medically needy Washington apple health programs; or

(c) Clients enrolled in the qualified medicare beneficiary (QMB) program.

(2) The ~~((department))~~ agency pays the ~~((deductible and coinsurance amounts for a client participating in Parts A and/or B of medicare (Title XVIII of the Social Security Act) when the:))~~

(a) Total reimbursement to the provider from medicare and the department does not exceed the rate in the department's fee schedule)) medicare coinsurance, copayments, and deductibles for Part A, Part B, and medicare advantage Part C for an eligible person under subsection (1) of this section:

(a) Up to the published or calculated medicaid-only rate; and

(b) If the provider accepts assignment for medicare payment.

~~((2) The department pays the deductible and coinsurance amounts for a client who has Part A of medicare. If the client:~~

~~((a) Has not exhausted lifetime reserve days, the department considers the medicare diagnostic related group (DRG) as payment in full; or~~

~~((b) Has exhausted lifetime reserve days during an inpatient hospital stay, the department considers the medicare DRG as payment in full until the medicaid outlier threshold is reached. After the medicaid outlier threshold is reached, the department pays an amount based on the policy described in the Title XIX state plan.))~~

(3) If a medicare Part A recipient has remaining lifetime reserve days, the agency pays the deductible and coinsurance amounts up to the allowed amount as calculated by the agency.

(4) If a medicare Part A recipient has exhausted lifetime reserve days during an inpatient hospital stay, the agency pays the deductible and coinsurance amounts up to the agency-calculated allowed amount minus any payment made by medicare, and any payment made by the agency, up to the outlier threshold. Once the outlier threshold is reached, the agency pays according to WAC 182-550-3700.

(5) If medicare and medicaid cover the service, the ~~((department))~~ agency pays ~~((only))~~ the deductible ~~((and/or))~~ and coinsurance up to medicare or medicaid's allowed amount, whichever is less.

(6) If only medicare ~~((and not medicaid))~~ covers the service, the ~~((department))~~ agency pays ~~((only))~~ the deductible ~~((and/or))~~ and coinsurance up to ~~((medicare's allowed amount.~~

(7) The department bases its outlier policy on the methodology described in the department's Title XIX state plan; methods, and standards used for establishing payment rates for hospital inpatient services.

(8) The department pays, according to department rules and billing instructions, for medicaid covered services when the client exhausts medicare benefits)) the agency's allowed amount established for a QMB client, and at zero for a non-QMB client.

(9) If a client exhausts medicare benefits, the agency pays for medicaid-covered services under Title 182 WAC and the agency's billing instructions.



AMENDATORY SECTION (Amending WSR 11-23-091, filed 11/17/11, effective 11/21/11)

**WAC 182-517-0100 Federal medicare savings programs(~~(—Monthly income standards)~~).** (~~((1) The income standards for medicare savings programs change each year based on the federal poverty level (FPL) published yearly by the federal government in the Federal Register at <http://aspe.hhs.gov/poverty/index.shtml>. The qualified medicare beneficiary (QMB) program income standard is up to one hundred percent of the FPL.~~

~~(2) The specified low income medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but not more than one hundred twenty percent of FPL.~~

~~(3) The qualified individual (QI-1) program income standard is over one hundred twenty percent of FPL, but not more than one hundred thirty-five percent of FPL.~~

~~(4) The qualified disabled working individual (QDWI) program income standard is two hundred percent of FPL.))~~  
(1) Available programs. The agency offers eligible clients the following medicare savings programs (MSPs):

(a) The qualified medicare beneficiary (QMB) program;

(b) The specified low-income medicare beneficiary (SLMB) program;

(c) The qualified individual (QI-1) program; and

(d) The qualified disabled and working individuals (QDWI) program.

(2) Eligibility.

(a) To be eligible for an MSP a person must:

(i) Be entitled to medicare Part A;

(ii) Be a U.S. citizen, U.S. national, qualified American Indian born abroad, or a qualified alien who satisfies or is exempt from the five-year bar under WAC 182-503-0535;

(iii) Not exceed the income limits in (d) of this subsection; and

(iv) Not exceed the resource limits in (e) of this subsection.

(b) To be eligible for QDWI, a person must be under age sixty-five.

(c) Except as provided under (d) and (e) of this subsection, MSPs follow the income, resource, and deeming rules for SSI-related persons in chapter 182-512 WAC.

(d) Income limits.

(i) If a person's countable income is less than or equal to the federal poverty level (FPL), the person may qualify for the QMB program.

(ii) If a person's countable income is over the FPL, but does not exceed one hundred twenty percent of the FPL, the person may qualify for the SLMB program.

