

Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, October 25, 2024 10:42 AM
To: Cramer, Jill <jill.cramer@labor.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for Department of Labor October Rules

Jill,

Apologies for the blank email, I'm not sure how I managed to send that while I was writing this one.

The conversations about the need for in person attendance have been about the Commissioners themselves. To the best of my knowledge, the plan is to continue to allow remote participation by agencies and members of the public. So there is no problem with participating remotely next Wednesday.

Additionally, while we always encourage agencies to have a representative available (in-person or online), I will be recommending approval of your rules and in that case there is often not discussion. As a result, while I cannot guarantee it, I expect that the Commission will have voted on your ruleset before 10:30.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Friday, October 25, 2024 8:51 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RFC for Department of Labor October Rules

Seth

I literally have to be in two places at once on October 30. I prefer attending RRC in person when we have a rule on the agenda, but I am supposed to begin a presentation at 10:30 that morning in west Raleigh, so I need to attend virtually.

I am aware there has been some recent discussions about virtual attendance at RRC, so do I need to be there in person?

Thank.

Jill F. Cramer

General Counsel

NC Department of Labor

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Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Wednesday, October 16, 2024 9:52 PM
To: Cramer, Jill <jill.cramer@labor.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for Department of Labor October Rules

Jill,

I have reviewed the submission and at this point I anticipate recommending approval of the final revised version of these rules. I'll let you know if anything changes between now and the meeting.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules
Attachments: 13 NCAC 13 .0101 amended 6-4-24.docx; 13 NCAC 13 .0213 amended 6-4-24.docx; 13 NCAC 13 .0214 amended 6-4-24.docx; 13 NCAC 13 .0409 amended 6-10-24.docx; 13 NCAC 13 .0421 amended 6-7-24.docx; 13 NCAC 13 .0413 amended 5-29-24.docx

From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Tuesday, October 15, 2024 4:57 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC for Department of Labor October Rules

I just sent you what I submitted.

As to the resubmission, I already checked, and all appear to line up with what was published in the Register. There were several and I have attached them as they were submitted on 6/4/2024.

Jill F. Cramer
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1 13 NCAC 13 .0101 is proposed for amendment as follows:

2
3 **CHAPTER 13 – BOILER AND PRESSURE VESSEL**

4
5 **SECTION .0100 - DEFINITIONS**

6
7 **13 NCAC 13 .0101 DEFINITIONS**

8 The following definitions shall apply throughout the rules in this Chapter and shall be construed as controlling in case
9 of any conflict with the definitions contained in ANSI/NB-23 National Board Inspection Code Parts 2, 3, and 4, The
10 American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or The North Carolina State
11 Building Code:

- 12 (1) "Accepted Design and Construction Code" means the Boiler and Pressure Vessel Code of the
13 American Society of Mechanical Engineers (ASME Code), or a comparable code with standards
14 that the Chief Inspector determines to be equivalent to the ASME Code.
- 15 (2) "Appurtenance" means any control, fitting, appliance, or device attached to or working in
16 conjunction with the boiler proper or pressure vessel.
- 17 (3) "ASME Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical
18 Engineers.
- 19 (4) "Audit" means activities, other than certificate inspections, conducted by the Chief Inspector or his
20 **or her** designee. Audits include the following:
- 21 (a) reviews for ASME and National Board certificate issuance and renewal;
- 22 (b) audits conducted of an authorized inspector at the location of a manufacturer or repair
23 organization as may be required by the ASME Code, National Board Inspection Code, or
24 National Board Rules for Commissioned Inspectors; and
- 25 (c) audits pursuant to evaluation for the issuance of North Carolina Specials.
- 26 (5) "Automatically fired boiler" means a boiler that cycles in response to a control system and that does
27 not require a constant attendant for the purpose of introducing fuel into the combustion chamber or
28 to control electrical input. Electricity shall be considered a fuel for electrically fired boilers.
- 29 (6) "Authorized Inspection Agency" means an organization employing commissioned inspectors,
30 including the following:
- 31 (a) the Bureau, as defined in Item (11) of this Rule.
- 32 (b) an inspection agency of an insurance company licensed to write boiler and pressure vessel
33 insurance; or
- 34 (c) an owner-user inspection organization that is accredited by the National Board.
- 35 (7) "Authorized inspector" means an employee of an Authorized Inspection Agency who is
36 commissioned by the National Board and this State, holds an endorsement on his or her National

Board Commission appropriate for the work to be performed, and inspects as the third party inspector in ASME Code manufacturing facilities.

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

(a) "Exhibition boiler" means a historical or antique boiler that generates steam or hot water for the purposes of entertaining or educating the public or is used for demonstrations, tourist transportation, or exhibitions. This term includes boilers used in steam tractors, threshers, steam powered sawmills, and similar uses;

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

(i) Electric boilers;

(ii) Miniature boilers;

(iii) High temperature water boilers; and

(iv) High temperature liquid boilers (other than water);

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

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

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

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

(d) "Model hobby boiler" means a boiler that generates steam, whether stationary or mobile, and is used for the purpose of entertainment or exhibiting steam technology, where the boiler does not exceed:

(i) 20 square feet of heating surface;

(ii) a shell diameter of 16 inches;

(iii) a volume of 5 cubic feet; and

(iv) a pressure of 150 psig;

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

- 1 (9) "Boiler blowoff" means the system associated with the rapid draining of boiler water to remove
2 concentrated solids that have accumulated as a result of steam generation. This term also applies to
3 the blowoff for other boiler appurtenances, such as the low-water fuel cutoff.
- 4 (10) "Boiler proper" or "pressure vessel" means the internal mechanism, shell, and heads of a boiler or
5 pressure vessel terminating at:
6 (a) the first circumferential joint for welded end connections;
7 (b) the face of the first flange in bolted flange connections; or
8 (c) the first threaded joint in threaded connections.
- 9 (11) "Bureau" means the Boiler Safety Bureau of the North Carolina Department of Labor.
- 10 (12) "Certificate inspection" means an inspection, the report of which is used by the Chief Inspector as
11 justification for issuing, withholding, or revoking the inspection certificate. The term "certificate
12 inspection" also applies to the external inspection conducted in accordance with this Chapter
13 whether or not a certificate is intended to be issued as a result of the inspection.
- 14 (13) "Condemned boiler or pressure vessel" means a boiler or pressure vessel:
15 (a) that has been found not to comply with G.S. Chapter 95, Article 7A, or this Chapter;
16 (b) that constitutes a menace to public safety; and
17 (c) that cannot be repaired or altered so as to comply with G.S. Chapter 95, Article 7A, and
18 this Chapter.
- 19 (14) "Coil type watertube boiler" means a boiler having no steam space, such as a steam drum, whereby
20 the heat transfer portion of the water-containing space consists only of a coil of pipe or tubing.
- 21 (15) "Commissioned inspector" means an employee of an Authorized Inspection Agency who is
22 commissioned by the National Board and this State, holds an endorsement on his or her National
23 Board Commission appropriate for the work to be performed, and who is charged with conducting
24 in-service inspections of pressure equipment and inspecting repairs or alterations to that equipment.
- 25 (16) "Defect" means any deterioration to the pressure equipment affecting the integrity of the pressure
26 boundary or its supports. Defects may be cracks, corrosion, erosion, bags, bulges, blisters, leaks,
27 broken parts integral to the pressure boundary such as stays, or other flaws identified by NDE or
28 visual inspection.
- 29 (17) "Deficiency" means any violation of the Uniform Boiler and Pressure Vessel Act, rules of this
30 Chapter, or identified defects.
- 31 (18) "Design criteria" means design and construction code requirements relating to the mode of design
32 and construction of a boiler or pressure vessel.
- 33 (19) "Equipment" means any boiler or pressure vessel subject to inspection by the Bureau.
- 34 (20) "External inspection" means an inspection of the external surfaces and appurtenances of a boiler or
35 pressure vessel. An external inspection may entail "shutting down" a boiler or pressure vessel while
36 it is in operation, including inspection of internal surfaces, if the inspector determines this action is
37 warranted.

