

1 13 NCAC 07F .0206 is repealed as published in 29:10 NCR 1197 as follows:

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3 **13 NCAC 07F .0206 POWER TRANSMISSION AND DISTRIBUTION**

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5 *History Note: Authority G.S. 95-131; 150B-21.6;*

6 *Recodified from 13 NCAC 07F .0201(5) Eff. ~~December 17, 2007.~~ December 17, 2007;*

7 *Repealed Eff. March 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Labor

RULE CITATION: 13 NCAC 13 .0101

DEADLINE FOR RECEIPT: Monday, February 9, 2015

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 15, add a comma after "appliance"

Line 20, replace "include, in part:" with "include the following:"

Line 27, replace "which" with "that"

Lines 29 through 34, what is the purpose of this text? It seems redundant of G.S. 95-69.15(a).

Line 30 states "including the following:" What is the purpose of this text? Is there another group or individual who could be inspectors? Consider re-writing lines 29 through 34 as follows:

"Authorized Inspection Agency" means an organization as identified in G.S. 95-69.15(a)."

Line 35, and page 4, line 1, what is the difference between an "authorized inspector" and an "insurance inspector"? Based upon the language in G.S. 95-69.15(a), why is an "insurance inspector" not the exact same thing as an "authorized inspector"?

Line 36, replace "his/her" with "his or her"

Page 2, lines 4, 26, and 34, replace "which" with "that"

Page 2, line 6, add a comma after "travel"

Page 2, line 28, add a comma after "feet"

Page 2, line 33, replace "that" with "the"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Monday, January 26, 2015

Page 3, line 6, add a comma after “withholding”

Page 3, line 36, this sentence is awkward. Please consider the following suggested re-write:

“operated such that a danger exists, and that could reasonably”

Page 4, line 6, add a comma after “rules”

Page 4, line 11, replace “which” with “that”

Page 4, line 14, should the “and” be an “or”

Page 4, line 17, what is the purpose of “otherwise”? Please consider deleting.

Page 4, line 20, where are the adopted standards found? Are the standards incorporated in accordance with G.S. 150B-21.6 in another rule that could be cross-referenced?

Page 5, line 2, replace “owner/operator” with “owner or operator”

Page 5, line 2, replace “must” with “shall”

Page 5, lines 7, 25 and 32, replace “which” with “that”

Page 5, line 16 through 19, what is the purpose of this text? It seems redundant of G.S. 95-69.15(a)(3).

Page 6, line 8, add a comma after “grease”

Page 6, line 18, replace “which” with “that”

Page 6, line 21 through 22, what is the purpose of this text? It seems redundant of G.S. 95-69.15(a)(2).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Monday, January 26, 2015

13 NCAC 13 .0101 is amended as published in 29:10 NCR 1197 as follows:

CHAPTER 13 - BOILER AND PRESSURE VESSEL

SECTION .0100 - DEFINITIONS

13 NCAC 13 .0101 DEFINITIONS

The following definitions apply throughout the rules in this Chapter and shall be construed as controlling in case of any conflict with the definitions contained in ANSI/NB-23 National Board Inspection Code Parts 2 and 3, The American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or The North Carolina State Building Code:

- (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.
- (2) "Appurtenance" means any control, fitting, appliance or device attached to or working in conjunction with the boiler proper or pressure vessel.
- (3) "ASME Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers.
- (4) "Audit" means activities, other than those identified as certificate inspections, conducted by the Chief Inspector or his designee. These activities include, in part:
 - (a) reviews and surveys for ASME and National Board stamp issuance and renewal;
 - (b) audits conducted on an authorized inspector at the location of a manufacturer or repair organization as may be required by the ASME Code, National Board Inspection Code, or National Board Rules for Commissioned Inspectors; and
 - (c) audits pursuant to evaluation for the issuance of North Carolina Specials.
- (5) "Automatically fired boiler" means a boiler that cycles automatically in response to a control system and which does not require a constant attendant for the purpose of introducing fuel into the combustion chamber or to control electrical input.
- (6) "Authorized Inspection Agency" means an organization employing commissioned inspectors including the following:
 - (a) the Department of Labor, Boiler Safety Bureau;
 - (b) an inspection agency of an insurance company licensed to write boiler and pressure vessel insurance; or
 - (c) an owner-user inspection agency that meets the requirements of G.S. 95-69.15.
- (7) "Authorized inspector" means an employee of an Authorized Inspection Agency who is commissioned by the National Board and this State, holds an appropriate endorsement on his/her

1 National Board Commission, and inspects as the third party inspector in ASME Code
2 manufacturing facilities.

3 (8) "Boiler," as defined in G.S. 95-69.9(b), includes the following types of boilers:

4 (a) "Exhibition boiler" means a historical or antique boiler which generates steam or hot
5 water for the purposes of entertaining or educating the public or is used for
6 demonstrations, tourist travel or exhibitions. This term includes steam tractors, threshers,
7 steam powered sawmills, and similar usages;

8 (b) "High pressure boiler" means a boiler in which steam or other vapor is generated at a
9 pressure of more than 15 psig, or water is heated to a temperature greater than 250°F and
10 a pressure greater than 160 psig for use external to itself. High pressure boilers include
11 the following:

12 (i) Electric boilers;

13 (ii) Miniature boilers;

14 (iii) High temperature water boilers; and

15 (iv) High temperature liquid boilers (other than water).