(iii) If a person's countable income is over one hundred twenty percent of the FPL, but does not exceed one hundred thirty-five percent of the FPL, the person may qualify for the QI-1 program.

(iv) If a person's countable income is over one hundred thirty-five percent of the FPL, but does not exceed two hundred percent of the FPL, the person may qualify for the QDWI program.

(e) Resource limits.

(i) The resource limit for the QMB, SLMB, and QI-1 programs may be found at <http://www.hca.wa.gov/medicaid/eligibility/pages/standards.aspx>.

(ii) The resource limit for the QDWI program is \$4,000 for a single person and \$6,000 for a married couple.

(f) When calculating income under this section:

(i) The agency subtracts client participation from a long-term care client's countable income under WAC 182-513-1380, 182-515-1509, or 182-515-1514.

(ii) The agency counts the annual Social Security cost-of-living increase beginning April 1st each year.

(g) Relationship of MSPs to other medicaid programs:

(i) A client eligible for another medicaid program may also receive QMB or SLMB coverage.

(ii) A client eligible for another medicaid program is not eligible for QI-1 or QDWI.

(3) Covered costs.

(a) The QMB program pays:

(i) Medicare Part A and Part B premiums using the start date in WAC 182-504-0025; and

(ii) Medicare coinsurance, copayments, and deductibles for Part A, Part B, and medicare advantage Part C, subject to the limitations in WAC 182-502-0110.

(b) If the client is eligible for both SLMB and another medicaid program:

(i) The SLMB program pays the Part B premiums using the start date in WAC 182-504-0025; and

(ii) The medicaid program pays medicare coinsurance, copayments, and deductibles for Part A, Part B, and medicare advantage Part C subject to the limitations in WAC 182-502-0110.

(c) If the client is only eligible for SLMB, the SLMB program covers medicare Part B premiums using the start date in WAC 182-504-0025.

(d) The QI-1 program pays medicare Part B premiums using the start date in WAC 182-504-0025 until the agency's federal funding allotment is spent. The agency resumes QI-1 benefit payments the beginning of the next calendar year.

(e) The QDWI program covers medicare Part A premiums using the start date in WAC 182-504-0025.

(4) Medicaid eligibility may affect MSP eligibility:

(a) QMB and SLMB clients may receive medicaid and still be eligible to receive QMB or SLMB benefits.

(b) QI-1 and QDWI clients who begin receiving medicaid are no longer eligible for QI-1 or QDWI benefits, but may be eligible for the state-funded medicare buy-in program under WAC 182-517-0300.

(5) The FPL standards are found at: <http://www.hca.wa.gov/medicaid/eligibility/pages/standards.aspx>.

(6) A person who disagrees with agency action under this section may request an administrative hearing under chapter 182-526 WAC.

AMENDATORY SECTION (Amending WSR 12-13-056, filed 6/15/12, effective 7/1/12)

**WAC 182-517-0300 (~~Federal medicare savings and~~) State-funded medicare buy-in programs.** (~~((1) Federal medicare savings and state-funded medicare buy-in pro-~~

grams help clients pay some of the costs that medicare does not cover under WAC 388-517-0320 (for program eligibility, see WAC 388-517-0310).

~~(2) The department offers the following medicare savings programs to eligible clients:~~

~~(a) Qualified medicare beneficiary (QMB);~~

~~(b) Specified low-income medicare beneficiary (SLMB);~~

~~(c) Qualified individual (QI-1); and~~

~~(d) Qualified disabled working individual (QDWI).~~

~~(3) The department offers the state-funded medicare buy-in program for clients who receive medicaid but do not qualify for the federal medicare savings programs.)~~ (1) A person is eligible for the state-funded medicare buy-in program (SBIP) if the person:

(a) Is entitled to or receiving medicare;

(b) Is not eligible for a federal medicare savings program under WAC 182-517-0100; and

(c) Is eligible for coverage under:

(i) The categorically needy (CN) program; or

(ii) The medically needy (MN) program;

(2) The SBIP begins the second month after the month a person meets eligibility requirements.

(3) The SBIP pays only medicare Part B premiums.

(4) The agency pays medicare deductibles and coinsurance under WAC 182-502-0110.

(5) A person who disagrees with agency action under this section may request an administrative hearing under chapter 182-526 WAC.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-517-0310 Eligibility for federal medicare savings and state-funded medicare buy-in programs.

WAC 182-517-0320 Medicare savings and state-funded medicare buy-in programs cover some client costs.