- 1 (21) "Hydropneumatic storage tank" means a pressure vessel used for storage of water at ~~ambient~~ a
2 temperature not to exceed ~~120°F~~ 110 °F and where a cushion of air is contained within the vessel.
- 3 (22) "Imminent danger" means any condition or practice in any location that a boiler or pressure vessel
4 is being operated such that a danger exists that could be expected to cause death or serious physical
5 harm if the condition is not abated.
- 6 (23) "Insurance inspector" means the special inspector employed by an insurance company, and holding
7 a valid North Carolina Commission and National Board Commission.
- 8 (24) "Internal inspection" means as complete an examination as can be made of the internal and external
9 surfaces and appurtenances of a boiler or pressure vessel while it is shut down.
- 10 (25) "Maximum allowable working pressure" or "MAWP" means the maximum gauge pressure as
11 determined by employing the stress values, design rules, and dimensions designated by the accepted
12 design and construction code or as determined by the Chief Inspector in accordance with this
13 Chapter.
- 14 (26) "Menace to public safety" means a boiler or pressure vessel that cannot be operated without a risk
15 of injury to persons and property.
- 16 (27) "Miniature boiler" means a boiler that does not exceed any of the following:
17 (a) 16 inch inside shell diameter;
18 (b) 20 square feet of heating surface (does not apply to electrically fired boilers);
19 (c) 5 cubic feet volume; and
20 (d) 100 psig maximum allowable working pressure.
- 21 (28) "National Board Commission" means the commission issued by the National Board to those
22 individuals who have passed the National Board commissioning examination and have fulfilled the
23 requirements of the National Board Rules for Commissioned Inspectors.
- 24 (29) "National Board Inspection Code" or "NBIC" means the ANSI/NB-23 standard published by the
25 National Board, as incorporated by reference under Rule .0103 of this Chapter.
- 26 (30) "Nondestructive examination" or "NDE" means examination methods used to verify the integrity of
27 materials and welds in a component without damaging its structure or altering its mechanical
28 properties. NDE may involve surface, subsurface, and volumetric examination. Visual inspection,
29 x-rays, and ultrasound are examples of NDE.
- 30 (31) "Nonstandard boiler or pressure vessels" means:
31 (a) high pressure boilers contracted for or installed before December 7, 1935;
32 (b) heating boilers contracted for or installed before January 1, 1951;
33 (c) pressure vessels contracted for or installed before January 1, 1976;
34 (d) hydropneumatic storage tanks contracted for or installed before January 1, 1986; and
35 (e) boilers or pressure vessels to which the ASME Code is not intended to apply, other than
36 those boilers and pressure vessels to which the term North Carolina Special applies.

- (32) "Normal working hours" means between the hours of 6:00 AM and 6:00 PM, Monday through Friday, except for State recognized holidays established in 25 NCAC 01E .0901.
- (33) "North Carolina Commission" means the commission issued by the Commissioner to those individuals who have passed the examination administered by the Chief Inspector relating to the Uniform Boiler and Pressure Vessel Act and the rules of this Chapter, and who also hold a National Board Commission, authorizing them to conduct inspections in this State.
- (34) "North Carolina Special" means a boiler or pressure vessel that is not constructed in compliance with the Accepted Design and Construction Code as defined in Item (1) of this Rule and for which the owner or ~~operator~~ user shall apply for a special inspection certificate with the Chief Inspector.
- (35) "NPS" means nominal pipe size.
- (36) "Nuclear component" means the items in a nuclear power plant such as pressure vessels, piping systems, pumps, valves, and component supports.
- (37) "Nuclear system" means a system comprised of nuclear components that 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.
- (38) "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.
- (39) "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.
- (40) "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 maintaining an inspection program that meets the requirements of the National Board for periodic inspection of pressure vessels owned or used by that company.
- (41) "Pressure piping" means piping, including welded piping, external to high pressure boilers from the boiler proper to the required valve(s).
- (42) "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
 - (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 that 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.
- (43) "PSIG" means pounds per square inch gauge.
- (44) "Reinspection or Follow-Up Inspection" means an examination necessary to verify that any repair or corrective action required as a result of a certificate inspection is completed.
- (45) "Service vehicle" means a vehicle mounted with an air storage tank that services vehicles and equipment in the field away from the owner's shop.
- (46) "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 the ASME Code and the NBIC.
- (47) "Special inspection" means any inspection conducted by a Deputy Inspector other than a regularly scheduled inspection, including the performance of an inspection by a Deputy Inspector that requires that the inspector make a special trip to meet the needs of the individual or organization requesting the inspection, conducting certificate inspections during hours other than normal working hours, and inspection of field repairs and alterations. A special inspection may be considered any inspection or activity not otherwise described in these Rules.
- (48) "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.
- (49) "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, 2017; March 1, 2015; July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; January 1, 1987; January 1, 1986; June 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;
Amended Eff. November 1, 2024; April 1, 2022.

1 13 NCAC 13 .0213 is proposed for amendment as follows:

2
3 **13 NCAC 13 .0213 CERTIFICATE AND INSPECTION FEES**

4 (a) An owner or user, or insurance company, shall pay a fifty dollar (\$50.00) certificate and processing fee to the
5 North Carolina Department of Labor for each boiler or pressure vessel inspected certificate inspection performed by
6 an Insurance Inspector ~~and found to be in compliance with the rules in this Chapter.~~

7 (b) An owner or user shall pay an inspection and certificate fee to the North Carolina Department of Labor for each
8 boiler or pressure vessel inspected by a Deputy Inspector as follows:

9

10 Boilers - An inspection of a boiler where the heating surface is:	External	Internal
11 Less than 500 sq. ft.	\$50.00	\$85.00
12 500 or more sq. ft. but less than 5000 sq. ft.	\$120.00	\$235.00
13 5000 or more sq. ft.	\$330.00	\$600.00
14 Cast iron boilers	\$50.00	\$80.00
15 Locomotive boilers (Antique Exhibition/Show)	N/A	\$150.00
16 Exhibition boilers (Antique Exhibition/Show)	N/A	\$50.00
17 Hobby boilers	N/A	\$50.00
18 Pressure Vessels - An inspection of a pressure vessel, other than a		
19 heat exchanger, where the product of measurement in feet of the		
20 diameter or width, multiplied by its length is:	External	Internal
21 Less than 50	\$50.00	\$60.00
22 50 or more but less than 70	\$85.00	\$135.00
23 70 or more	\$135.00	\$190.00
24 Heat Exchangers - An inspection of a heat exchanger, where the		
25 heating surface is:	External	
26 500 or more sq. ft. but less than 1000 sq. ft.	\$60.00	
27 Less than 500 sq. ft.	\$50.00	
28 1000 or more sq. ft. but less than 2000 sq. ft.	\$90.00	
29 2000 or more sq. ft. but less than 3000 sq. ft.	\$130.00	
30 3000 or more sq. ft.	\$180.00	

31
32 (c) In addition to the fees established in Paragraph (b) herein, a fee of ninety dollars (\$90.00) per hour, including
33 travel time, plus each expense allowed by G.S. 138-6 and 138-7 and the standards and criteria established thereto by
34 the Office of State Budget and Management's State Budget Director, at the applicable state rate shall be paid to the
35 North Carolina Department of Labor for each special inspection as defined by 13 NCAC 13 .0101(46-47) and for all
36 inspections performed outside of normal working hours as defined by 13 NCAC 13 .0101(34-32).

