

WSR 13-23-108
EXPEDITED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket A-131761—Filed November 20, 2013, 10:50 a.m.]

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

Affected WAC chapters include: Chapters 480-14, 480-15, 480-30, 480-31, 480-62, 480-70, 480-73, 480-75, 480-90, 480-93, 480-100, 480-108, and 480-110 WAC.

Proposed Rule Changes Adoption-by-Reference Date Changes and Other Changes Docket A-131761			
Chapter 480-14 WAC, Motor carriers excluding household goods carriers and common brokers.			
Amend	480-14-999	Adoption by reference.	<ul style="list-style-type: none"> • Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 49, Code of Federal Regulations, Amends the effective date of adoption to October 25, 2013, for the following: <ul style="list-style-type: none"> - Part 171 - General Information, Regulations and Definitions - see Note 1. - Part 172 - Hazardous Materials Table, etc. - see Note 2. - Part 173 - Shippers General Requirements for Shipping and Packages - see Note 3.
Chapter 480-15 WAC, Household goods carriers.			
Amend	480-15-999	Adoption by reference.	<ol style="list-style-type: none"> 1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria Amends the effective date to April 1, 2013 - No significant changes - new edition of previously adopted reference. • Title 49 Code of Federal Regulations, Amends the effective date of adoption to October 25, 2013, for the following: <ul style="list-style-type: none"> - Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs - no changes since last adoption. - Part 375 - Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations - see Note 4. - Part 379 - Preservation of Records - no changes since last adoption. - Part 380 - Special Training Requirements - no changes since last adoption. - Part 382 - Controlled Substance and Alcohol Use and Testing - see Note 5. - Part 383 - Commercial Driver's License Standards; Requirements and Penalties - see Note 6. - Part 385 - Safety Fitness Procedures - see Note 7. - Part 390 - Safety Regulations, General - see Note 8. - Part 391 - Qualification of Drivers - see Note 9. - Part 392 - Driving of Commercial Motor Vehicles - see Note 10.

			<ul style="list-style-type: none"> - Part 393 - Parts and Accessories Necessary for Safe Operation - no changes since last adoption. - Part 395 - Hours of Service of Drivers - see Note 11. - Part 396 - Inspection, Repair and Maintenance - see Note 12. - Part 397 - Transportation of Hazardous Materials - no changes since last adoption.
Chapter 480-30 WAC, Auto transportation companies.			
Amend	480-30-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria Amends the effective date to April 1, 2013 - No significant changes - new edition of previously adopted reference. • Title 49 Code of Federal Regulations, Amends the effective date of adoption to October 25, 2013, for the following: <ul style="list-style-type: none"> - Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs - no changes since last adoption. - Part 379 - Preservation of Records - no changes since last adoption. - Part 380 - Special Training Requirements - no changes since last adoption. - Part 382 - Controlled Substance and Alcohol Use and Testing - see Note 5. - Part 383 - Commercial Driver's License Standards; Requirements and Penalties - see Note 6. - Part 385 - Safety Fitness Procedures - see Note 7. - Part 390 - Safety Regulations, General - see Note 8. - Part 391 - Qualification of Drivers - see Note 9. - Part 392 - Driving of Commercial Motor Vehicles - see Note 10. - Part 393 - Parts and Accessories Necessary for Safe Operation - no changes since last adoption. - Part 395 - Hours of Service of Drivers - see Note 11. - Part 396 - Inspection, Repair and Maintenance - see Note 12. - Part 397 - Transportation of Hazardous Materials - no changes since last adoption.
Chapter 480-31 WAC, Private, nonprofit transportation providers.			
Amend	480-31-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria Amends the effective date to April 1, 2013 - No significant changes - new edition of previously adopted reference. • Title 49 Code of Federal Regulations, Amends the effective date of adoption to October 25, 2013, for the following: <ul style="list-style-type: none"> - Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs - no changes since last adoption.

			<ul style="list-style-type: none"> - Part 379 - Preservation of Records - no changes since last adoption. - Part 380 - Special Training Requirements - no changes since last adoption. - Part 382 - Controlled Substance and Alcohol Use and Testing - see Note 5. - Part 383 - Commercial Driver's License Standards; Requirements and Penalties - see Note 6. - Part 385 - Safety Fitness Procedures - see Note 7. - Part 390 - Safety Regulations, General - see Note 8. - Part 391 - Qualification of Drivers - see Note 9. - Part 392 - Driving of Commercial Motor Vehicles - see Note 10. - Part 393 - Parts and Accessories Necessary for Safe Operation - no changes since last adoption. - Part 395 - Hours of Service of Drivers - see Note 11. - Part 396 - Inspection, Repair and Maintenance - see Note 12. - Part 397 - Transportation of Hazardous Materials - no changes since last adoption.
<p>Chapter 480-62 WAC, Railroad companies—Operations.</p>			
Amend	480-62-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations, Amends the effective date of adoption to October 25, 2013, for the following: <ul style="list-style-type: none"> - Part 171 - General Information, Regulations, and Definitions - see Note 1. - Part 172 - Emergency Response Information, Training Requirements, and Security Plans - see Note 2. - Part 173 - Shippers General Requirements for Shipments and Packages - see Note 3. - Part 174 - Carriage by Rail - no changes made since last adoption date. - Part 178 - Specifications for Packagings - see Note 13. - Part 179 - Specifications for Tank Cars - no changes made since last adoption date. - Part 209 - Railroad Safety Enforcement Procedures - see Note 14. - Part 211 - Rules of Practice - no changes made since last adoption date. - Part 212 - State Safety Participation Regulations - no changes made since last adoption date. - Part 213 - Track Safety Standards - see Note 15. - Part 214 - Railroad Workplace Safety - see Note 16. - Part 217 - Railroad Operating Rules - no changes made since last adoption date. - Part 218 - Railroad Operating Practices - no changes made since last adoption date.