### **WSR 16-13-158**

#### **PERMANENT RULES**

#### **HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed June 22, 2016, 11:59 a.m., effective July 23, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency amended WAC 182-531-1500 to clarify sleep studies criteria for children age twenty or younger.

Citation of Existing Rules Affected by this Order: Amending WAC 182-531-1500.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 16-11-044 on May 11, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 22, 2016.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-20-057, filed 10/1/15, effective 11/1/15)

**WAC 182-531-1500 Sleep studies.** (1) Purpose. For the purposes of this section, sleep studies include polysomnography (PSG), unattended home sleep test (HST), and multiple sleep latency testing (MSLT). The medicaid agency covers attended, full-channel, PSG, MSLT, and unattended HSTs when:

(a) Ordered by the client's physician;

(b) Performed by an agency-designated center of excellence (COE) that is an independent diagnostic testing facility, sleep laboratory, or outpatient hospital; and

(c) Results are used to:

(i) Establish a diagnosis of narcolepsy or sleep apnea; or

(ii) Evaluate a client's response to therapy, such as continuous positive airway pressure (CPAP).

(2) Definitions. The following definitions, those found in chapter 182-500 WAC, and definitions found in other sections of this chapter, apply to this section:

(a) "American Academy of Sleep Medicine" or "AASM" - The only professional society dedicated exclusively to the medical subspecialty of sleep medicine. AASM sets standards and promotes excellence in health care, education, and research. Members specialize in studying, diagnosing, and treating disorders of sleep and daytime alertness such as insomnia, narcolepsy, and obstructive sleep apnea.

(b) "Continuous positive airway pressure" or "CPAP" - See WAC 182-552-0005.

(c) "Core provider agreement" or "CPA" - The basic contract the agency holds with providers serving medical assistance clients.

(d) "Multiple sleep latency test" or "MSLT" - A sleep disorder diagnostic tool used to measure the time elapsed from the start of a daytime nap period to the first signs of sleep, called sleep latency. The MSLT is used extensively to test for narcolepsy, to distinguish between physical tiredness and true excessive daytime sleepiness, or to assess whether treatments for breathing disorders are working.

(e) "Obstructive sleep apnea" or "OSA" - See WAC 182-552-0005.

(f) "Polysomnogram" - The test results from a polysomnography.

(g) "Polysomnography" - A multiparametric test that electronically transmits and records specific physical activities while a person sleeps. The recordings become data that are analyzed by a qualified sleep specialist to determine whether or not a person has a sleep disorder.

(h) "PSG" - The abbreviation for both "polysomnography" and "polysomnogram."

(i) "Registered polysomnographic technologist" or "RPSGT" - A sleep technologist credentialed by the board of registered polysomnographic technologists to assist sleep specialists in the clinical assessment, physiological monitoring and testing, diagnosis, management, and prevention of sleep-related disorders with the use of various diagnostic and therapeutic tools. These tools include, but are not limited to, polysomnograph, positive airway pressure devices, oximeter, capnograph, actigraph, nocturnal oxygen, screening devices, and questionnaires. To become certified as a registered polysomnographic technologist, a sleep technologist must have the necessary clinical experience, hold CPR certification or its equivalent, adhere to the board of registered polysomnographic technologists standards of conduct, and pass the registered polysomnographic technologist examination for polysomnographic technologists.

(3) Client eligibility. Clients in the following agency programs are eligible to receive sleep studies as described in this section:

(a) Categorically needy (CN);

(b) Apple health for kids and other children's medical assistance programs as defined in WAC 182-505-0210;

(c) Medical care services as described in WAC 182-508-0005 (within Washington state or border areas only); and

(d) ~~((Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) (within Washington state or border areas only); and~~

(e)) Medically needy (MN) only when the client is either:

(i) Twenty years of age or younger and referred by a screening provider under the early and periodic screening, diagnosis, and treatment program as described in chapter 182-534 WAC; or

(ii) Receiving home health care services as described in chapter 182-551 WAC, subchapter II.

(4) Provider requirements. To be paid for providing sleep studies as described in this section to eligible clients, the facility must:

(a) Be a sleep study COE. Refer to subsection (5) of this section for information on becoming an agency-approved sleep study COE;

(b) Be currently accredited by AASM and continuously meet the accreditation standards of AASM;

(c) Have at least one physician on staff who is board certified in sleep medicine; and

(d) Have at least one registered polysomnographic technologist (RPSGT) in the sleep lab when studies are being performed.

(5) Documentation.

