



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Department of Labor and Industries

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) September 1, 2015 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes
  - No
- If Yes, explain: N/A

**Purpose:** The Board of Boiler Rules is adopting amendments to sections of Chapter 296-104 WAC, Board of Boiler Rules – Substantive for new safety code requirements and to update the existing rules. 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.

This rulemaking will:

- Adopt new definitions for “jacketed steam kettles” and update the existing definition for “places of public assembly”;
- Adopt the latest edition of national standards for American Petroleum Institute (API) 510 for boilers and unfired pressure vessels
- Adopt the latest edition of national standards for TAPPI TIP 0402-16 for pulp or paper machine dryers;
- Clarify the annual internal and external inspection requirements for power boilers;
- Clarify the shutdown requirements for automatically fired boilers, after December 2004;
- Correct references to National Board (NB) 263 and API 510 for continuous adoption of the latest edition of standards; and
- Update the definitions to modern-day terms by replacing the term for “boarding homes” with “assisted living facilities”.

**Citation of existing rules affected by this order:**

Repealed: None.  
 Amended: WAC 296-104-010, WAC 296-104-050, WAC 296-104-100, WAC 296-104-102, WAC 296-104-303  
 Suspended: None.

**Statutory authority for adoption:** Chapter 70.79 RCW, Boiler and Unfired Pressure Vessel Laws

**Other authority:** None.

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 15-08-073 on March 31, 2015.

Describe any changes other than editing from proposed to adopted version:

There were minor changes between the proposed and adopted versions. The changes are as follows:

- WAC 296-104-102 (1) – Replaced the NBIC 2013 edition with NBIC “current edition”.
- WAC 296-104-303 – Added the wording “as applicable” in the last sentence of the proposed changes.

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

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**Date adopted:**

June 30, 2015

**NAME (TYPE OR PRINT)**

Robert Olson

**SIGNATURE**

**TITLE**

Chair, Board of Boiler Rules

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 30, 2015**

**TIME: 9:47 AM**

**WSR 15-14-100**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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>5</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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>5</u>	Repealed	_____