			<ul style="list-style-type: none"> - Part 219 - Control of Alcohol and Drug Use - see Note 17. - Part 220 - Railroad Communications - no changes made since last adoption date. - Part 221 - Rear-end Marking Device - no changes made since last adoption date. - Part 225 - Railroads Accidents/Incidents - see Note 18. - Part 228 - Hours of Service of Railroad Employees - see Note 19. - Part 234 - Grade Crossing Signal System Safety - see Note 20. - Part 239 - Passenger Train Emergency Preparedness - no changes made since last adoption date. - Part 240 - Qualification and Certification of Locomotive Engineers - no changes made since last adoption date. - Part 570.6 and 570.7 - Vehicle in Use Inspection Standards - no changes since last adoption date. • Manual on Uniform Traffic Control Devices (MUTCD) Amends the effective date to October 25, 2013. - Amends the effective date of adoption to October 25, 2013, for the following safety standards: <ul style="list-style-type: none"> - ANSI Z308.1-2009, American National Standard for Minimum Requirements for Workplace First Aid Kits - no changes since last adoption date. - ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests - no changes since last adoption date.
<p>Chapter 480-70 WAC, Solid waste and/or refuse collection companies.</p>			
<p>Amend</p>	<p>480-70-999</p>	<p>Adoption by reference.</p>	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria Amends the effective date to April 1, 2013 - no significant changes - new edition of previously adopted reference. • Title 40 Code of Federal Regulations, Amends the effective date of adoption to October 25, 2013, for the following: <ul style="list-style-type: none"> - Part 262 - Standards Applicable to Generators of Hazardous Waste - no changes since last adoption date. • Title 49 Code of Federal Regulations, Amends the effective date of adoption to October 25, 2013, for the following: <ul style="list-style-type: none"> - Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs - no changes since last adoption. - Part 171 - General Information, Regulations, and Definitions - see Note 1. - Part 172 - Hazardous Materials Table, etc. - see Note 2. - Part 173 - Shippers General Requirements for Shipping and Packages - see Note 3. - Part 174 - Carriage by Rail - no changes made since last adoption date.

			<ul style="list-style-type: none"> - Part 175 - Carriage by Aircraft - see Note 21. - Part 176 - Carriage by Vessel - see Note 22. - Part 177 - Carriage by Public Highway - no changes made since last adoption date. - Part 178 - Specifications for Packagings - see Note 13. - Part 179 - Specifications for Tank Cars - no changes made since last adoption date. - Part 180 - Continuing Qualification and Maintenance of Packagings - see Note 23. - Part 379 - Preservation of Records - no changes since last adoption. - Part 380 - Special Training Requirements - no changes since last adoption. - Part 382 - Controlled Substance and Alcohol Use and Testing - see Note 5. - Part 383 - Commercial Driver's License Standards; Requirements and Penalties - see Note 6. - Part 385 - Safety Fitness Procedures - see Note 7. - Part 390 - Safety Regulations, General - see Note 8. - Part 391 - Qualification of Drivers - see Note 9. - Part 392 - Driving of Commercial Motor Vehicles - see Note 10. - Part 393 - Parts and Accessories Necessary for Safe Operation - no changes since last adoption. - Part 395 - Hours of Service of Drivers - see Note 11. - Part 396 - Inspection, Repair and Maintenance - see Note 12. - Part 397 - Transportation of Hazardous Materials - no changes since last adoption.
Chapter 480-73 WAC, Hazardous liquid pipeline—Companies.			
Amend	480-73-999	Adoption by reference.	<ol style="list-style-type: none"> 1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations, Amends the effective date of adoption to September 23, 2013, for the following: <ul style="list-style-type: none"> - Part 357 - see Note 24.
Chapter 480-75 WAC, Hazardous liquids pipeline—Safety.			
Amend	480-75-999	Adoption by reference.	<ol style="list-style-type: none"> 1. Adoption by reference changed as follows: <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations, Amends subsection (1)(b) changes where this publication is referenced in WAC - see Note 25.
Chapter 480-90 WAC, Gas companies—Operations.			
Amend	480-90-999	Adoption by reference.	<ol style="list-style-type: none"> 1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - Amends the effective date of adoption to 2007 - see Note 26.

			<p>2. Adoption by reference text changed as follows:</p> <ul style="list-style-type: none"> • The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies <ul style="list-style-type: none"> - Amends subsection (2) to use the correct title - see Note 27.
Chapter 480-93 WAC, Gas companies—Safety.			
Amend	480-93-999	Adoption by reference.	<p>1. Adoption by reference changed as follows:</p> <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations, Amends subsection (1)(b) changes WAC chapter titles - see Note 28.
Chapter 480-100 WAC, Electric companies—Operations.			
Amend	480-100-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations, Amends the effective date of adoption to November 27, 2013, for the following: <ul style="list-style-type: none"> - Part 101 - see Note 29. • The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies <ul style="list-style-type: none"> - Amends the effective date of adoption to 2007 - see Note 26. • The National Electrical Code <ul style="list-style-type: none"> - Amends the effective date of adoption to August 20, 2013 - see Note 30. <p>2. Adoption by reference text changed as follows:</p> <ul style="list-style-type: none"> • Main Paragraph <ul style="list-style-type: none"> - Amends opening paragraph to remove "They are available for inspection at the commission branch of the Washington state library" - see Note 31. • Title 18 Code of Federal Regulations <ul style="list-style-type: none"> - Amends subsection (1)(d) to include "It is also available for inspection at the commission" - see Note 35. • The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies <ul style="list-style-type: none"> - Amends subsection (2) to use the correct title - see Note 27. • The National Electrical Code <ul style="list-style-type: none"> - Amends subsection (3)(a) to include "including errata 70-14-1 published September 16, 2013" - see Note 32.
Chapter 480-108 WAC, Electric companies—Interconnection with electric generators.			
Amend	480-108-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • The National Electrical Code <ul style="list-style-type: none"> - Amends the effective date of adoption to August 20, 2013 - see Note 30. <p>2. Adoption by reference text changed as follows:</p> <ul style="list-style-type: none"> • Main Paragraph <ul style="list-style-type: none"> - Amends opening paragraph to remove "They are available for inspection at the commission branch of the Washington state library or as otherwise indicated" - see Note 31.