(a) To become an agency-approved COE, a sleep center must send the following documentation to the Health Care Authority, c/o Provider Enrollment, P.O. Box 45510, Olympia, WA 98504-5510:

(i) A completed CPA; and

(ii) Copies of the following:

(A) The sleep center's current accreditation certificate by AASM;

(B) Either of the following certifications for at least one physician on staff:

(I) Current certification in sleep medicine by the American Board of Sleep Medicine (ABSM); or

(II) Current subspecialty certification in sleep medicine by a member of the American Board of Medical Specialties (ABMS); and

(C) The certification of an RPSGT who is employed by the sleep center.

(b) Sleep centers must request reaccreditation from AASM in time to avoid expiration of COE status with the agency.

(c) At least one physician on staff at the sleep center must be board certified in sleep medicine. If the only physician on staff who is board certified in sleep medicine resigns, the sleep center must ensure another physician on staff at the sleep center obtains board certification or another board-certified physician is hired. The sleep center must then send provider enrollment a copy of the physician's board certification.

(d) If a certified medical director leaves a COE, the COE status does not transfer with the medical director to another sleep center.

(e) The COE must maintain a record of the physician's order for the sleep study.

(6) Coverage.

(a) The agency ~~((covers))~~ pays for only medically necessary sleep studies. The need for the sleep study must be confirmed by medical evidence (e.g., physician examination and laboratory tests).

(b) For clients age twenty-one and older, the agency covers:

(i) An unattended home sleep test (HST) as follows:

(A) Using one of the following HST devices:

(I) Type II home sleep monitoring device;

(II) Type III home sleep monitoring device; or

(III) Type IV home sleep monitoring device that measures at least three channels.

(B) To confirm obstructive sleep apnea (OSA) in an individual with signs or symptoms consistent with OSA (e.g., loud snoring, awakening with gasping or choking, excessive daytime sleepiness, observed cessation of breathing during sleep, etc.).

(ii) Full-night, in-laboratory PSG for either of the following:

(A) Confirmation of obstructive sleep apnea (OSA) in an individual with signs or symptoms consistent with OSA (e.g., loud snoring, awakening with gasping or choking, excessive daytime sleepiness, observed cessation of breathing during sleep, etc.); or

(B) Titration of positive airway pressure therapy when initial PSG confirms the diagnosis of OSA, and positive airway pressure is ordered; or

(iii) Split-night, in-laboratory PSG in which the initial diagnostic portion of the PSG is followed by positive airway pressure titration when the PSG meets either of the following criteria:

(A) The apnea-hypopnea index (AHI) or respiratory disturbance index (RDI) is greater than or equal to fifteen events per hour; or

(B) The AHI or RDI is greater than or equal to five and less than or equal to fourteen events per hour with documentation of either of the following:

(I) Excessive daytime sleepiness, impaired cognition, mood disorders, or insomnia; or

(II) Hypertension, ischemic heart disease, or history of stroke.

(c) ~~((For clients age twenty and younger, the agency considers any of the following indications as medically necessary criteria for a sleep study:))~~ The agency considers any of the following indications medically necessary for clients age twenty and younger:

(i) OSA suspected based on clinical assessment;

(ii) Obesity, Trisomy 21, craniofacial abnormalities, neuromuscular disorders, sickle cell disease, or mucopolysaccharidosis (MPS), prior to adenotonsillectomy in a child;

(iii) Residual symptoms of OSA following mild preoperative OSA;

(iv) Residual symptoms of OSA in a child with preoperative evidence of moderate to severe OSA, obesity, craniofacial anomalies that obstruct the upper airway, or neurologic disorder following adenotonsillectomy;

(v) Titration of positive airway pressure in a child with OSA;

(vi) Suspected congenital central alveolar hypoventilation syndrome or sleep related hypoventilation due to neuromuscular disorder or chest wall deformities;

(vii) Primary apnea of infancy;

(viii) Evidence of a sleep-related breathing disorder in an infant who has experienced an apparent life threatening event;

(ix) Child being considered for adenotonsillectomy to treat OSA; or

(x) Clinical suspicion of an accompanying sleep-related breathing disorder in a child with chronic asthma, cystic fibrosis, pulmonary hypertension, bronchopulmonary dysplasia, or chest wall abnormality.

(7) Noncoverage. The agency does not cover sleep studies:

(a) When documentation for a repeat study does not indicate medical necessity (e.g., no new clinical documentation indicating the need for a repeat study); or

(b) For the following indications, except when an underlying physiology exists (e.g., loud snoring, awakening with gasping or choking, excessive daytime sleepiness, observed cessation of breathing during sleep, etc.):

(i) Chronic insomnia; and

(ii) Snoring.