



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Board of Boiler Rules (Department of Labor and Industries)

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 10-15-102; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: Board of Boiler Rules – Substantive (Chapter 296-104 WAC)

Hearing location(s):
Department of Labor and Industries
950 Broadway, Suite 200
Tacoma, Washington

Date: November 17, 2010 Time: 10:00 am

Date of intended adoption: November 30, 2010
(Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Sally Elliott
Department of Labor and Industries
Address: Post Office Box 44400
Olympia, Washington 98504-4400
e-mail yous235@lni.wa.gov
fax (360) 902-5292 by 5:00 pm on November 17, 2010

Assistance for persons with disabilities: Contact

Sally Elliott by November 1, 2010
yous235@lni.wa.gov or (360) 902-6411

Purpose of the proposal and its anticipated effects, including any changes in existing rules: 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 will:

- Add a definition of a “pool heater” to eliminate confusion for inspectors, owner/users, manufacturers and installers regarding what units are acceptable for service by the jurisdiction.
- Adopt the 2010 edition of the ASME Boiler and Pressure Vessel Code.

Reasons supporting proposal: See purpose statement.

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

Statute being implemented: Chapter 70.79 RCW and Chapter 90, 2009 Laws (House Bill 1366)

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 05, 2010

TIME: 11:12 AM

WSR 10-20-135

DATE
October 5, 2010

NAME (type or print)
Robert Olson

SIGNATURE

TITLE
Chair, Board of Boiler Rules

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Board of Boiler Rules

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Board of Boiler Rules	Tumwater, Washington	(360) 902-5270
Implementation....Linda Williamson	Tumwater, Washington	(360) 902-5270
Enforcement..... Linda Williamson	Tumwater, Washington	(360) 902-5270

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The Board of Boiler Rules has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor and/or they are exempted by law [see RCW 19.85.025 referencing RCW 34.05.310 (4)] from the small business economic impact requirements.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

A cost-benefit analysis was not prepared because the costs associated with the proposed changes are exempted by law since the proposed changes are updating the rule for clarification [see RCW 19.85.025 referencing RCW 34.05.310 (4) and RCW 34.05.328(5)(b)(vi)].