			<ul style="list-style-type: none"> • The National Electrical Code <ul style="list-style-type: none"> - Amends subsection (1)(a) to include "including errata 70-14-1 published September 16, 2013" - see Note 32. - Amends subsection (1)(b) to include the names of the WAC that this section applies to - see Note 33. • The National Electrical Safety Code <ul style="list-style-type: none"> - Amends subsection (2)(b) to include the names of the WAC that this section applies to - see Note 33. • Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 <ul style="list-style-type: none"> - Amends subsection (3)(b) to include the names of the WAC that this section applies to - see Note 33. - Amends subsection (3)(c) to remove superfluous letters in a web address - see Note 34. • American National Standards Institute (ANSI) Standard C37.90 <ul style="list-style-type: none"> - Amends subsection (4)(b) to include the names of the WAC that this section applies to - see Note 33. - Amends subsection (4)(c) to remove superfluous letters in a web address - see Note 34. • Institute of Electrical and Electronics Engineers (IEEE) Standard 519 <ul style="list-style-type: none"> - Amends subsection (5)(b) to include the names of the WAC that this section applies to - see Note 33. - Amends subsection (5)(c) to remove superfluous letters in a web address - see Note 34. • Institute of Electrical and Electronics Engineers (IEEE) Standard 141 <ul style="list-style-type: none"> - Amends subsection (6)(b) to include the names of the WAC that this section applies to - see Note 33. - Amends subsection (6)(c) to remove superfluous letters in a web address - see Note 33. • Institute of Electrical and Electronics Engineers (IEEE) Standard 142 <ul style="list-style-type: none"> - Amends subsection (7)(b) to include the names of the WAC that this section applies to - see Note 33. - Amends subsection (7)(c) to remove superfluous letters in a web address - see Note 34. • Underwriters Laboratories (UL) <ul style="list-style-type: none"> - Amends subsection (8)(b) to include the names of the WAC that this section applies to - see Note 33. • Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269 <ul style="list-style-type: none"> - Amends subsection (9)(b) to include the names of the WAC that this section applies to - see Note 33.
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Chapter 480-110 WAC, Water companies.			
Amend	480-110-999	Adoption by reference.	1 Adoption by reference changes as follows: <ul style="list-style-type: none"> • Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - Amends the adopted version to the one in effect in <u>2007</u>.

Note

1. 49 C.F.R. Part 171, General Information, Regulations, and Definitions - Effective October 25, 2013:

- Changes effective August 15, 2013. 78 F.R. 42457, 42477: Pipeline and Hazardous Materials Safety Administration (PHMSA) revised the Hazardous Materials Regulations (HMR) applicable to the approval of Division 1.4G consumer fireworks (UN0336 Fireworks) and established DOT-approved fireworks certification agencies that provide an alternative to the approval process for Division 1.4G consumer fireworks. PHMSA is also reformatting the procedural regulations pertaining to certification agencies.
- Changes effective May 10, 2013. 78 F.R. 15303, 15326: PHMSA amended the HMR to make miscellaneous amendments to update and clarify certain regulatory requirements.
- Changes effective April 17, 2013. 78 F.R. 22798, 22800: PHMSA revised the references in its regulations to the maximum and minimum civil penalties for a knowing violation of the federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law.
- Changes effective March 11, 2013. 78 F.R. 15321: Identified and corrected technical errors.
- Changes effective January 1, 2013. 78 F.R. 1101, 1112: Responded to administrative appeals generated as a result of certain amendments adopted in an international harmonization final rule published on January 19, 2011.
- Changes effective January 1, 2013. 78 F.R. 988, 1072 and 1073: PHMSA amended the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

2. 49 C.F.R. Part 172, Hazardous Materials Table, etc. - Effective October 25, 2013:

- Changes effective August 29, 2013. 78 F.R. 45880, 45892: The PHMSA amended the HMR applicable to air bag inflators, air bag modules, and seat-belt pretensioners. The revisions incorporate the provisions of two special permits into the regulations. In addition, PHMSA is amending the current approval and documentation requirements for a material classified as a UN3268 air bag inflator, air bag module, or seat-belt pretensioner.
- Changes effective August 15, 2013. 78 F.R. 42457, 42477: PHMSA revised the HMR applicable to the approval of Division 1.4G consumer fireworks (UN0336 Fireworks) and established DOT-approved fireworks certification agencies that provide an alternative to the approval process for Division 1.4G consumer fireworks. PHMSA is also

approval of Division 1.4G consumer fireworks (UN0336 Fireworks) and established DOT-approved fireworks certification agencies that provide an alternative to the approval process for Division 1.4G consumer fireworks. PHMSA is also reformatting the procedural regulations pertaining to certification agencies.

- Changes effective May 10, 2013. 78 F.R. 15303, 15326: PHMSA amended the HMR to make miscellaneous amendments to update and clarify certain regulatory requirements.
- Changes effective May 6, 2013. 78 F.R. 14702, 14714: PHMSA amended the HMR in response to petitions for rule making submitted by the regulated community to update, clarify, or provide relief from miscellaneous regulatory requirements.
- Changes effective March 25, 2013. 78 F.R. 17874: Corrections made to the table titled "§ 172.101 HAZARDOUS MATERIALS TABLE."
- Changes effective February 6, 2013. 78 F.R. 8431: Correction issued for a table in § 172.101.
- Changes effective January 1, 2013. 78 F.R. 1101, 1112: Responded to administrative appeals generated as a result of certain amendments adopted in an international harmonization final rule published on January 19, 2011.
- Changes effective January 1, 2013. 78 F.R. 988, 1073, 1074, 1085-1092: PHMSA amended the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