1 (d) A fee of three-hundred fifty dollars (\$350.00) per one-half day (four hours) or any part of one-half day or five-
2 hundred sixty-dollars (\$560.00) for one day (four to eight hours) plus, in either case, each expense allowed by G.S.
3 138-6 and 138-7 and the standards and criteria established thereto by the Office of State Budget and Management's
4 State Budget Director, at the applicable state rate shall be paid to the North Carolina Department of Labor for each
5 shop inspection as defined by 13 NCAC 13 .0101(~~45-46~~).

6 (e) A fee of four hundred fifty dollars (\$450.00) per one-half day (four hours) or any part of one-half day or six
7 hundred ninety dollars (\$690.00) for one day (four to eight hours), plus, in either case, each expense allowed by G.S.
8 138-6 and 138-7 and the standards and criteria established thereto by the Office of State Budget and Management's
9 State Budget Director, at the applicable state rate shall be paid to the North Carolina Department of Labor for audits
10 as defined by 13 NCAC 13 .0101(4).

11
12 *History Note: Authority G.S. 95-69.11;*
13 *Eff. May 29, 1981;*
14 *Amended Eff. January 1, 1995; March 2, 1992; September 1, 1986;*
15 *Temporary Amendment Eff. March 11, 1997;*
16 *Temporary Amendment Eff. March 11, 1997 expired on December 27, 1997;*
17 *Temporary Amendment Eff. December 10, 1997;*
18 *Amended Eff. March 1, 2015; July 1, 2006; March 1, 2006; August 1, 1998;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
20 *2018;*
21 *Amended Eff. November 1, 2024; April 1, 2022.*
22
23

1 13 NCAC 13 .0214 is proposed for amendment as follows:

2
3 **13 NCAC 13 .0214 EXTENDED PRESSURE EQUIPMENT OPERATING CERTIFICATES**

4 (a) G.S. 95-69.16 and 13 NCAC 13 ~~.0214(4)~~ **.0211(m)** of this Chapter allows the Commissioner, as delegated to the
5 Chief Inspector, to modify the inspection frequency for individual pressure equipment if it is determined that the new
6 frequency will provide for the safety attained by the normal inspection frequency as defined in this Chapter.
7 Maintenance programs, the condition of the pressure equipment, and a baseline inspection help to determine if the
8 equipment is eligible for extended certification. The Chief Inspector may allow certificate renewal frequencies of up
9 to three years. Companies wishing to have their pressure equipment given an extended certification must apply by
10 letter to the Chief Inspector requesting extended certification.

11 (b) For a first time extended inspection frequency, the following shall apply to both new and existing equipment:

12 (1) Base Line Inspections: At the outset of an extended inspection frequency, a base line inspection
13 must be conducted of all inside and outside accessible pressure boundaries. The inspected area shall
14 be examined visually by a North Carolina Department of Labor, Boiler Safety Bureau Inspector
15 Supervisor along with a Deputy Inspector for evidence of cracking, discoloration, wear, pitting,
16 bulging, blistering, corrosion and erosion, arc strikes, gouges, dents, and other signs of surface
17 irregularities. Areas that are suspect shall be non-destructively examined, as defined in this Chapter,
18 by a method acceptable to the Inspector Supervisor and Deputy Inspector. For areas that are still
19 suspect after such examination, a more thorough supplemental examination and engineering
20 evaluation of the discontinuities shall be conducted and discussed with the Chief Inspector or
21 designee;

22 (2) Inspection Mapping and Records: An inspection grid map shall be constructed for each pressure
23 component detailing the areas found suspect. The grid shall not exceed four inch square. Suspect
24 area shall be described in detail and photographs of such areas shall be taken. These records shall
25 be kept and made available to the Deputy Inspector prior to the next required inspection;

26 (3) Base Line Inspection of ~~Boiler~~ Tubes: The ~~boiler~~ tubes shall be examined by nondestructive
27 examination. Tubes shall be examined for wear, corrosion, erosion, thinning, bulging, blistering,
28 dents, discoloration, cracking and any other surface irregularities. Areas that are suspect shall be
29 noted and discussed with the Inspector Supervisor and Deputy Inspector; and

30 (4) ~~Boiler~~ Tube Inspection Mapping and Record: Where suspect tubes are identified, the ~~boiler~~ tubes
31 shall be numbered in a logical sequence and the location of any suspect area shall be precisely
32 defined and described in detail. Photographs of such areas shall be taken. These records shall be
33 kept and made available to the Inspector Supervisor and Deputy Inspector prior to the next required
34 inspection.

35 (c) Scheduling of Inspections for Extended Certificate: Approximately two months prior to a scheduled outage in
36 which the ~~boiler~~ pressure equipment can be inspected, and prior to the current certificate expiration, the owner or user
37 shall do the following in order to initiate the inspection process:

- 1 (1) Send a letter addressed to the Chief Inspector requesting the extended certificate;
- 2 (2) Contact the North Carolina Department of Labor, Boiler Safety Bureau at 919-707-7918 and request
- 3 to speak with an Inspector Supervisor for the purpose of scheduling the inspections required for
- 4 extending the ~~boiler~~ inspection certificate expiration for to up to 36 months; and
- 5 (3) Agree with the Inspector Supervisor and Deputy Inspector on a date to meet for the external
- 6 inspection of the ~~boiler~~ pressure equipment and to review reports. The ~~boiler~~ pressure equipment
- 7 must be operating when the external inspection is done. Heat recovery boilers with less than one
- 8 percent capacity factor per year may be excluded from the need to operate during the external
- 9 inspection but a letter requesting the exclusion must be sent to the Chief Inspector stating the
- 10 capacity factor for the year before such an exclusion request can be granted.
- 11 (d) External Inspection: All report forms may be obtained from either NBIC or ASME. The following reports must
- 12 be available to the Inspector Supervisor and Deputy Inspector at the external inspection:
- 13 (1) NBIC ~~R-1 forms~~ Form R Reports for the past five years for initial inspections and since the previous
- 14 inspection for renewals;
- 15 (2) A list of alterations scheduled, and those alterations done since the last internal inspection with the
- 16 NBIC R-2 forms;
- 17 (3) Safety valve testing and repair reports for the past five years for initial inspections and since the
- 18 previous inspection for renewals;
- 19 (4) Fitness for Service reports for headers for the past five years for initial inspections and since the
- 20 previous inspection for renewals. All Fitness for Service reports shall be documented on the National
- 21 Board Form NB-403 or other created form that includes all information required on the Form NB-
- 22 403;
- 23 (5) Side elevation drawing of the ~~boiler~~ pressure equipment (8 ½ inches by 11 inches);
- 24 (6) Steam & Mud drums - Original drum thickness, drawings, and manufacturer's data reports if
- 25 available;
- 26 (7) Copy of the last operating certificate and copies of the last three years of inspection reports;
- 27 (8) Reports of annual external inspections by ~~owner's~~ the owner or user's insurance company or a Boiler
- 28 Safety Bureau Deputy Inspector.
- 29 (e) Equipment inspection requirements during outage or shut-down:
- 30 (1) An operational test for all safety valves shall be conducted after the equipment has been restarted.
- 31 After the operational test, the organization performing the test shall affix an updated inspection tag
- 32 to the valve. The Deputy Inspector shall verify the updated inspection tag and review any associated
- 33 test report. In lieu of operational tests, it is acceptable to replace safety valves with new valves or
- 34 valves reworked by a National Board "VR" or "NVR" authorized company;
- 35 (2) Inspect the pressure equipment internally; and
- 36 (3) Inspect the drums and shells using the following methods:

1 (A) Examine penetrations into the drum or shell wall for cracking: if the nozzles are visible
2 from inside the drum or shell, then a visual examination is satisfactory; otherwise
3 ultrasonically examine the nozzles, from the outside surface, of at least 20 percent of the
4 pressure equipment nozzles;

5 (B) Visually examine inside the heads; and

6 (C) When access permits, crawl through the drum or shell for a visual examination.

