



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 14-05-076 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

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

**Hearing location(s):**  
 Department of Labor and Industries  
 950 Broadway, Suite 200  
 Tacoma, Washington 98402-4453

For directions to the L&I Office:  
<http://www.lni.wa.gov/Main/ContactInfo/OfficeLocations/tacoma.asp>

Date: **May 28, 2014** Time: **10:00 a.m.**

**Date of intended adoption:** June 17, 2014  
 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**  
 Name: Alicia Curry, Rules Coordinator  
 Address: PO Box 44400  
 Olympia, WA 98504-4400  
 e-mail: Alicia.Curry@Lni.wa.gov  
 fax: 360-902-5292 by **5 p.m. on May 28, 2014**

**Assistance for persons with disabilities:** Contact Alicia Curry by **May 14, 2014**, at Alicia.Curry@Lni.wa.gov or 360-902-6244.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Board of Boiler Rules is proposing amendments to Chapter 296-104 WAC, Board of Boiler Rules – Substantive to adopt new safety code requirements and a housekeeping change. The boiler rules are reviewed on a regular basis to ensure the rules are consistent with national boiler and unfired pressure vessel safety standards and industry practice. Due to the rulemaking moratorium, the board of boiler rules didn't adopt rules to align with the 2013 (current edition) National Board Inspection Code (NBIC), used to regulate the industry.

Proposed amendments to this chapter will:

- Adopt the 2013 (current edition) National Board Inspection Code (NBIC) requirements for boilers and unfired pressure vessels in the state of Washington;
- Adopt the current revision of the National Board NB-263 standards, rules for national board in-service and new construction inspectors; and
- Remove an obsolete reference to provide rule clarity and consistency in the rules.

**Reasons supporting proposal:** This rulemaking is needed to update existing requirements to ensure the most current standards are in place for proper construction, installation, inspection, operation, maintenance, alterations, and repairs of boilers and unfired pressure vessels that improve public safety.

**Statutory authority for adoption:** Chapter 70.79 RCW, Boilers and Unfired Pressure Vessels

**Statute being implemented:** Chapter 70.79 RCW, Boilers and Unfired Pressure Vessels

**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:       | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**DATE**  
 April 22, 2014

**NAME** (type or print)  
 Robert Olson

**SIGNATURE**

**TITLE**  
 Chair

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
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**DATE: April 22, 2014**

**TIME: 9:12 AM**

**WSR 14-09-093**

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

None.

**Name of proponent:** Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... José Rodriguez	Tumwater, Washington	(360) 902-6348
Implementation.... José Rodriguez	Tumwater, Washington	(360) 902-6348
Enforcement..... José Rodriguez	Tumwater, Washington	(360) 902-6348

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal 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.

L&I is exempt from preparing a small business economic impact statement under RCW 19.85.030(1)(a), since the proposed rules would not impose more than minor costs on businesses.

**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:

L&I is exempt from preparing a cost-benefit analysis under RCW 34.05.328(5)(a), since the proposed rules would not impose more than minor costs on businesses.