3. 49 C.F.R. Part 173, Shippers General Requirements for Shipments and Packages - Effective October 25, 2013:

- Changes effective August 29, 2013. 78 F.R. 45880, 45892: The PHMSA amended the HMR applicable to air bag inflators, air bag modules, and seat-belt pretensioners. The revisions incorporate the provisions of two special permits into the regulations. In addition, PHMSA is amending the current approval and documentation requirements for a material classified as a UN3268 air bag inflator, air bag module, or seat-belt pretensioner.
- Changes effective August 15, 2013. 78 F.R. 42457, 42477: PHMSA revised the HMR applicable to the approval of Division 1.4G consumer fireworks (UN0336 Fireworks) and established DOT-approved fireworks certification agencies that provide an alternative to the approval process for Division 1.4G consumer fireworks. PHMSA is also

reformatting the procedural regulations pertaining to certification agencies.

- Changes effective May 10, 2013. 78 F.R. 15303, 15326 and 15327: PHMSA amended the HMR to make miscellaneous amendments to update and clarify certain regulatory requirements.
- Changes effective May 6, 2013. 78 F.R. 14702, 14714: PHMSA amended the HMR in response to petitions for rule making submitted by the regulated community to update, clarify, or provide relief from miscellaneous regulatory requirements.
- Changes effective March 25, 2013. 78 F.R. 17874: Corrections made to the table titled "§ 172.101 HAZARDOUS MATERIALS TABLE."
- Changes effective January 1, 2013. 78 F.R. 988, 1073 and 1074: PHMSA amended the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
- Changes effective January 1, 2013. 78 F.R. 1101, 1112 - 1116: Responded to administrative appeals generated as a result of certain amendments adopted in an international harmonization final rule published on January 19, 2011.

4. 49 C.F.R. Part 375, Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations - Effective October 25, 2013:

- Changes effective November 13, 2012. 77 F.R. 41704: Federal Motor Carrier Safety Administration (FMCSA) amends the regulations governing the period during which household goods (HHG) motor carriers must retain documentation of an individual shipper's waiver of receipt of printed copies of consumer protection materials. This change harmonizes the retention period with other document retention requirements applicable to HHG motor carriers. FMCSA also amends the regulations to clarify that a HHG motor carrier is not required to retain waiver documentation from any individual shippers for whom the carrier does not actually provide services. This rule responds to a petition filed by the American Moving and Storage Association (AMSA).
- Changes effective October 18, 2012. 77 F.R. 64050: FMCSA provides notice of the agency's new policy concerning enforcement of its HHG motor carrier and broker regulations.

5. 49 C.F.R. Part 382, Controlled Substance and Alcohol Use Testing - October 25, 2013:

- Changes effective March 14, 2013. 78 F.R. 16189, 16194: FMCSA promulgates the regulatory exemptions for the "transportation of agricultural commodities and farm supplies" and for "covered farm vehicles" and their drivers enacted by sections 32101(d) and 32934, respectively, of the MAP-21. Although prior statutory exemptions involving agri-

culture are unchanged, some of these exemptions overlap with MAP-21 provisions. In these cases, regulated entities will be able to choose the exemption, or set of exemptions, under which to operate. They must, however, comply fully with the terms of each exemption they claim.

6. 49 C.F.R. Part 383, Commercial Driver's License Standards; Requirements and Penalties - Effective October 25, 2013:

- Changes effective May 28, 2013. 78 F.R. 24684: FMCSA amends its commercial driver's license (CDL) rules to eliminate the requirement for drivers to notify the state licensing agency that issued their commercial learner's permit (CLP) or CDL of out-of-state traffic convictions when those convictions occur in states that have a certified CDL program in substantial compliance with FMCSA's rules.
- Changes effective April 24, 2013. 78 F.R. 17875 - 17881: FMCSA amended its May 9, 2011, final rule in response to certain petitions for reconsideration. The 2011 final rule amended the CDL knowledge and skills testing standards and established new minimum federal standards for states to issue the CLP. The agency received thirty-four petitions for reconsideration that covered a wide range of issues.
- Changes effective March 14, 2013. 78 F.R. 16189, 16194: FMCSA promulgates the regulatory exemptions for the "transportation of agricultural commodities and farm supplies" and for "covered farm vehicles" and their drivers enacted by sections 32101(d) and 32934, respectively, of the MAP-21. Although prior statutory exemptions involving agriculture are unchanged, some of these exemptions overlap with MAP-21 provisions. In these cases, regulated entities will be able to choose the exemption, or set of exemptions, under which to operate. They must, however, comply fully with the terms of each exemption they claim.
- Changes effective October 26, 2012. 77 F.R. 65497: FMCSA withdrew its August 27, 2012, direct final rule (DFR) amending the definition of "gross combination weight rating" (GCWR) in 49 C.F.R. parts 383 and 390. The DFR would have taken effect on October 26, 2012. However, the agency received several adverse comments in response to the DFR and will, therefore, develop a notice of proposed rule making to request public comments on proposed changes to the GCWR definition.
- Changes effective October 26, 2012. 77 F.R. 51706-02: The FMCSA amended the definition of GCWR in its regulations.

7. 49 C.F.R. Part 385, Safety Fitness Procedures - Effective October 25, 2013:

- Changes effective October 23, 2015. 78 F.R. 52654: The FMCSA amended its regulations to require interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), haz-

ardous materials safety permit (HMSP) applicants, and cargo tank facilities under FMCSA jurisdiction to submit required registration and biennial update information to the agency via a new electronic online Unified Registration System (URS). The final rule implements statutory provisions in the ICC Termination Act of 1995 (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005 (SAFE-TEA-LU).