16 (c) "Low pressure boiler" means a boiler in which steam or other vapor is generated at a
17 pressure of not more than 15 psig, or water is heated to a temperature not greater than
18 250°F and a pressure not greater than 160 psig, including the following:

19 (i) "Hot water heating boiler" means a low pressure boiler that supplies heated
20 water that is returned to the boiler from a piping system and is used normally for
21 building heat applications (hydronic boiler);

22 (ii) "Hot water supply boiler" means a low pressure boiler that furnishes hot water to
23 be used externally to itself (domestic water boiler); and

24 (iii) "Steam heating boiler" means a low pressure boiler that generates steam to be
25 used normally for building heat applications.

26 (d) "Model hobby boiler" means a boiler which generates steam, whether stationary or
27 mobile, where the boiler does not exceed 20 square feet heating surface, a shell diameter
28 of 16 inches, a volume of 5 cubic feet and a pressure not exceeding 150 psig and is used
29 for the purpose of entertainment or exhibiting steam technology; and

30 (e) "Water heater" means a closed vessel in which water is heated by the combustion of fuel,
31 by electricity, or by any other source and withdrawn for potable use external to the
32 system at pressures not exceeding 160 psig and temperatures not exceeding 210°F.

33 (9) "Boiler blowoff" means that system associated with the rapid draining of boiler water to remove
34 concentrated solids which have accumulated as a natural result of steam generation. This term
35 also applies to the blowoff for other boiler appurtenances, such as the low-water fuel cutoff.

36 (10) "Boiler proper" or "pressure vessel" means the internal mechanism, shell, and heads of a boiler or
37 pressure vessel terminating at:

- 1 (a) the first circumferential joint for welded end connections;
- 2 (b) the face of the first flange in bolted flange connections; or
- 3 (c) the first threaded joint in threaded connections.
- 4 (11) "Bureau" means the Boiler Safety Bureau of the North Carolina Department of Labor.
- 5 (12) "Certificate inspection" means an inspection, the report of which is used by the Chief Inspector as
- 6 justification for issuing, withholding or revoking the inspection certificate. The term certificate
- 7 inspection also applies to the external inspection conducted in accordance with this Chapter
- 8 whether or not a certificate is intended to be issued as a result of the inspection.
- 9 (13) "Condemned boiler or pressure vessel" means a boiler or pressure vessel:
- 10 (a) that has been found not to comply with G.S. Chapter 95, Article 7A, or this Chapter;
- 11 (b) that constitutes a menace to public safety; and
- 12 (c) that cannot be repaired or altered so as to comply with G.S. Chapter 95, Article 7A, and
- 13 this Chapter.
- 14 (14) "Coil type watertube boiler" means a boiler having no steam space, such as a steam drum,
- 15 whereby the heat transfer portion of the water containing space consists only of a coil of pipe or
- 16 tubing.
- 17 (15) "Commissioned inspector" means an employee of an Authorized Inspection Agency that is
- 18 commissioned by the National Board and the State of North Carolina and who is charged with
- 19 conducting in-service inspections of pressure equipment and inspecting repairs or alterations to
- 20 that equipment.
- 21 (16) "Defect" means any deterioration to the pressure equipment affecting the integrity of the pressure
- 22 boundary or its supports. Defects may be cracks, corrosion, erosion, bags, bulges, blisters, leaks,
- 23 broken parts integral to the pressure boundary such as stays, or other flaws identified by NDE or
- 24 visual inspection.
- 25 (17) "Deficiency" means any violation of the Uniform Boiler and Pressure Vessel Act or this Chapter
- 26 or identified defects.
- 27 (18) "Design criteria" means accepted design and construction code requirements relating to the mode
- 28 of design and construction of a boiler or pressure vessel.
- 29 (19) "External inspection" means an inspection of the external surfaces and appurtenances of a boiler or
- 30 pressure vessel. An external inspection may entail the "shutting down" of a boiler or pressure
- 31 vessel while it is in operation, including inspection of internal surfaces, if the inspector determines
- 32 this action is warranted.
- 33 (20) "Hydropneumatic storage tank" means a pressure vessel used for storage of water at ambient
- 34 temperature not to exceed 120°F and where a cushion of air is contained within the vessel.
- 35 (21) "Imminent danger" means any condition or practice in any location that a boiler or pressure vessel
- 36 is being operated which is such that a danger exists, and which could reasonably be expected to
- 37 cause death or serious physical harm immediately if the condition is not abated.