7 (f) Setting the Certificate Interval: If the requirements of this Rule are met, the Deputy Inspector shall submit an
8 inspection report to the Chief Inspector with the recommendation for the extended certificate.

9 (g) Follow-up and Interim Inspections: External inspections of high pressure boilers are required six months after the
10 certificate renewal, and then annually thereafter. The external inspections may be performed by the Boiler Safety
11 Bureau Deputy Inspectors or by the ~~owner's~~ owner or user's insurance inspector. The results of the inspection shall be
12 documented on an inspection report and submitted to the Chief Inspector, North Carolina Department of Labor, Boiler
13 Safety Bureau.

14
15 *History Note: Authority G.S. 95-69.11; 95-69.14; 95-69.16;*

16 *Eff. July 1, 2011;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
18 *2018;*

19 *Amended Eff. November 1, 2024; April 1, 2022; January 1, 2020.*

1 13 NCAC 13 .0409 is proposed for amendment as follows:

2
3 **13 NCAC 13 .0409 AUTOMATIC LOW-WATER FUEL CUTOFF CONTROLS AND WATER-**
4 **FEEDING DEVICES**

5 (a) Each automatically fired steam or vapor boiler, except miniature boilers, shall meet the following criteria:

- 6 (1) Have at least two automatic low-water fuel cutoff devices;
- 7 (2) One of the low-water fuel cutoff devices may also be used to regulate the normal water level;
- 8 (3) Each cutoff device shall be installed to prevent startup and to shut down the boiler fuel or energy
9 supply automatically when the surface of the water falls to a level not lower than the lowest visible
10 part of the gauge glass;
- 11 (4) One control shall be set to function ahead of the other. The lower fuel cutoff device shall be equipped
12 with a manual reset which shall prevent the boiler from being fired after the low water limit has
13 been reached until the operator resets the switch manually; and
- 14 (5) The low-water fuel cutoffs shall be attached to the boiler or to the water column with no stops or
15 valves. For float type low-water fuel cutoffs installed external to the boiler, each device shall be
16 installed in individual chambers which shall be attached to the boiler by separate pipe connections
17 below the waterline. If the low-water fuel cutoff is connected to the boiler by pipe and fittings, no
18 shut off valves of any type shall be placed in such pipe. A cross or equivalent fitting shall be placed
19 at every right angle turn to facilitate cleaning. Piping from the boiler shall be not less than 1 inch
20 NPS. Low-water fuel cutoff designs embodying a float and float bowl shall have a vertical
21 straightaway valved drain pipe of not less than ¾ inch NPS at the lowest point in the water-
22 equalizing pipe connections by which the bowl and the equalizing pipe can be flushed and the device
23 tested.

24 (b) Each automatically fired hot water heating boiler with heat input greater than 400,000 Btu/hr (117 kW) shall meet
25 the following criteria:

- 26 (1) Be protected by a low-water fuel cutoff intended for hot water service;
- 27 (2) The fuel cutoff device shall be installed to prevent startup and to shut down the boiler fuel or energy
28 supply automatically when the surface of the water falls to a level not lower than the lowest safe
29 permissible water level established by the boiler manufacturer;
- 30 (3) The fuel cutoff device shall be equipped with a manual reset that shall prevent the boiler from being
31 fired after the lowest water level has been reached until the operator resets the switch manually;
- 32 (4) The low-water fuel cutoff installed in a hot water heating boiler system may be installed anywhere
33 in the system above the lowest safe permissible water level established by the boiler ~~manufacturer~~
34 ~~so long as there is no isolation valve installed between the device and the boiler. Connections to the~~
35 ~~system shall be not less than 1 inch NPS; and~~ manufacturer; and

(5) Testing the operation of the low-water fuel cutoff on a hot water heating boiler system shall be provided without resorting to draining the entire system. Such testing shall not render the device inoperable, except as follows:

(a) The device is temporarily inoperative during the testing;

(b) The device automatically returns to operating condition;

(c) The connection may be so arranged that the device cannot be isolated from the boiler except by a cock placed at the device and provided with a tee or lever handle arranged to be parallel to the piping in which it is located when the cock is open.

(c) As permitted by the Accepted Design and Construction Code, Coil coil type boilers or watertube boilers requiring forced circulation to prevent overheating of the coils or tubes may have a flow-sensing flow and/or temperature sensing device installed at or near the boiler proper, in lieu of a low-water fuel cutoff, to automatically cut off the fuel supply when the circulation of flow is interrupted. The flow and/or temperature sensing device shall be independent of all other controls and may be automatically reset when adequate flow is restored. If there is a definitive water line, a low-water fuel cutoff complying with Paragraph (a) or (b) of this Rule, as applicable, shall be provided in addition to the flow-sensing device.

(d) Electric boilers where uncovering of the electrical element can lead to a risk of damage to the boiler shall be equipped with a low-water fuel cutoff device. In the case of electrode type boilers, where the reduction in water level provides a self-limiting control on heat input, a low-water cutoff control is not required.

(e) Automatically fired boilers shall be provided with a system to automatically maintain a constant water level so that the water level cannot fall below the lowest safe water line. This constant water level system requirement shall not apply to hot water heating boilers used in closed-loop radiant floor heating systems when installed in accordance with the manufacturer's instructions.

(f) Low water fuel cutoff devices embodying a float and float bowl shall be installed so that the boiler feedwater or makeup water cannot be introduced through the float chamber.

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

Eff. January 1, 1982;

Recodified from 13 NCAC 13 .0416 Eff. January 1, 1995;

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

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;

Amended Eff. November 1, 2024; April 1, 2022.

13 NCAC 13 .0413 is proposed for amendment as follows:

13 NCAC 13 .0413 CLEARANCES

(a) All boilers and pressure vessels shall be located so that adequate space is provided for proper operation, including visibility of all gauges, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other equipment, and for maintenance and repair, including replacement of tubes. Boiler clearances shall remain free of all items, including temporarily stored items, other than boiler piping and trim. Boiler piping and trim shall not impede access to the boiler.

(b) Adequate clearance for ~~boilers and pressure vessels installed prior to January 1, 2009~~ shall not be less than the following, or as recommended by the manufacturer:

(1) ~~Three feet~~ For the top and sides, of a minimum unobstructed clearance shall of 18 inches shall be provided. Clearance for the bottom shall conform to subpart (a) above of this Rule, between the boiler or pressure vessel on all service sides, and clearances as recommended by the manufacturer on all other sides. Service side shall be interpreted as any side, including the top, of a boiler or pressure vessel on which clearance is necessary to access operating controls, safety devices, drain and blowoff valves, or inspection openings.

(2) ~~Cabinet mounted boilers, such as those used primarily for process or cooking, and having a maximum input of 400,000 Btu/hr need only be provided with the unobstructed clearances recommended by the manufacturer.~~

(c) Adequate clearance for ~~boilers and pressure vessels installed after January 1, 2009~~ shall not be less than the following, or as recommended by the manufacturer:

(1) ~~High pressure steam boilers~~ Boilers, except water heaters that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000 square foot heating surface shall have a minimum unobstructed clearance of seven feet 36 inches from the top and sides of the boiler, to the ceiling. Clearance for the bottom shall conform to subpart (a) above of this Rule.