- Changes effective September 23, 2013. 78 F.R. 55618, 56620: FMCSA amends its HMSP rules to update the current incorporation by reference of the "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 C.F.R. Part 173.403." The rules currently reference the April 1, 2012, edition of the out-of-service criteria and through this final rule, FMCSA incorporated the April 1, 2013, edition.
- Changes effective November 23, 2012. 77 F.R. 64759: The FMCSA amended the FMCSRs to remove the provision indicating that the agency will consider a ten-day extension of the forty-five-day period after which passenger and hazardous materials carriers must cease operation after receiving a proposed unsatisfactory safety rating.

8. 49 C.F.R. Part 390, Safety Regulations, General - Effective October 25, 2013:

- Changes effective October 23, 2015. 78 F.R. 52654: The FMCSA amended its regulations to require interstate motor carriers, freight forwarders, brokers, IEPs, HMSP applicants, and cargo tank facilities under FMCSA jurisdiction to submit required registration and biennial update information to the agency via a new electronic online URS. The final rule implements statutory provisions in the ICC Termination Act of 1995 (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, 2005 (SAFE-TEA-LU).
- Changes effective March 14, 2013. 78 F.R. 16189, 16194: FMCSA promulgates the regulatory exemptions for the "transportation of agricultural commodities and farm supplies" and for "covered farm vehicles" and their drivers enacted by sections 32101(d) and 32934, respectively, of the MAP-21. Although prior statutory exemptions involving agriculture are unchanged, some of these exemptions overlap with MAP-21 provisions. In these cases, regulated entities will be able to choose the exemption, or set of exemptions, under which to operate. They must, however, comply fully with the terms of each exemption they claim.
- Changes effective October 26, 2012. 77 F.R. 65497: FMCSA withdrew its August 27, 2012, DFR amending the definition of GCWR in 49 C.F.R.

parts 383 and 390. The DFR would have taken effect on October 26, 2012. However, the agency received several adverse comments in response to the DFR and will, therefore, develop a notice of proposed rule making to request public comments on proposed changes to the GCWR definition.

- Changes effective October 26, 2012. 77 F.R. 51706-02: The FMCSA amended the definition of GCWR in its regulations.

9. 49 C.F.R. Part 391, Qualification of Drivers - Effective October 25, 2013:

- Changes effective March 14, 2013. 78 F.R. 16189 - 16195: FMCSA promulgates the regulatory exemptions for the "transportation of agricultural commodities and farm supplies" and for "covered farm vehicles" and their drivers enacted by sections 32101(d) and 32934, respectively, of the MAP-21. Although prior statutory exemptions involving agriculture are unchanged, some of these exemptions overlap with MAP-21 provisions. In these cases, regulated entities will be able to choose the exemption, or set of exemptions, under which to operate. They must, however, comply fully with the terms of each exemption they claim.

10. 49 C.F.R. Part 392, Driving of Commercial Motor Vehicles - Effective October 25, 2013:

- Changes effective October 23, 2015. 78 F.R. 52654: The FMCSA amended its regulations to require interstate motor carriers, freight forwarders, brokers, IEPs, HMSP applicants, and cargo tank facilities under FMCSA jurisdiction to submit required registration and biennial update information to the agency via a new electronic online URS. The final rule implements statutory provisions in the ICCTA and the SAFETEA-LU.
- Changes effective October 25, 2013. 78 F.R. 58915: FMCSA and PHMSA amended the FMCSRs and HMRs, respectively, to prohibit a driver of a commercial motor vehicle or of a motor vehicle transporting certain hazardous materials or certain agents or toxins (hereafter collectively referenced as "regulated motor vehicle") from entering onto a highway-rail grade crossing unless there is sufficient space to drive completely through the grade crossing without stopping.

11. 49 C.F.R. Part 395, Hours of Service of Drivers - Effective October 25, 2013:

- Changes effective July 12, 2013. 78 F.R. 41852: FMCSA revised its April 4, 1997, regulatory guidance concerning the conditions that must be met in order for a commercial motor vehicle (CMV) driver to record meal and other routine stops made during a work shift as off-duty time. The agency reviewed the guidance and determined that it included language that was overly restrictive and inconsistent with the hours-of-service (HOS) regulations.

- Changes effective July 11, 2013. [78 F.R.] 41716: The waiver was effective July 11, 2013, and expired on October 9, 2013. FMCSA grants a limited ninety day waiver from the thirty minute rest break provision of the federal HOS regulations for the transportation of livestock.
- Changes effective March 14, 2013. 78 F.R. 16189, 16194: FMCSA promulgates the regulatory exemptions for the "transportation of agricultural commodities and farm supplies" and for "covered farm vehicles" and their drivers enacted by sections 32101(d) and 32934, respectively, of the MAP-21. Although prior statutory exemptions involving agriculture are unchanged, some of these exemptions overlap with MAP-21 provisions. In these cases, regulated entities will be able to choose the exemption, or set of exemptions, under which to operate. They must, however, comply fully with the terms of each exemption they claim.

12. 49 C.F.R. Part 396, Inspection, Repair and Maintenance - Effective October 25, 2013:

- Changes effective March 14, 2013. 78 F.R. 16189, 16194: FMCSA promulgates the regulatory exemptions for the "transportation of agricultural commodities and farm supplies" and for "covered farm vehicles" and their drivers enacted by sections 32101(d) and 32934, respectively, of the MAP-21. Although prior statutory exemptions involving agriculture are unchanged, some of these exemptions overlap with MAP-21 provisions. In these cases, regulated entities will be able to choose the exemption, or set of exemptions, under which to operate. They must, however, comply fully with the terms of each exemption they claim.

13. 49 C.F.R. Part 178, Specifications for Packagings - Effective October 25, 2013:

- Changes effective May 10, 2013. 78 F.R. 15328: PHMSA amended the HMR to make miscellaneous amendments to update and clarify certain regulatory requirements.
- Changes effective May 6, 2013. 78 F.R. 14714 and 14715: PHMSA amended the HMR in response to petitions for rule making submitted by the regulated community to update, clarify, or provide relief from miscellaneous regulatory requirements.
- Changes effective January 1, 2013. 78 F.R. 1096 and 1097: PHMSA amended the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

14. 49 C.F.R. Part 209, Railroad Safety Enforcement Procedures - Effective October 25, 2013:

- Changes effective February 12, 2013. 78 F.R. 9845, 9846: The FRA revised its regulations to reflect

amendments to certain statutory civil monetary penalty provisions effected by the MAP-21, which was enacted on July 6, 2012. These statutory amendments became effective on October 1, 2012.