- 1 (22) "Insurance inspector" means the special inspector employed by an insurance company, and
 2 holding a valid North Carolina Commission and National Board Commission.
- 3 (23) "Internal inspection" means as complete an examination as can reasonably be made of the internal
 4 and external surfaces and appurtenances of a boiler or pressure vessel while it is shut down.
- 5 (24) "Maximum allowable working pressure (MAWP)" means the maximum gauge pressure as
 6 determined by employing the stress values, design rules and dimensions designated by the
 7 accepted design and construction code or as determined by the Chief Inspector in accordance with
 8 this Chapter.
- 9 (25) "Menace to public safety" means a boiler or pressure vessel that cannot be operated without a risk
 10 of injury to persons and property.
- 11 (26) "Miniature boiler" means a boiler which does not exceed any of the following:
 12 (a) 16 inch inside shell diameter;
 13 (b) 20 square feet of heating surface (does not apply to electrically fired boilers);
 14 (c) 5 cubic feet volume; and
 15 (d) 100 psig maximum allowable working pressure.
- 16 (27) "National Board Commission" means the commission issued by the National Board to those
 17 individuals who have passed the National Board commissioning examination and have otherwise
 18 fulfilled the requirements of the National Board Rules for Commissioned Inspectors.
- 19 (28) "National Board Inspection Code (NBIC)" means the ANSI/NB-23 standard published by the
 20 National Board, as adopted by the Bureau.
- 21 (29) "Nondestructive examination (NDE)" means examination methods used to verify the integrity of
 22 materials and welds in a component without damaging its structure or altering its mechanical
 23 properties. NDE may involve surface, subsurface, and volumetric examination. Visual inspection,
 24 x-rays, and ultrasound are examples of NDE.
- 25 (30) "Nonstandard boiler or pressure vessel" means:
 26 (a) high pressure boilers contracted for or installed before December 7, 1935;
 27 (b) heating boilers contracted for or installed before January 1, 1951;
 28 (c) pressure vessels contracted for or installed before January 1, 1976;
 29 (d) hydropneumatic storage tanks contracted for or installed before January 1, 1986; and
 30 (e) boilers or pressure vessels for which the ASME Code is not intended to apply, other than
 31 those boilers and pressure vessels to which the term North Carolina Special applies.
- 32 (31) "Normal working hours" means between the hours of 6:00 AM and 6:00 PM, Monday through
 33 Friday, except for state recognized holidays established in 25 NCAC 01E .0901.
- 34 (32) "North Carolina Commission" means the commission issued by the Board, to holders of a
 35 National Board Commission, authorizing them to conduct inspections in this State.

- (33) "North Carolina Special" means a boiler or pressure vessel that is not constructed under the accepted design and construction code and for which the owner/operator must apply for a special inspection certificate with the Chief Inspector.
- (34) "NPS" means nominal pipe size.
- (35) "Nuclear component" means the items in a nuclear power plant such as pressure vessels, piping systems, pumps, valves, and component supports.
- (36) "Nuclear system" means a system comprised of nuclear components which collectively serve the purpose of producing and controlling an output of thermal energy from nuclear fuel and includes those associated systems essential to the function and overall safety of the power system.
- (37) "Operating pressure" means the pressure at which a boiler or pressure vessel operates. It shall not exceed the MAWP except as shown in Section I of the ASME Code for forced flow steam generators.
- (38) "Owner or user" means any person or legal entity responsible for the operation of any boiler or pressure vessel installed in this State. This term also applies to a contractor, installer, or agent of the owner or user, as applicable.
- (39) "Owner-user inspector" means an individual who holds a valid North Carolina Commission and National Board Commission and is employed by a company operating pressure vessels for its own use and not for resale, and maintains an inspection program that meets the requirements of the National Board for periodic inspection of pressure vessels owned or used by that company.
- (40) "Pressure piping" means piping including welded piping, external to high pressure boilers from the boiler proper to the required valve(s).
- (41) "Pressure relief devices" mean the devices on boilers and pressure vessels set to open and relieve the pressure in the event of an over pressurization event, and include the following:
- (a) "Non-reclosing pressure relief device" means a pressure relief device designed to remain open after operation and includes a rupture disk which is a non-reclosing pressure relief device actuated by static pressure upstream of the device and designed to function by the bursting of a pressure retaining disk; and
 - (b) "Pressure relief valve" means a pressure relief device that is designed to reclose and prevent the further flow of fluid after normal conditions have been restored. These devices include:
 - (i) "Relief valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve which opens further with the increase in pressure over the opening pressure;
 - (ii) "Safety relief valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve and characterized by full opening pop action or by opening in proportion to the increase in pressure over the opening pressure; and

