



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Labor and Industries

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) June 30, 2008 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The purpose of this rulemaking is to make clarification and technical changes to the Board of Boiler Rules – Substantive (chapter 296-104 WAC) based on actions and requests of the Board of Boiler Rules. The changes include:

- Removing the Board’s responsibilities for National Board (NB) exams and allowing the Boiler Chief to accept applications for Board approved criteria.
- Extending the periods between boiler internal inspections to companies with Owner/User Inspection Programs.
- Additional safety requirements added to the preparation necessary prior to internal inspection.
- A 5.53% fee increase, which is the Office of Financial Management’s maximum allowable fiscal growth rate factor for fiscal year 2008 as approved by the Legislature. The fee increase will help cover the cost of the ongoing services for the Boiler program.

Citation of existing rules affected by this order:

Repealed: None.
 Amended: See attachment 1.
 Suspended: None.

Statutory authority for adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350

Other authority : None

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-08-076 on April 1, 2008.

Describe any changes other than editing from proposed to adopted version: See Attachment 2.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: na

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: May 27, 2008

NAME (TYPE OR PRINT)

Steven Bacon

SIGNATURE

TITLE

Chair, Board of Boiler Rules

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 27, 2008

TIME: 2:30 PM

WSR 08-12-015

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>7</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>7</u>	Repealed	_____

AMENDED SECTIONS:

WAC 296-104-010, Administration--What are the definitions of terms used in this chapter?

WAC 296-104-050, Administration--What are the requirements for a boiler inspector?

WAC 296-104-100, Inspection. How often must boilers and unfired pressure vessels be inspected?

WAC 296-104-155, Inspection--What preparations are necessary prior to internal inspections?

WAC 296-104-200, Construction--What are the standards for new construction?

WAC 296-104-330, Installation--What are the relief or safety valve requirements when pressure reducing valves are used?

WAC 296-104-700, What are the inspection fees – Examination fees – Certificate fees – Expenses?

- WAC 296-104-050, updated the API-510 to the ninth edition.
- WAC 296-104-100, reworded when power boilers need to be inspected for clarity.
- WAC 296-104-155(6), removed “in inspected” from the last sentence.
- WAC 296-104-700, increased the Certificate of inspection fee to \$20.70.