15. 49 C.F.R. Part 213, Track Safety Standards - Effective October 25, 2013:

- Changes effective July 11, 2013. 78 F.R. 16100 - 16116: The FRA amended the track safety standards and passenger equipment safety standards to promote the safe interaction of rail vehicles with the track over which they operate under a variety of conditions at speeds up to 220 m.p.h. The final rule revises standards for track geometry and safety limits for vehicle response to track conditions, enhances vehicle/track qualification procedures, and adds flexibility for permitting high cant deficiency train operations through curves at conventional speeds.

16. 49 C.F.R. Part 214, Railroad Workplace Safety - Effective October 25, 2013:

- Changes effective July 1, 2013. 77 F.R. 13978: The effective date for the final rule published November 30, 2011, at 76 F.R. 74586, and originally effective on May 1, 2012, was delayed until July 1, 2013. The final rule mandates that roadway workers comply with specified on-track safety procedures that railroads must adopt to protect those workers from the movement of trains or other on-track equipment on "adjacent controlled track," and requests comments on the petitions for reconsideration of the final rule that FRA has received.
- Changes effective June 5, 2013. 78 F.R. 33754: The effective date for the final rule published November 30, 2011, at 76 F.R. 74586, and delayed on March 8, 2012, at 77 F.R. 13978, is further delayed until July 1, 2014. The final rule mandates that roadway workers comply with specified on-track safety procedures that railroads must adopt to protect those workers from the movement of trains or other on-track equipment on "adjacent controlled track."

17. 49 C.F.R. Part 219, Control of Alcohol and Drug Use - Effective October 25, 2013:

- Changes effective May 6, 2013. 78 F.R. 14217, 14224: In 1985, FRA implemented a post-accident toxicological testing (post-accident testing) program to test railroad employees who had been involved in serious train accidents for alcohol and certain controlled substances (marijuana, cocaine, phencyclidine (PCP), and selected opiates, amphetamines, barbiturates, and benzodiazepines). This final rule adds certain noncontrolled substances with potentially impairing side effects to its standard post-accident testing panel. FRA intends to keep the post-accident test results for these noncontrolled substances confidential while it continues to obtain and analyze data on the extent to which prescription and

over-the-counter (OTC) drug use by railroad employees potentially affects rail safety.

- Changes effective December 26, 2012. 77 F.R. 75896: The Federal Railroad Administrator (administrator) determined that the minimum annual random drug testing rate for the period January 1 through December 31, 2013, will remain at twenty-five percent of covered railroad employees. In addition, because the industry-wide random alcohol testing violation rate has remained below 0.5 percent for the last two years, the administrator has determined that the minimum random alcohol testing rate will remain at ten percent of covered railroad employees for the period January 1 through December 31, 2013.

18. 49 C.F.R. Part 225, Railroads Accidents/Incidents - Effective October 25, 2013:

- Changes effective January 1, 2013. 77 F.R. 71354: This rule increases the rail equipment accident/incident reporting threshold from \$9,500 to \$9,900 for certain railroad accidents/incidents involving property damage that occur during calendar year 2013.

19. 49 C.F.R. Part 228, Hours of Service of Railroad Employees - Effective October 25, 2013:

- Changes effective October 24, 2013. 78 F.R. 58830: The hours of service laws are federal railroad safety laws that govern such matters as the maximum on-duty periods and minimum off-duty periods for railroad employees performing certain functions. In this document FRA supplements its existing interpretations of the hours of service laws by stating the agency's interim position on some additional interpretive questions primarily involving two provisions of those laws that were added in 2008.

20. 49 C.F.R. Part 234, Grade Crossing Signal System Safety - Effective October 25, 2013:

- Changes effective March 15, 2013. 78 F.R. 16423: Changes effective dates for compliance dates with ENS sign requirements.

21. 49 C.F.R. Part 175, Carriage by Aircraft - Effective October 25, 2013:

- Changes effective January 1, 2013. 78 F.R. 1092: PHMSA amended the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
- Changes effective January 1, 2013. 78 F.R. 1117: Responded to administrative appeals generated as a result of certain amendments adopted in an international harmonization final rule published on January 19, 2011.

22. 49 C.F.R. Part 176, Carriage by Vessel - Effective October 25, 2013:

- Changes effective January 1, 2013. 78 F.R. 1093-1096: PHMSA amended the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
- Changes effective January 1, 2013. 78 F.R. 1117: Responded to administrative appeals generated as a result of certain amendments adopted in an international harmonization final rule published on January 19, 2011.

23. 49 C.F.R. Part 180, Continuing Qualification and Maintenance of Packagings - Effective October 25, 2013:

- Changes effective May 10, 2013. 78 F.R. 15330: PHMSA amended the HMR to make miscellaneous amendments to update and clarify certain regulatory requirements.

24. Title 18 C.F.R. - Effective September 23, 2013:

357 - Annual Special or Periodic Reports: Carriers Subject to Part I of the Interstate Commerce Act

- The Federal Energy Regulatory Commission (commission) amends the instructions on page 700 of FERC Form No. 6 (Form 6) to ensure that oil pipelines report interstate-only barrel and barrel-mile data on lines (11) and (12) of page 700 and not a combination of interstate and intrastate throughput.
- The commission is modifying page 700 of Form 6 to facilitate the calculation of an oil pipeline's actual return on equity for preliminary screening purposes.

25. 49 C.F.R. Parts 195 and 199 - Effective October 1, 2012:

- Removes "WAC 480-75-630 (Incident Reporting)" from list of WAC chapters referenced.