- (iii) "Safety valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve and characterized by full opening pop action.
- (42) "PSIG" means pounds per square inch gauge.
- (43) "Reinspection or Follow-Up Inspection" means as complete an examination as is necessary to verify that any repair or corrective action required as a result of a certificate inspection is completed.
- (44) "Service vehicle" means a vehicle mounted with an air storage tank and often with other storage tanks that have oil, grease or other fluids. The purpose of the vehicle is to service vehicles and equipment in the field away from the owner's shop.
- (45) "Shop inspection" means an inspection conducted by an Authorized Inspector or a Commissioned Inspector pursuant to an inspection service agreement whereby the fabrication process or the repair or alteration of a boiler or pressure vessel is observed to ensure compliance with ~~ASME the~~ ASME Code and the National Board, NBIC. The term shop inspection includes nuclear shop inspection where fabrication or material supply is done by the holder of an ASME N type certificate.
- (46) "Special inspection" means any inspection conducted by a Deputy Inspector other than a regularly scheduled inspection. Special inspection also includes the performance of an inspection by a Deputy Inspector which requires that the inspector make a special trip to meet the needs of the individual or organization requesting the inspection, including conducting certificate inspections during hours other than normal working hours, and inspection of field repairs and alterations.
- (47) "Special inspector" means a National Board commissioned inspector employed by an insurance company authorized to write boiler and pressure vessel insurance in the state of North Carolina.
- (48) "Violation" means the failure to comply with the requirements of the Uniform Boiler and Pressure Vessel Act or this Chapter.

History Note: Authority G.S. 95-69.11; 95-69.14;
Eff. May 29, 1981;
Temporary Amendment [(16)]; Eff. March 10, 1982, for a Period of 120 Days to Expire on July 8, 1982;
Amended Eff. March 1, 2015; July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; January 1, 1987; January 1, 1986; June 1, 1982.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Labor

RULE CITATION: 13 NCAC 13 .0203

DEADLINE FOR RECEIPT: Monday, February 9, 2015

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6, uncapitalize "the" as it is not capitalized in the authorizing statute

Line 17, add a comma after "untrustworthiness"

Line 20, add a comma after "safety"

Line 20, replace "this action." with "the suspension."

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Monday, January 26, 2015

13 NCAC 13 .0203 is amended as published in 29:10 NCR 1201 as follows:

13 NCAC 13 .0203 NORTH CAROLINA COMMISSION

(a) When requested by the employer and upon presentation of a properly completed Application for Commission as an Inspector of Boilers and Pressure Vessels, a North Carolina Commission, bearing the signature of the Commissioner, shall be issued by ~~the Board~~ The Board of Boiler and Pressure Vessel Rules (the "Board") to persons holding a valid National Board Commission who have taken and passed the examination specified in 13 NCAC 13 .0202(b).

(b) Applications for a North Carolina Commission shall be processed upon proof of a National Board Commission and payment of a ~~twenty-five dollar (\$25.00)~~ thirty-five dollar (\$35.00) fee to the Department of Labor.

(c) North Carolina Commissions are valid through December 31, at which time the inspector's employer shall submit a renewal request letter and a ~~twenty-five dollar (\$25.00)~~ thirty-five dollar (\$35.00) fee to the Department of Labor.

(d) The North Carolina Commission shall be returned by the employing company with notification of termination date to the Bureau within 30 days of termination of employment.

(e) A North Carolina Commission may be suspended or revoked by the Board in accordance with G.S. 95-69.13 for incompetence, untrustworthiness or falsification of any statement in an application or inspection report. The Board shall give notice of the commencement of proceedings for suspension or revocation of a commission pursuant to G.S. 150B-23. A North Carolina Commission may be suspended prior to the hearing if the Chief Inspector determines that the public health, safety or welfare requires this action. In this case, the proceedings shall be promptly commenced and determined in accordance with G.S. 150B-3. The Board's decision regarding the competency of an inspector shall be determined after consideration of the knowledge, skill, and care ordinarily possessed and employed by boiler and pressure vessel inspection personnel in good standing. Industry custom and practice shall be considered but are not determinative. Failure to conduct the inspections in accordance with this Chapter shall constitute incompetence. ~~The inspector shall be given the~~ The Board shall give the inspector opportunity to show that he is conducting his duties in a competent manner and that suspension or revocation is unwarranted. If the inspector believes that the decision of the Board is not warranted, he may file a petition for judicial review pursuant to Article 4 of Chapter 150B of the N.C. General Statutes.

