

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commissioner of Labor

RULE CITATION: 13 NCAC 13 .0401

DEADLINE FOR RECEIPT: Thursday, August 7, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

As you are amending this Rule pursuant to G.S. 95-69.14, please confirm that the Board of Boiler and Pressure Vessels Rules was consulted in this rulemaking action.

In Paragraph (a), line 5, I take it your regulated public knows what the "accepted design and construction code" is? Is this a reference to the term defined in 13 .0101(1), which states:

- (1) "Accepted Design and Construction Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers (ASME Code), or a comparable code with standards that the Chief Inspector determines to be as safe as the ASME Code.

In Paragraph (b), line 7, and Paragraph (d), line 11, the proper citation is "Paragraph (g) of this Rule."

In Paragraph (d), I take it your regulated public knows what the National Board "R" and "R1" and "R2" symbols are?

Also in Paragraph (d), line 12, what forms and supplements are you referring to? Are the contents of the forms set forth in another rule or law or incorporated standard? If not, the contents need to be in this Rule. Also, where does one obtain these forms?

On line 14, I take it the regulated public knows what the "appropriate" NC identification number is?

In Paragraph (e), line 16, I take it the decision that the removal is not practical is by the repairer? On line 17, how does one get the approval of the Chief Inspector?

Also on line 17, I take it "NBIC" stands for "National Board Inspection Code," as set forth in Rule 13 .0103(28)?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 24, 2014

In Paragraph (f), who issues the valid certificate for authorization? The National Board or the State or someone else?

In Paragraph (g), I do not see that you have properly incorporated the ASME Boiler and Pressure Vessel Code by reference elsewhere in the Chapter, although you do reference it in other rules. If it is not already properly incorporated by reference elsewhere, you need to incorporate the ASME Boiler and Pressure Vessel Code by reference, as you did with the National Board Inspection Code in Rule 13 NCAC 13 .0103. Please refer to G.S. 150B-21.6 for guidance.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 24, 2014

1 13 NCAC 13 .0401 is amended as published in 28:22 NCR 2717 as follows:

2

3 **13 NCAC 13 .0401 DESIGN AND CONSTRUCTION STANDARDS**

4 (a) The design, construction, installation, inspection, stamping, and operation of all boilers and pressure vessels
5 shall conform to the rules in this Chapter and the accepted design and construction code.

6 (b) Repairs and alterations to boilers and pressure vessels shall conform to the requirements of the National Board
7 Inspection ~~Code. Code, except as provided in (g).~~

8 (c) The rules of this Chapter shall control when any conflict is found to exist between the Rules and the accepted
9 design and construction code or the National Board Inspection Code.

10 (d) Welded repairs and alterations may be made only by an individual or organization in possession of a valid
11 certificate of authorization for use of the National Board "R" symbol ~~stamp. stamp, except as provided in (g).~~
12 Repairs and alterations shall be reported on National Board "R1" and R2" reports respectively. The forms, along
13 with supplements used, shall be submitted to the Chief Inspector within 60 days of the completion of the work
14 conducted. Repair and alteration forms shall be annotated with the appropriate NC identification number for the
15 pressure equipment repaired.

16 (e) In such cases where removal of a defect in a pressure-retaining item is not practical at the time of discovery,
17 with approval of the Chief Inspector, the repair may be conducted in compliance with the NBIC, Part 3 Repairs and
18 Alterations, Repair of Pressure-Retaining Items Without Complete Removal of Defects.

19 (f) Repairs of safety valves or safety relief valves shall be made by an individual or organization in possession of a
20 valid certificate of authorization for use of the National Board "VR" symbol stamp.

21 (g) Welded repairs and alterations to exhibition (historical) boilers of riveted or welded construction may be
22 conducted by a welder who has been qualified in accordance with the ASME Boiler and Pressure Vessel Code,
23 Section IX, Welding and Brazing Qualifications.

24

25 *History Note: Authority G.S. 95-69.11; 95-69.13; 95-69.14;*

26 *Eff. May 29, 1981;*

27 *Amended Eff. October 1, 2014; July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995;*

28 *February 1, 1989; February 1, 1985; June 1, 1982.*