(2) ~~The following types of boilers and pressure vessels shall have a minimum unobstructed clearance of three feet from the top of the boiler to the ceiling: Water heaters shall have a minimum unobstructed clearance of 18 inches from the top and sides of the boiler. Clearance for the bottom shall conform to subpart (a) above of this Rule.~~

(A) ~~Steam heating boilers and hot water heating boilers that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000 square foot heating surface;~~

(B) ~~High pressure steam boilers that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000 square foot heating surface; and~~

(C) ~~All boilers with manholes on top of the boiler.~~

(3) ~~Package Modular boilers and water heaters that require individual units to be set side by side, front to back, or by stacking, steam heating boilers and hot water heating boilers without manholes on~~

1 ~~top of the shell that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per~~
2 ~~hour capacity or a 1,000 square foot heating surface shall have a~~ minimum unobstructed clearances
3 ~~of two feet from the ceiling as recommended by the manufacturer.~~

4 (d) ~~When~~ To facilitate entrance of a person during an inspection, boilers or pressure vessels are installed or replaced
5 ~~with a manway, unobstructed clearance shall be provided to allow access for inspection, maintenance and repair.~~
6 ~~Passageways around all sides of boilers and pressure vessels shall have an unobstructed width~~ clearance of not less
7 than ~~18~~ 84 inches ~~from the manway~~, unless otherwise recommended by manufacturer's installation instructions.

8
9 *History Note: Authority G.S. 95-69.11; 95-69.14;*

10 *Eff. May 29, 1981;*

11 *Recodified from 13 NCAC 13 .0409 Eff. January 1, 1995;*

12 *Amended Eff. November 1, 2024; February 1, 2009; January 1, 1995;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
14 *2018.*

1 13 NCAC 13 .0421 is proposed for amendment as follows:

2
3 **13 NCAC 13 .0421 NORTH CAROLINA SPECIAL**

4 (a) The North Carolina Department of Labor may issue an inspection certificate for a boiler or pressure vessel
5 constructed under standards equivalent to those established in the ASME Code if an application for permission to
6 construct and install a North Carolina Special is submitted to and approved by the Chief Inspector prior to commencing
7 construction. The Chief Inspector may approve a request for an inspection certificate if the application is complete
8 and if the information contained in the application demonstrates that the boiler or pressure vessel is as safe as a similar
9 boiler or pressure vessel constructed to the requirements of the ASME Code. The application, which may be in the
10 form of a letter, shall contain relevant data proving that its construction is equivalent to ASME standards. The Chief
11 Inspector or his designee may elect to visit, at the expense of the ~~owner, user~~ **owner or user**, or manufacturer, the
12 facility where the boiler or pressure vessel is under construction in order to audit the manufacturer's construction
13 techniques, personnel qualifications, and quality control program.

14 (b) The North Carolina Department of Labor may issue an inspection certificate for a boiler or pressure vessel which
15 has operated in another state even if the ASME construction and stamping requirements otherwise contained in the
16 North Carolina Rules are not satisfied if the following requirements are satisfied:

- 17 (1) the state in which the boiler or pressure vessel was operated enforces ASME Code requirements for
18 similar boilers and pressure vessels;
19 (2) the boiler or pressure vessel was inspected during construction by an inspector commissioned by
20 the state in which the item was installed or manufactured; and
21 (3) the report from the last certificate inspection conducted in the state in which the boiler or pressure
22 vessel was previously installed is made available to the Chief Inspector, and the inspection resulted
23 in the applicable authorization for operation.

24 (c) The applicant shall submit a design specification, certified by a professional engineer, to the Chief Inspector to
25 verify that the boiler or pressure vessel meets the ASME Code as far as is practicable. The following documentation
26 shall be included as a minimum:

- 27 (1) design calculations and drawings;
28 (2) material test reports or their equivalent, and for material not allowed by ASME, an evaluation of the
29 materials in comparison to the most similar material approved for ASME construction;
30 (3) a record of welding qualifications as required by Section IX of the ASME Welding and Brazing
31 Qualifications Code; and
32 (4) satisfactory results of any additional examination or test deemed necessary by the Chief Inspector.

33 (d) Design calculations for pressure vessels to be operated in excess of 3,000 psig shall include a fatigue analysis as
34 described in ASME Section VIII, Division 2 or 3, to determine the operating lifetime of the pressure vessel, and a
35 proposal for operation that details the ~~owner's~~ **owner or user's** monitoring program to verify compliance with the
36 fatigue analysis.

1 (e) The maximum allowable working pressure for the boiler or pressure vessel as established in the calculations shall
2 be consistent with what is required by the ASME Code for similar boilers or pressure vessels.

3 (f) Boilers and pressure vessels operating as North Carolina State Specials shall meet all installation, alteration,
4 inspection, repair, and operation requirements of this Chapter.

5 (g) The Chief Inspector may approve operation of boilers and pressure vessels which were constructed to the
6 requirements of a department of the federal government which enforces requirements equivalent to the ASME Code,
7 provided an application as otherwise required by this Chapter is submitted to the Chief Inspector and found acceptable.

8
9 *History Note: Authority G.S. 95-69.11; 95-69.14;*

10 *Eff. May 29, 1981;*

11 *Amended Eff. March 2, 1992;*

12 *Recodified from 13 NCAC 13 .0415 Eff. January 1, 1995;*

13 *Amended Eff. November 1, 2024; July 1, 2006; January 1, 1995;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
15 *2018.*

Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, October 15, 2024 4:49 PM
To: Cramer, Jill <jill.cramer@labor.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for Department of Labor October Rules

Jill,

As to number 2, for whatever reason, the RRC roll-up used the original publication and not your corrected publication, which has caused the confusion and my original concern. With regards to part (c), the rule as published and the revised version of the rule you sent me are the same and do not raise any concerns, so there were no post-publication changes. Your change to line 11 satisfied my concern and I do not believe it requires republication, but needs to be highlighted as a post-publication change. When you finalize all the rules, the update to .0413 will correct the error in our materials regarding part (c).

Were there any other rules where you had to resubmit the publication on 5/29? Out of an abundance of caution, I want to check to make sure we have the correct version in the package that goes before the RRC.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules
Attachments: Consolidated 13 ncac 13 0413 submissions to OAH.pdf

From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Tuesday, October 15, 2024 4:01 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC for Department of Labor October Rules

Seth

Thanks for your response.

1. I will revise 13 NCAC 13.0214 as requested.
2. I remain a bit confused about 13 NCAC 13.0413. There were several revisions to it. *Please see the attached history for this rule.*
 - a. 5/24/24 – this was the original submission. It included several errors.
 - b. The Rules Div requested changes to several rules to include .0413. The corrections were submitted 5/29/2024.
 - c. .0413 was published in the NCR on July 1, 2024.
 - d. 10/1/2024, you requested revisions.
 - i. I understand the line 11 request and it has been made.
 - ii. I do not understand the reference on lines 28-33 because the rules is correct (on those lines) as it was published in the NCR.
 - iii. There are now 3 subparts under subpart (c) to include (1), (2) and (3). Subpart (c)(2) does **not** have any additional items such as to create a list.

Thank you.

Jill F. Cramer
General Counsel
NC Department of Labor
Direct: 919-707-7710
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13 NCAC 13 .0413 is proposed for amendment as follows:

13 NCAC 13 .0413 CLEARANCES

(a) All boilers and pressure vessels shall be located so that adequate space is provided for proper operation, including visibility of all gauges, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other equipment, and for maintenance and repair, including replacement of tubes. Boiler clearances shall remain free of all items, including temporarily stored items, other than boiler piping and trim. Boiler piping and trim shall not impede access to the boiler.