History Note: Authority G.S. 95-69.11; 95-69.15;

Eff. May 29, 1981;

Amended Eff. March 1, 2015; July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995;

March 2, 1992; September 1, 1986.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Labor

RULE CITATION: 13 NCAC 13 .0205

DEADLINE FOR RECEIPT: Monday, February 9, 2015

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 12 and 14, replace "which" with "that"

Line 22, replace "are not" with "shall not be"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Monday, January 26, 2015

13 NCAC 13 .0205 is amended as published in 29:10 NCR 1201 as follows:

13 NCAC 13 .0205 OWNER-USER INSPECTION AGENCY

(a) A company seeking to conduct inspections of its own pressure vessels shall file an application with the Chief Inspector and obtain approval from the Board.

(b) The company shall, in its application, designate a supervisor who shall be an engineer within its employ, who, upon approval of the application, shall:

- (1) ascertain that the company's inspectors, pursuant to Rules .0202 and .0203 of this Section are issued owner-user commission cards;
- (2) supervise inspections of pressure vessels and see that an inspection report, signed by the owner-user inspector, is filed at the equipment site;
- (3) notify the Chief Inspector of any unsafe pressure vessel which presents a condition of imminent danger;
- (4) maintain a master file of inspection records which shall be made available for examination by the Chief Inspector or his representative during business hours:
 - (A) identifying each pressure vessel by serial number and abbreviated description; and
 - (B) showing the date of the last and next scheduled inspection;
- (5) on a date mutually agreed upon with the Chief Inspector, file an annual statement signed by the supervisor, showing the number of boilers and certifying that each inspection was conducted pursuant to this Chapter, accompanied by an administrative fee of ~~twenty dollars (\$20.00)~~ twenty-five dollars (\$25.00) per vessel.

(c) Inspection certificates are not required for pressure vessels inspected under an owner-user program.

History Note: Authority G.S. 95-69.11; 95-69.15; 95-69.16;

Eff. May 29, 1981;

Amended Eff. March 1, 2015; January 1, 2009; July 1, 2006; January 1, 1995; March 2, 1992;

September 1, 1986.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Labor

RULE CITATION: 13 NCAC 13 .0210

DEADLINE FOR RECEIPT: Monday, February 9, 2015

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

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 11, replace "he/she" with "he or she"

Line 13, replace "is required to" with "shall"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Monday, January 26, 2015

13 NCAC 13 .0210 is amended in 29:10 NCR 1202 as follows:

**13 NCAC 13 .0210 SHOP INSPECTIONS AND NATIONAL BOARD R STAMP QUALIFICATION
REVIEWS**

(a) Shop Inspections.

(1) Manufacturers or repair firms seeking to employ the Boiler Safety Bureau to act as their Authorized Inspection Agency pursuant to the ASME Code or National Board Inspection Code, shall enter into a written agreement with the North Carolina Department of Labor, Boiler Safety Bureau for this purpose.

(2) An audit of the Deputy Inspector serving as the Authorized Inspector pursuant to Subparagraph (a)(1), of this Rule, and the contracting company in which he/she is working shall be conducted on an annual basis for non-nuclear companies and twice each year for nuclear companies. The contracting company is required to pay the audit fees required in Rule .0213 of this Section.

(b) National Board R Stamp Qualification Reviews

(1) The Chief Inspector or his designee shall conduct the qualification reviews for issuance of the National Board R symbol stamp pursuant to the National Board Inspection Code as adopted, except as provided in Subparagraph (b)(2) of this Rule.

(2) The Chief Inspector or his designee shall not conduct the qualification reviews of those companies for which the Boiler Safety Bureau provides inspection services, or those companies which specifically request the review be conducted by the National Board.

(3) A review to be conducted by the Boiler Safety Bureau shall be scheduled upon receipt of request by the National Board. ~~A deposit of twelve hundred dollars (\$1,200.00) shall be made by the applying company to cover the fees and expenses incurred and shall be received by the Boiler Safety Bureau no less than 30 days prior to the subject review. This deposit will be applied to the cost of the review. Payment of the fee as required in Rule .0213 of this Section shall be the responsibility of the company being reviewed. Should an applicant not be successful in obtaining accreditation, the applicable deposit shall be paid before a new review is conducted.~~

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

Eff. May 29, 1981;

Amended Eff. March 1, 2015; October 1, 2008; July 1, 2006; January 1, 1995.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Labor

RULE CITATION: 13 NCAC 13 .0213

DEADLINE FOR RECEIPT: Monday, February 9, 2015

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Is Paragraph (a) of this Rules applicable to only inspections by G.S. 95-69-15(a)(2)?