26. The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - Effective 2007:

- Changes adopted in 2007 by National Association of Regulatory Utility Commissioners.

27. The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies:

- Corrects title to be "The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities."

28. 49 C.F.R. Parts 191, 192, 193 and 199 - Effective October 1, 2012:

- Adds chapter titles to WAC chapter numbers for consistency.

29. Title 18 C.F.R. - Effective November 27, 2013:

101 - Uniform System of Accounts Prescribed For Public Utilities and Licensees Subject to the Provisions of the Federal Power Act

- The commission is revising its regulations to foster competition and transparency in ancillary services markets. The commission is revising certain aspects of its current market-based rate regulations, ancillary services requirements under the pro forma open access transmission tariff (OATT), and accounting and reporting requirements.

30. National Electrical Code - Effective August 20, 2013:

- The NEC addresses the installation of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment, and raceways; and optical fiber cables and raceways in commercial, residential, and industrial occupancies.

31. Multiple:

- The current versions of these documents are no longer available at the commission.

32. National Electrical Code - Effective September 16, 2013:

- Errata 70-14-1 include various textual and formatting changes to remove confusion.

33. Multiple:

- Eliminates confusion by adding the names of the WACs the reference is used in.

34. Multiple:

- Eliminated confusion by removing superfluous lettering in a web address.

35. Multiple:

- Identifies documents that are available for inspection at the commission.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Steven V. King, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY February 3, 2014.

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

Reasons Supporting Proposal: The commission adopts by reference several parts in Titles 18, 480, 47 and 49 of the

Code of Federal Regulations and other state rules and national standards. This adoption package will make commission rules consistent with current published versions of federal rules, reflect the most current versions of the national safety standards and correct typographical, grammatical, and punctuation errors.

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

Statute Being Implemented: Not applicable.

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

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

Name of Agency Personnel Responsible for Drafting: Roger Kouchi, Regulatory Analyst, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1101; Implementation and Enforcement: Steven V. King, Executive Director and Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1115.

November 20, 2013

Steven V. King

Executive Director
and Secretary

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

WAC 480-14-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publication, effective dates, references within this chapter, and availability of the resource is within Title 49 Code of Federal Regulations (C.F.R.), including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on October (~~(5, 2012)~~) 25, 2013, for 49 C.F.R. Parts 171, 172 and 173.

(2) This publication is referenced in WAC 480-14-250 (Insurance requirements).

(3) Copies of Title 49 C.F.R. are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

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

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

(a) The commission adopts the version in effect on April 1, (~~(2012)~~) 2013.

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

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

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

(a) The commission adopts the version in effect on October (~~(5, 2012)~~) 25, 2013.

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

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

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

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

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

(a) The commission adopts the version in effect on April 1, (~~(2012)~~) 2013.

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

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

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

(a) The commission adopts the version in effect on October (~~(5, 2012)~~) 25, 2013.

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

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

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

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

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

(a) The commission adopts the version in effect on April 1, (~~(2012)~~) 2013.

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

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

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

(a) The commission adopts the version in effect on October (~~(5, 2012)~~) 25, 2013.

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

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

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

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

(a) The commission adopts the version in effect on October (~~(5, 2012)~~) 25, 2013.

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

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

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

(a) The commission adopts the version in effect on October (~~(5, 2012)~~) 25, 2013.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices) and WAC 480-62-235 (Flaggers).

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

(3) **ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on October ~~((5, 2012))~~ 25, 2013.

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

(c) Copies of ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits and Supplies are available from Global Engineering Documents in Englewood, Colorado.

(4) **ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on October ~~((5, 2012))~~ 25, 2013.

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

(c) Copies of ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests are available from Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

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

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

(a) The commission adopts the version in effect on April 1, ~~((2012))~~ 2013.

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

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

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

(a) The commission adopts the version in effect on October ~~((5, 2012))~~ 25, 2013.

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

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

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

(a) The commission adopts the version in effect on October ~~((5, 2012))~~ 25, 2013.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431

(Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

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

AMENDATORY SECTION (Amending WSR 11-04-041, filed 1/25/11, effective 2/25/11)

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

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

(2) The commission adopts the version in effect on ~~((April 1, 2010))~~ September 23, 2013.

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

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

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

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

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

(a) The commission adopts the version in effect on October 1, 2012.

(b) This publication is referenced in WAC 480-75-370 (Design factor (*F*) for steel pipe)~~((, WAC 480-75-630 (Incident reporting)))~~ and WAC 480-75-660 (Procedural manual for operations, maintenance, and emergencies).

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

(2) **The American Society of Mechanical Engineers** (ASME) B31.4, 2006 edition, October 20, 2006.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-

75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The 2007 edition, July 2007, of **Section IX of the ASME Boiler and Pressure Vessel Code**.

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

(b) Copies of the 2007 edition, of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** (20th edition 2005, including errata/addendum July 2007 and errata 2 (December 2008)).

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

(b) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <http://www.api.org/>. It is also available for inspection at the commission.

(5) The commission adopts **API RP standard 1117** Third Edition, July 2008, including errata December 2008 and errata 2 (August 2009).

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

(b) Copies of API standard 1117 Third Edition, July 2008, including errata December 2008 and errata 2 August 2009 are available from API, <http://www.api.org/>. It is also available for inspection at the commission.

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

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

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

(a) The commission adopts the version in effect on April 1, 2012.

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

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

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

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

(a) The commission adopts the version in effect in ~~((1985))~~ 2007.

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

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

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

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

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

(a) The commission adopts the version of the above regulations that were in effect on October 1, 2012, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 CAR § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005 (Definitions), 480-93-080 (Welder and plastic joiner identification and qualification), 480-93-100 (Valves), 480-93-110 (Corrosion control), 480-93-124 (Pipeline markers), 480-93-155 (Increasing maximum allowable operating pressure), 480-93-170 (Tests and reports for gas pipelines), 480-93-180 (Plans and procedures), and 480-93-18601 (Leak classification and action criteria—Grade—Definition—Priority of leak repair).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>. It is also available for inspection at the commission.