(b) Adequate clearance for ~~boilers and pressure vessels installed prior to January 1, 2009~~ shall not be less than the following, or as recommended by the manufacturer:

(1) ~~Three feet~~ For the top and sides, of a minimum unobstructed clearance shall of 18 inches shall be provided. Clearance for the bottom shall conform to subpart (a) above of this Rule, between the boiler or pressure vessel on all service sides, and clearances as recommended by the manufacturer on all other sides. Service side shall be interpreted as any side, including the top, of a boiler or pressure vessel on which clearance is necessary to access operating controls, safety devices, drain and blowoff valves, or inspection openings.

(2) ~~Cabinet mounted boilers, such as those used primarily for process or cooking, and having a maximum input of 400,000 Btu/hr need only be provided with the unobstructed clearances recommended by the manufacturer.~~

(c) Adequate clearance for ~~boilers and pressure vessels installed after January 1, 2009~~ shall not be less than the following, or as recommended by the manufacturer:

(1) ~~High pressure steam boilers~~ Boilers, except water heaters that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000 square foot heating surface shall have a minimum unobstructed clearance of seven feet 36 inches, from the top and sides of the boiler, to the ceiling. Clearance for the bottom shall conform to subpart (a) above of this rule.

(2) The following types of boilers and pressure vessels shall have a minimum unobstructed clearance of three feet from the top of the boiler to the ceiling:

(A) ~~Steam heating boilers and hot water heating boilers that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000 square foot heating surface;~~

(B) ~~High pressure steam boilers that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000 square foot heating surface; and~~

(C) ~~All boilers with manholes on top of the boiler.~~

(3) Package Modular boilers and water heaters that require individual units to be set side by side, front to back, or by stacking, ~~steam heating boilers and hot water heating boilers without manholes on top of the shell that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per~~

hour capacity or a 1,000 square foot heating surface shall have a minimum unobstructed clearances
of two feet from the ceiling as recommended by the manufacturer.

(d) ~~When~~ To facilitate entrance of a person during an inspection, boilers or pressure vessels ~~are installed or replaced~~
~~with a manway, unobstructed clearance shall be provided to allow access for inspection, maintenance and repair.~~
~~Passageways around all sides of boilers and pressure vessels shall have an unobstructed width clearance of not less~~
than ~~48~~ 84 inches from the manway, unless otherwise recommended by manufacturer's installation instructions.

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

Eff. May 29, 1981;

Recodified from 13 NCAC 13 .0409 Eff. January 1, 1995;

Amended Eff. November 1, 2024; February 1, 2009; January 1, 1995;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2018.*

Corrected ;
Re-Submitted 5/29/24

13 NCAC 13 .0413 is proposed for amendment as follows:

13 NCAC 13 .0413 CLEARANCES

(a) All boilers and pressure vessels shall be located so that adequate space is provided for proper operation, including visibility of all gauges, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other equipment, and for maintenance and repair, including replacement of tubes. Boiler clearances shall remain free of all items, including temporarily stored items, other than boiler piping and trim. Boiler piping and trim shall not impede access to the boiler.

(b) Adequate clearance for ~~boilers and pressure vessels installed prior to January 1, 2009~~ shall not be less than the following, or as recommended by the manufacturer:

(1) ~~Three feet~~ For the top and sides, of a minimum unobstructed clearance shall of 18 inches shall be provided. Clearance for the bottom shall conform to subpart (a) above of this Rule, between the boiler or pressure vessel on all service sides, and clearances as recommended by the manufacturer on all other sides. Service side shall be interpreted as any side, including the top, of a boiler or pressure vessel on which clearance is necessary to access operating controls, safety devices, drain and blowoff valves, or inspection openings.

(2) ~~Cabinet mounted boilers, such as those used primarily for process or cooking, and having a maximum input of 400,000 Btu/hr need only be provided with the unobstructed clearances recommended by the manufacturer.~~

(c) Adequate clearance for ~~boilers and pressure vessels installed after January 1, 2009~~ shall not be less than the following, or as recommended by the manufacturer:

(1) ~~High-pressure steam boilers~~ Boilers, except water heaters that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface shall have a minimum unobstructed clearance of seven feet 36 inches from the top and sides of the boiler, to the ceiling. Clearance for the bottom shall conform to subpart (a) above of this Rule.

(2) ~~The following types of boilers and pressure vessels shall have a minimum unobstructed clearance of three feet from the top of the boiler to the ceiling: Water heaters shall have a minimum unobstructed clearance of 18 inches from the top and sides of the boiler. Clearance for the bottom shall conform to subpart (a) above of this Rule.~~

(A) ~~Steam-heating boilers and hot-water-heating boilers that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface;~~

(B) ~~High-pressure steam boilers that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface; and~~

(C) ~~All boilers with manholes on top of the boiler.~~

(3) ~~Package-Modular boilers and water heaters that require individual units to be set side by side, front to back, or by stacking, steam-heating boilers and hot-water-heating boilers without manholes on~~

1 top of the shell that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per
2 hour capacity or a 1,000 square foot heating surface shall have a minimum unobstructed clearances
3 of two feet from the ceiling as recommended by the manufacturer.

4 (d) ~~When~~ To facilitate entrance of a person during an inspection, boilers or pressure vessels are ~~installed or replaced~~
5 ~~with a manway,~~ unobstructed clearance shall be provided to allow access for inspection, maintenance and repair.
6 ~~Passageways around all sides of boilers and pressure vessels~~ shall have an unobstructed width clearance of not less
7 than ~~18~~ 84 inches from the manway, unless otherwise recommended by manufacturer's installation instructions.

8
9 *History Note: Authority G.S. 95-69.11; 95-69.14;*

10 *Eff. May 29, 1981;*

11 *Recodified from 13 NCAC 13 .0409 Eff. January 1, 1995;*

12 *Amended Eff. November 1, 2024; February 1, 2009; January 1, 1995;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
14 *2018.*

pounds of steam per hour shall have a blowoff outlet of not less than 2 inches NPS; and

- (5) All other steam heating boilers shall have a blowoff outlet of not less than 1 inch NPS.

(e) All blowoff from boilers shall discharge into a blowdown tank suitable for separating steam and water or shall be piped to prevent injury. Discharge directly to a sewer is prohibited.

(f) Valves for high pressure boilers shall be designed and constructed in accordance with the requirements of ASME Section I, and shall be stamped or embossed with the pressure/temperature rating of the valve.

(g) Valves for heating boilers shall be suitable for the operating pressure and temperature of the boiler.

(h) Pressure reducing valves shall be installed in the makeup water line where inlet supply water pressure is more than 75 percent of the maximum allowable working pressure of the boiler or pressure vessel.

(i) A shutoff valve shall be provided in the makeup water line next to each boiler and shall meet the following specifications:

- (1) Each steam heating boiler and hot water heating boiler shall be provided with a shutoff valve and a check valve. The shutoff valve shall be installed either upstream or downstream of the check valve;
- (2) Each high pressure boiler, except for high temperature water boilers, shall be provided with a shutoff valve and a check valve. The shutoff valve shall be installed between the check valve and the boiler; and
- (3) When two or more high pressure boilers are fed from a common source, there shall also be a globe or regulating valve in the branch to each boiler located between the check valve and the source of the supply.

(j) Pressure vessels subject to corrosion shall be equipped with a drain valve installed at the lowest point of the pressure vessel or by installation of an internal drain pipe installed not more than 1/4 inch above the lowest internal surface.

(k) Automatic drain and blowoff valves for boilers may be installed when permitted by the Accepted Design and Construction Code, and shall be in accordance with the boiler manufacturer's recommendations and instructions.