Is Paragraph (b) of this Rules applicable to only inspections by G.S. 95-69-15(a)(1)?

Lines 11 and 22, correct the alignment of "Inspection" so that it is under "Internal"

Line 35, capitalize "paragraph"

In Paragraphs (c), (d), and (e) of this Rule, who is paying travel time and additional expense? What is the authority if the payor is not a state agency? Please clarify.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Monday, January 26, 2015

13 NCAC 13 .0213 is amended with changes as published in 29:10 NCR 1202 as follows:

13 NCAC 13 .0213 CERTIFICATE AND INSPECTION FEES

(a) A ~~thirty dollar (\$30.00)~~ thirty-five dollar (\$35.00) certificate and processing fee for each boiler or pressure vessel inspected by an Insurance Inspector and found to be in compliance with the rules in this Chapter shall be paid to the North Carolina Department of Labor.

(b) An inspection and certificate fee shall be paid to the North Carolina Department of Labor for each boiler or pressure vessel inspected by a Deputy Inspector as follows:

Boilers - An inspection of a boiler where the heating surface is: Inspection	External Inspection		Internal	
Less than 500 sq. ft.	\$45.00	<u>\$50.00</u>	\$80.00	<u>\$85.00</u>
500 or more sq. ft. but less than 5000 sq. ft.	\$110.00	<u>\$120.00</u>	\$225.00	<u>\$235.00</u>
5000 or more sq. ft.	\$300.00	<u>\$330.00</u>	\$500.00	<u>\$600.00</u>
Cast iron boilers	\$45.00	<u>\$50.00</u>	\$75.00	<u>\$80.00</u>
Locomotive boilers (Antique Exhibition/Show)	N/A		\$75.00	<u>\$150.00</u>
Exhibition boilers (Antique Exhibition/Show)	N/A		\$45.00	<u>\$50.00</u>
Hobby boilers	N/A		\$30.00	<u>\$35.00</u>
Pressure Vessels - An inspection of a pressure vessel, other than a heat exchanger, where the product of measurement in feet of the diameter or width, multiplied by its length is: Inspection	External Inspection		Internal	
Less than 20	\$35.00	<u>\$40.00</u>	\$40.00	<u>\$45.00</u>
20 or more but less than 50	\$45.00	<u>\$50.00</u>	\$55.00	<u>\$60.00</u>
50 or more but less than 70	\$75.00	<u>\$85.00</u>	\$125.00	<u>\$135.00</u>
70 or more	\$125.00	<u>\$135.00</u>	\$180.00	<u>\$190.00</u>
Heat Exchangers - An inspection of a heat exchanger, where the heating surface is:	External Inspection			
Less than 500 sq. ft.	\$45.00			
500 or more sq. ft. but less than 1000 sq. ft.	\$55.00 <u>\$60.00</u>			
1000 or more sq. ft. but less than 2000 sq. ft.	\$85.00 <u>\$90.00</u>			
2000 or more sq. ft. but less than 3000 sq. ft.	\$125.00 <u>\$130.00</u>			
3000	\$175.00 <u>\$180.00</u>			

(c) In addition to the ~~base~~ fees established in paragraph (b) herein, a fee of ~~eighty-five dollars (\$85.00)~~ ninety dollars (\$90.00) per hour, including travel time, plus each expense allowed by N.C.Gen.Stat. §§ 138-6 and 138-7 and the standards and criteria established thereto by the Director of the Budget, at the applicable state rate shall be

paid to the North Carolina Department of Labor for each special inspection as defined by ~~13 NCAC 13 .0101(43)~~
~~13 NCAC 13 .0101 (46)~~ and for all inspections performed outside of normal working hours as defined by 13 NCAC
 13 .0101(31).

(d) A fee of ~~three hundred dollars (\$300.00)~~ three-hundred fifty dollars (\$350.00) per one-half day (four hours) or
 any part of one-half day or ~~five hundred dollars (\$500.00)~~ five-hundred sixty-dollars (\$560.00) for one day (four to
 eight hours) plus, in either case, each expense allowed by N.C.Gen.Stat. §§ 138-6 and 138-7 and the standards and
 criteria established thereto by the Director of the Budget, at the applicable state rate shall be paid to the North
 Carolina Department of Labor for each shop inspection as defined by ~~13 NCAC 13 .0101(42)~~, 13 NCAC 13
.0101(45).

(e) A fee of ~~three hundred fifty dollars (\$350.00)~~ four hundred dollars (\$400.00) per one-half day (four hours) or
 any part of one-half day or ~~five hundred sixty dollars (\$560.00)~~ six hundred ten dollars (\$610.00) for one day (four
 to eight hours), plus, in either case, each expense allowed by N.C.Gen.Stat. §§ 138-6 and 138-7 and the standards
 and criteria established thereto by the Director of the Budget, at the applicable state rate shall be paid to the North
 Carolina Department of Labor for each nuclear ~~inspection~~, shop inspection as defined by 13 NCAC 13 .0101(45).