(2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(a) The commission adopts the 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.

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

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2007 edition, including addenda through

July 1, 2005) are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (20th edition October 2005, including errata/addendum July 2007 and errata 2 (2008)).

(a) The commission adopts the 20th edition 2005, including errata/addendum July 2007 and errata 2 (2008) of this standard.

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

(c) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <http://www.api.org/>. It is also available for inspection at the commission.

AMENDATORY SECTION (Amending WSR 13-05-023, filed 2/11/13, effective 3/14/13)

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

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

(a) The commission adopts the version in effect on ~~((April 1, 2014))~~ November 27, 2013.

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

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

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

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

(a) The commission adopts the version in effect in ~~((1985))~~ 2007.

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

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

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

(a) The commission adopts the edition ~~((published on January 24, 2012))~~ effective August 20, 2013, including errata 70-14-1 published September 16, 2013.

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

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

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

(a) The commission adopts the version published in 2008.

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

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

AMENDATORY SECTION (Amending WSR 13-15-089, filed 7/18/13, effective 8/18/13)

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

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

(a) The commission adopts the edition ~~((published on January 24, 2012))~~ effective August 20, 2013, including errata 70-14-1 published September 16, 2013.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

(2) National Electrical Safety Code (NESC).

(a) The commission adopts the 2012 edition.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

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

(a) The commission adopts the version published in 2003 and reaffirmed in 2008.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

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

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

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

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

(a) The commission adopts the version published in 2004.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

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

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

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

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

(a) The commission adopts the version published in 2007.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

(8) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, Controllers and Interconnection Systems Equipment for Use with Distributed Energy Resources.

(a) The commission adopts the version published in 2010.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

(9) Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269.

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

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

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

AMENDATORY SECTION (Amending WSR 05-06-051, filed 2/28/05, effective 3/31/05)

WAC 480-110-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The *Uniform System of Accounts for Water Utilities* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1996.

(b) This publication is referenced in WAC 480-110-505 (Accounting, and reporting requirements and regulatory fees).

(c) The *Uniform System of Accounts for Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

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

(a) The commission adopts the version in effect in ((1985)) 2007.

(b) This publication is referenced in WAC 480-110-485 (Retaining and preserving records and reports).

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

WSR 13-24-094

EXPEDITED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 3, 2013, 12:01 p.m.]

Title of Rule and Other Identifying Information: Chapter 296-52 WAC, Safety standards for possession and handling of explosives.

WAC 296-52-60020 Exemptions.

- Add a new subdivision (i) to subsection (1) that reads, "The transportation and storage of explosive actuated tactical devices, including noise and flash diversionary devices, by local law enforcement tactical response teams and officers in law enforcement department-issued vehicles designated for use by tactical response teams and officers, provided the explosive devices are stored and secured in compliance with regulations and rulings adopted by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and".

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Suchi Sharma, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY February 3, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making proposes to amend chapter 296-52 WAC, Safety standards for possession and handling of explosives, to permit local law enforcement tactical response teams to store and transport explosive actuated tactical devices in accordance with Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulations and rulings.

Reasons Supporting Proposal: The Washington state legislature mandates that the division of occupational safety and health enact these rules. SSB 5264 directs the department to amend these rules. During the 2013 session, the legislature amended state law regarding the Washington State Explosives Act to exclude the transportation and storage of explosive actuated tactical devices, including noise and flash diversionary devices, by local law enforcement tactical response teams and officers in law enforcement department-issued vehicles designated for use by tactical response teams and officers, provided the explosive devices are stored and secured in compliance with regulations and rulings adopted by the ATF.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 70.74.020.

Statute Being Implemented: Chapters 49.17 and 70.74 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Jeff Killip, Tumwater, (360) 902-5530; Implementation and Enforcement: Anne F. Soiza, Tumwater, (360) 902-5090.

December 3, 2013

Joel Sacks

Director

AMENDATORY SECTION (Amending WSR 06-19-074, filed 9/19/06, effective 12/1/06)

WAC 296-52-60020 Exemptions. (1) **The following are exempt from this chapter:**

(a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.

(b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.

(c) Explosives in the forms prescribed by the official United States Pharmacopeia.

(d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of:

- The United States agencies and departments including the regular United States military departments on military reservations

- Arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States

- The duly authorized militia of any state

- The emergency operations of any state department or agency, any police, or any municipality or county

(e) A hazardous devices technician when they are carrying out:

- Normal and emergency operations

- Handling evidence

- Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials

- When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work

Note: A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

(f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.

(g) Reserved.

(h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.

(i) The transportation and storage of explosive actuated tactical devices, including noise and flash diversionary devices, by local law enforcement tactical response teams and officers in law enforcement department-issued vehicles designated for use by tactical response teams and officers, provided the explosive devices are stored and secured in compliance with regulations and rulings adopted by the federal bureau of alcohol, tobacco, firearms, and explosives.

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from this chapter while they are under the control of the United States government or military authorities.

(3) **Import, sale, possession, or use of:**

- Consumer fireworks

- Signaling devices

- Flares

- Fuses

- Torpedoes

(4) **Consumer fireworks.** Fireworks classified as Division 1.4 explosives by U.S. DOT and regulated through the state fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

Note: Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 C.F.R. 72.101).

(5) **Partial exemption—Division 1.1, 1.2, or 1.3 display fireworks.** Display fireworks are fireworks classified as

Division 1.1, 1.2, or 1.3 explosives by US DOT. Users of Division 1.1, 1.2, or 1.3 display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

Note: Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 C.F.R. 172.101).

(6) Conditional exemption small arms explosive materials. Public consumers possessing and using:

- Black powder, under five pounds
- Smokeless powder, under fifty pounds
- Small arms ammunition
- Small arms ammunition primers

– Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.