Authority G.S. 95-69.11; 95-69.14.

13 NCAC 13 .0413 CLEARANCES

(a) All boilers and pressure vessels shall be located so that adequate space is provided for proper operation, including visibility of all gauges, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other equipment, and for maintenance and repair, including replacement of tubes. Boiler clearances shall remain free of all items, including temporarily stored items, other than boiler piping and trim. Boiler piping and trim shall not impede access to the boiler.

(b) Adequate clearance for boilers and pressure vessels installed prior to January 1, 2009 shall not be less than the following: following, or as recommended by the manufacturer:

- (1) Three-foot For the top and sides, of a minimum unobstructed clearance shall of 18 inches shall

be provided provided. Clearance for the bottom shall conform to Paragraph (a) of this Rule. between the boiler or pressure vessel on all service sides, and clearances as recommended by the manufacturer on all other sides. Service side shall be interpreted as any side, including the top, of a boiler or pressure vessel on which clearance is necessary to access operating controls, safety devices, drain and blowoff valves, or inspection openings.

- (2) Cabinet mounted boilers, such as those used primarily for process or cooking, and having a maximum input of 400,000 Btu/hr need only be provided with the unobstructed clearances recommended by the manufacturer.

(c) Adequate clearance for boilers and pressure vessels installed after January 1, 2009 shall not be less than the following: following, or as recommended by the manufacturer:

- (1) High-pressure steam boilers Boilers, except water heaters that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface shall have a minimum unobstructed clearance of seven-feet 36 inches from the top and sides of the boiler boiler, to the ceiling. Clearance for the bottom shall conform to Paragraph (a) of this Rule.
- (2) The following types of boilers and pressure vessels shall have a minimum unobstructed clearance of three feet from the top of the boiler to the ceiling: Water heaters shall have a minimum unobstructed clearance of 18 inches from the top and sides of the boiler. Clearance for the bottom shall conform to Paragraph (a) of this Rule.
 - (A) Steam-heating boilers and hot-water-heating boilers that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface;
 - (B) High-pressure steam boilers that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface; and
 - (C) All boilers with manholes on top of the boiler.
- (3) Package-Modular boilers and water heaters that require individual units to be set side by side, front to back, or by stacking, steam-heating boilers and hot-water-heating boilers without manholes on top of the shell that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface shall have a minimum unobstructed clearance clearances of two-feet from the ceiling, as recommended by the manufacturer.

Plan to submit
10/15/24

13 NCAC 13 .0413 is amended as published in 39:01 NCR 16-34 with changes as follows:

13 NCAC 13 .0413 CLEARANCES

(a) All boilers and pressure vessels shall be located so that adequate space is provided for proper operation, including visibility of all gauges, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other equipment, and for maintenance and repair, including replacement of tubes. Boiler clearances shall remain free of all items, including temporarily stored items, other than boiler piping and trim. Boiler piping and trim shall not impede access to the boiler.

(b) Adequate clearance for boilers and pressure vessels installed prior to January 1, 2009 shall not be less than the following, or as recommended by the manufacturer:

(1) ~~Three feet~~ For the top and sides, of a minimum unobstructed clearance shall of 18 inches shall be provided. Clearance for the bottom shall conform to subpart (a) above of this Rule, between the boiler or pressure vessel on all service sides, and clearances as recommended by the manufacturer on all other sides. Service side shall be interpreted as any side, including the top, of a boiler or pressure vessel on which clearance is necessary to access operating controls, safety devices, drain and blowoff valves, or inspection openings.

(2) ~~Cabinet mounted boilers, such as those used primarily for process or cooking, and having a maximum input of 400,000 Btu/hr need only be provided with the unobstructed clearances recommended by the manufacturer.~~

(c) Adequate clearance for boilers and pressure vessels installed after January 1, 2009 shall not be less than the following, or as recommended by the manufacturer:

(1) ~~High-pressure steam boilers~~ Boilers, except water heaters that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface shall have a minimum unobstructed clearance of seven feet 36 inches from the top and sides of the boiler, to the ceiling. Clearance for the bottom shall conform to subpart (a) above of this Rule.

(2) ~~The following types of boilers and pressure vessels shall have a minimum unobstructed clearance of three feet from the top of the boiler to the ceiling: Water heaters shall have a minimum unobstructed clearance of 18 inches from the top and sides of the boiler. Clearance for the bottom shall conform to subpart (a) above of this Rule.~~

(A) ~~Steam heating boilers and hot-water-heating boilers that exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface;~~

(B) ~~High-pressure steam boilers that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per hour capacity or a 1,000-square-foot heating surface; and~~

(C) ~~All boilers with manholes on top of the boiler.~~

(3) ~~Package-Modular boilers and water heaters that require individual units to be set side by side, front to back, or by stacking, steam-heating boilers and hot-water-heating boilers without manholes on~~

1 top of the shell that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per
2 hour capacity or a 1,000 square foot heating surface shall have a minimum unobstructed clearances
3 of two feet from the ceiling as recommended by the manufacturer.

4 (d) ~~When~~ To facilitate entrance of a person during an inspection, boilers or pressure vessels are installed or replaced
5 with a manway, unobstructed clearance shall be provided to allow access for inspection, maintenance and repair.
6 ~~Passageways around all sides of boilers and pressure vessels shall have an unobstructed width~~ clearance of not less
7 than ~~18~~ 84 inches from the manway, unless otherwise recommended by manufacturer's installation instructions.

8
9 *History Note: Authority G.S. 95-69.11; 95-69.14;*

10 *Eff. May 29, 1981;*

11 *Recodified from 13 NCAC 13 .0409 Eff. January 1, 1995;*

12 *Amended Eff. November 1, 2024; February 1, 2009; January 1, 1995;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
14 *2018.*

Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, October 14, 2024 4:51 PM
To: Cramer, Jill <jill.cramer@labor.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for Department of Labor October Rules

Jill,

I have reviewed what you sent me and noted a couple of things:

Regarding 13 NCAC 13 .0214 (a): You've answered my authority question, but I still don't think the "as delegated to the Chief Inspector" clause works grammatically. I think what you mean is something like "allows the Commissioner, or the the Chief Inspector as delegated by Commissioner, to modify". Note that whatever changes you go with here will require the strikethroughs, underlining, and highlighting reflecting the change.

Regarding 13 NCAC 13 .0413 (c)(2): It appears that what happened is your original filing had an error on lines 26 to 33 and did not match what was published in the register, but your corrected filing corresponds to what was published in the register. To the extent that your corrected filing matches what was published, you do not need to worry about substantial changes or republication. Note that when you are highlighting, you only need to highlight the changes between what was published in the register and the final version. To the extent that you are correcting the original filing to match what was published, which is what appears to be happening on lines 27 through 29 of the corrected file, you do not need to highlight.

Regarding the remainder of my requests in the RFC, either your changes or answers in the memo address my concerns, except for the highlighting and introductions you plan to address in your final updates. Let me know if you have any further questions.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules

From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Thursday, October 10, 2024 3:48 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC for Department of Labor October Rules

Thank you.

These rules were not meant for actual submission, but to address my question. I will make additional corrections to the revised text and submit all the rules prior to the 10/15/2024 deadline.

Sorry very to hear that your parents were affected. The devastation is unfathomable. We have so many friends in the Banner Elk area who were seriously affected; we had a home there for a long time and love all the high country.