(f) A fee of ~~four hundred dollars (\$400.00)~~ four hundred fifty dollars (\$450.00) per one-half day (four hours) or any
 part of one-half day or ~~six hundred forty dollars (\$640.00)~~ six hundred ninety dollars (\$690.00) for one day (four to
 eight hours), plus, in either case, each expense allowed by N.C.Gen.Stat. §§ 138-6 and 138-7 and the standards and
 criteria established thereto by the Director of the Budget, at the applicable state rate shall be paid to the North
 Carolina Department of Labor for ~~audits~~, audits as defined by 13 NCAC 13 .0101(4).

(g) ~~Fees for regularly scheduled inspections and audits conducted by the Chief Inspector or a Deputy Inspector
 outside of normal working hours as defined in 13 NCAC 13 .0101 (31) or that exceed eight hours per inspection
 visit shall include an additional fifty dollar (\$50.00) fee per hour in addition to the normal inspection or audit fee.~~

(h) ~~Printed information derived from the database for boilers and pressure vessels maintained by the Division, is
 available for public scrutiny. Charges for providing this service shall be payable upon receipt of invoice to the
 North Carolina Department of Labor. Charges for this service are as follows:~~

(1) ~~Requests for database information for which the Division has created the information selection
 criteria and printout format for its own use, and which can be furnished without the need for
 special programming will be furnished to the requester at the actual cost of reproducing the record.~~

(2) ~~Requests for database information which requires special selection criteria or printout format, and
 which requires the need for special programming services to derive the requested information or
 format, will be furnished for seventy five dollars (\$75.00) plus twenty five cents (\$0.25) per page.~~

(i) ~~Copies of inspection reports or other inspection records may be provided upon written request to the requester at
 the actual cost of reproducing the record.~~

History Note: Authority G.S. 95-69.11;

Eff. May 29, 1981;

Amended Eff. January 1, 1995; March 2, 1992; September 1, 1986;

- 1 *Temporary Amendment Eff. March 11, 1997;*
- 2 *Temporary Amendment Eff. March 11, 1997 expired on December 27, 1997;*
- 3 *Temporary Amendment Eff. December 10, 1997;*
- 4 *Amended Eff. March 1, 2015; July 1, 2006; March 1, 2006; August 1, 1998.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Labor

RULE CITATION: 13 NCAC 13 .0303

DEADLINE FOR RECEIPT: Monday, February 9, 2015

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5 and 12 reference a specific number of days. Are these calendar or business days? Please clarify.

Line 9, can this inspector be any of the three provided in G.S. 95-69-15(a)? Line 19 appears to limit the reinspection to only G.S. 95-69-15(a)(1). Is that limitation intentional?

Line 11 states "the most expedient means possible" and line 15 specifies "verbal notification." Why is "verbal" not used in line 11? Please clarify.

Line 14, replace "which" with "that"

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Monday, January 26, 2015

1 13 NCAC 13 .0303 is amended as published in 29:10 NCR 1203 as follows:

2
3 **13 NCAC 13 .0303 INSPECTIONS REVEALING DEFICIENCIES**

4 (a) The owner or user shall complete any required repairs or corrective action and request an additional inspection
5 within 60 days of the inspection, except in cases where the boiler or pressure vessel is removed from service, in
6 which case the owner or user shall send in written confirmation, signed by the owner or user, that use of the boiler or
7 pressure vessel has been discontinued and that the boiler or pressure vessel has been removed from the source of
8 energy.

9 (b) Upon notification by the inspector of a boiler or pressure vessel for which continued operation creates a
10 condition of imminent danger, the Chief Inspector shall determine if the recommendations of the inspector are valid,
11 and if so, he shall notify the owner or user by the most expedient means possible, followed by written notification
12 within 15 days stating that the use of the boiler or pressure vessel shall be discontinued immediately.

13 (c) The owner or user may continue operation of the boiler or pressure vessel, including those boilers or pressure
14 vessels which are condemned, during the 60 day period, except that this provision shall not apply to boilers and
15 pressure vessels after verbal notification by the Chief Inspector to the owner or user that a condition of imminent
16 danger exists.

17 (d) After completion of any required repairs or corrective action, the boiler or pressure vessel shall be reinspected to
18 the extent necessary to verify satisfactory completion of the required repairs or corrective action.

19 (e) For each reinspection or follow-up inspection conducted by Deputy Inspectors, a fee of ~~thirty-five dollars~~
20 ~~(\$35.00)~~ forty dollars (\$40.00) shall be paid to the North Carolina Department of Labor.

21
22 *History Note: Authority G.S. 95-69.11;*

23 *Eff. May 29, 1981;*

24 *Amended Eff. March 1, 2015; July 1, 2006; January 1, 1995.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Labor

RULE CITATION: 13 NCAC 15 .0307

DEADLINE FOR RECEIPT: Monday, February 9, 2015

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Please add page numbers to the bottom of this rule, as it exceeds one page.

Line 1, add a space between "NCAC" and "15"

Lines 5 through 6, where is this Code found? Are the standards incorporated in accordance with G.S. 150B-21.6 in another rule that could be cross-referenced?

Line 7, how is the inspections or tests known? Do these inspections and tests occur? Consider changing the "may" to "shall"

Lines 17, 31, 34, and 36; page 2, lines 2, 44, and 48, what is the "applicable law"? Please specify so that the rule provides notice.

Lines 22 and 29, reflect the deleted language within the brackets

Page 2, please restart the line numbers

Page 2, line 52, "inspection" is misspelled. The term was correct as published in the Register. Please correct.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Monday, January 26, 2015

13 NCAC15 .0307 is amended with changes as published in 29:10 NCR 1204 as follows:

13 NCAC 15 .0307 MAINTENANCE AND PERIODIC INSPECTIONS AND TESTS

(a) Inspections and Tests. Devices and equipment shall be subject to maintenance and periodic inspections and tests in accordance with the requirements of the applicable code as adopted in Section 2.23 of the A17.1 - American National Standard Safety Code for Elevators and Escalators. Special equipment shall be subject to periodic and maintenance inspections and tests as may be required by the Director to ensure safe operation.

(b) Inspections.

(1) Advance Notice. Inspections shall be accomplished without advance notice, except where the Director determines that advance notice of an inspection is necessary to complete the inspection.

(2) Inspection Report Forms. The inspector shall note findings of his inspection and tests on the inspection report form.

(c) Certificate of Operation Issuance.

(1) Closing Conference. After the inspections and tests of the equipment prescribed in this Rule, the inspector shall, when possible, hold a closing conference with the owner or his representative.

(2) Approval. When the inspector has determined that the equipment is in compliance with the rules in this ~~Section~~ Chapter and all applicable law, the inspector may reissue the certificate of operation.

(3) ~~Denial.~~ Violations creating unsafe conditions. When the inspector has determined the equipment is not in compliance with the regulations of this Chapter and all applicable law, and that the non-compliance creates an unsafe condition that exposes the public to an unsafe condition likely to result in serious personal injury or property [] damage, the inspector shall immediately order, in writing, that the use of the equipment be stopped until such time as it is determined that the equipment has been made safe for use by the public. The inspector shall provide the owner or his representative with a description of all violations and necessary repairs.

~~(4) Abatement. In the event of a reissuance denial, the inspector may issue an abatement permit which shall be valid for a period not exceeding 60 days.~~

~~(5)~~ (A) Notice. When the equipment is brought into compliance, After an inspector has issued a written order which stops or limits the use of the [] equipment, the owner or his representative shall notify the Division in ~~writing~~ writing when the equipment is brought into compliance with the regulations of this Chapter and all applicable law.

~~(6)~~ (B) Reinspection. After a certificate reissuance denial, receipt of written notice from the owner or his representative that the equipment has been brought into compliance with the regulations of this Chapter and all applicable law, an inspector shall always reinspect to determine if all violations have been corrected and necessary repairs have been made and the equipment is in compliance with the rules in this Chapter and all applicable law.

(4) Violations not creating unsafe conditions. When the inspector has determined the equipment is not in compliance with the regulations of this Chapter and all applicable law, and that the non-compliance does not create an unsafe condition which is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, the inspector shall provide the owner or his representative with a description of all violations and necessary repairs.

(A) Corrective action. The owner or his representative shall have 60 days from receipt of written notice of all violations and necessary repairs to comply with the regulations of this Chapter and all applicable law, correct violations and complete necessary repairs.

(B) Notice. The owner or his representative shall notify the Division in writing within 60 days of receiving written notification of the violations and necessary repairs that the equipment has been brought into compliance with the regulations of this Chapter and all applicable law.

(C) Follow-up Inspection. If the owner or his representative fails to provide notice of abatement as required by subparagraph (ii) above, and an inspection is required to determine status of abatement, then the owner or his representative shall pay a follow-up inspection fee of two hundred dollars (\$200.00).

(d) Tests. Periodic tests required by the A17.1 - American National Standard Safety Code for Elevators and Escalators shall be performed in the presence of an elevator inspector whenever possible. In the absence of an inspector, a signed copy of the test report shall be sent to the Director of the Division without delay. The report shall be signed by the person conducting such tests.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. March 1, 2015; December 1, 2004.*