Jill F. Cramer
General Counsel
NC Department of Labor
Direct: 919-707-7710
Main Legal Affairs: 919-707-7713

Mailing Address:
1101 Mail Service Center
Raleigh, NC 27699-1101
jill.cramer@labor.nc.gov

Please visit our website at www.labor.nc.gov

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NOTICE: E-mail correspondence to and from this sender may be subject to the **North Carolina Public Records Law** and may be disclosed to third parties. This e-mail and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited.

If you have received this message in error, please notify the sender immediately by telephone or by electronic mail, and delete this message.

Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, October 10, 2024 1:35 PM
To: Cramer, Jill <jill.cramer@labor.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for Department of Labor October Rules

Jill,

Thank you for your prompt response to my requests. I am out of the office at the moment helping my parents deal with hurricane evacuation, but should be back to you more completely early next week.

A couple quick notes: Using the defined language is for "owner and user" is fine without the grammatical change.

I'll have to look more closely on the republish issue, but the applicable test is whether the rule "differs substantially" as described in 150B-21.2(g). From what you described in the memo, I suspect you won't need to republish, but I'll let you know if I have any concerns after I can more fully review.

For the rules you sent me, I took a quick look and it appears that you didn't format the post-publication changes to rules text correctly. For example, newly added language should be highlighted. You can see the detailed format requirements here in the category for post-publication changes: <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>

Also, it looks like you only sent in the rules which had substantive requests. Remember we will need versions with corrected introductions for all the submitted rules. Note that it is not necessary to highlight or otherwise identify post-publication changes to the introduction language.

Let me know if you have any further questions.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules
Attachments: RFC Department of Labor October 2024 JCramer edits.docx; 13 NCAC 13 .0202 revised per OAH.docx; 13 NCAC 13 .0207 revised per OAH.docx; 13 NCAC 13 .0208 revised per OAH.docx; 13 NCAC 13 .0211 revised per OAH.docx; 13 NCAC 13 .0214 revised per OAH.docx; 13 NCAC 13 .0405 revised per OAH.docx; 13 NCAC 13 .0413 revised per OAH.docx; 13 NCAC 13 .0420 revised per OAH.docx; 13 NCAC 13 .0422 revised per OAH.docx

From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Wednesday, October 9, 2024 3:02 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC for Department of Labor October Rules

Seth

Please see the attached memo and related rules. I have responded to your questions in red on your memo.

Please advise regarding the questions as to whether we have to republish the rules with the noted revisions. Also, when resubmitting the revisions back to OAH per your request, do we have to submit a new Submission for Permanent Rule form?

Please note I made no change was made to 13.0213 or 13.0301. The term “owner or user” is defined in the definitions at 13 NCAC 13.0101(39).

Jill F. Cramer
General Counsel
NC Department of Labor
Direct: 919-707-7710
Main Legal Affairs: 919-707-7713

Mailing Address:
1101 Mail Service Center
Raleigh, NC 27699-1101
jill.cramer@labor.nc.gov

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If you have received this message in error, please notify the sender immediately by telephone or by electronic mail, and delete this message.

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;, and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
<https://www.oah.nc.gov/rule-format-examples>

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: *All submitted 13 NCAC 13 rules*

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: *This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*These rules all have the incorrect introduction language on line 1. This language needs to be corrected to go into the code. **COMPLETED.***

You can see examples of the various introductions in the formatting for publication in the code here:

<https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>

It looks like most, if not all of these, are "Permanent Amendment with no change from publication", which will look something like "21 NCAC 06F .0101 is amended as published in 36:07 NCR 513 as follows:"

Note that this will require all of the rules to be updated, even if there are no other issues.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0202

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: *This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 6, you reference the “National Board In-Service Commission”. Is this the same as a “National Board Commission”, defined in .0101 on p.4 ln 21?

*If so, why the additional word? If not, what is it? **“In Service” is how the National Board references it; however, for simplification, NCDOL will remove the “In-Service” language.***

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0207

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Are the inspection reports on line 4 a form? Where are the contents or substantive requirements spelled out? **Yes, the reports are a standard form. We will add clarifying language.***

*How are inspection reports on line 4 filed? Is there a rule or statute that establishes how to file things with the Chief Inspector? **Reports are electronically directly into a system. Will add clarifying language.***

*Regarding subparagraphs b and c, how does someone notify the Chief Inspector immediately? Does the inspector need to speak with them directly? Is there particular contact information they should use? **I found that the is existing language regarding notification for insurance companies in 13.0208 that is clearer, so we are adding that language to .0207.***

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0208

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 11, how does an insurance company submit the form to the Chief Inspector?
Like 13.0207, notifications are filed electronically. Language added to clarify.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0211

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: *This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 4, add “perform a direct in-person inspection **of** all”. **Added.***

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0213

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: *This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 4, "An ~~owner, owner or~~ user, or insurance company, shall". Please see 13 NCAC 13.0101 (39). The term "owner or user" is a defined term that is used throughout the rules. We do not want to change it to separate the two words.

No change made.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0214

DEADLINE FOR RECEIPT: **October 15, 2024**

PLEASE NOTE: *This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*As written, the “as delegated to the Chief Inspector” clause on lines 4 and 5 doesn’t seem to make sense grammatically. Is this the rule doing the delegation? Or another rule? Rephrase for clarity. **That language comes from NC Gen. Stat. 95-69.11(2), which lists the powers and duties of the Commissioner:***

*(2) To **delegate to the Chief Inspector** any powers, duties, and responsibilities that the Commissioner determines will best serve the public interest in the safe operation of boilers and pressure vessels, and to supervise the Chief Inspector in the performance of those duties.*

We have added G.S. 95-69.11 to the list of statutes in (a) of 13.0214 to clarify.

*Does the Commissioner have a statutory basis to fully “delegate” assigned authorities to another person? Delegation by rule often creates authority issues. **See above.***

Practically, you could rephrase this to contemplate the Commissioner directing the Chief Inspector’s action. Something like “The Chief Inspector, at the direction of the Commissioner, can modify the inspection frequency pursuant to G.S. 95-69.16 . . .”

Is any other change to the language required since it is statutory language?

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

Seth Ascher
Commission Counsel

Date submitted to agency: October 1st, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0301

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On lines 23 and 24, “the owner, owner or user, or their insurance company.”.

Please see 13 NCAC 13.0101 (39). The term “owner or user” is a defined term that is used throughout the rules. We do not want to change it to separate the two words.

NO change made.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0405

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: *This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On p. 3, line 19, what does “direct positive control” mean? Is it defined somewhere?

The term “direct positive control” is not defined in our rules but is used by the National Board. We will remove that terminology here.

To be clear, I understand what “direct control” would mean here from a natural language perspective. But I don’t know what, if anything the addition of the word “positive” means.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0413

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: *This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 11, it does not make sense to have and item (1) without and item (2). Either merge this into one subparagraph (b) or re-level the rule. **This was an error and has been corrected.***

*The deletions you have made on line 28 to 33, make item 2, lines 26 and 27, an introduction without a list. Rephrase or restructure to you meaning. **There appears to have been language that was not included in the original submission. That was in error and has been corrected. Do we have to republish this rule?***

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0420

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 15, what determines what a “safe distance” is from the boiler? Are there standards or definitions for “safe distance” somewhere? **Generally it depends on the actual size of the boiler. For instance, a standard domestic hot water heater is technically a boiler. However, some boilers are the size of a building. E.g., the Stet of NC Steam Plant on N McDowell Street or the Cates steam plant at NCSU. [Cates Avenue Steam Plant – Facilities \(ncsu.edu\)](https://www.unc.edu/ncsu/facilities/cates-avenue-steam-plant/).**

However, we have added language to provide some context. If this is not sufficient, please advise.

Do we have to republish this rule?

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0421

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

"May" is a problematic word in rules, as it does not establish clear articulable standards. For example, under what circumstances could DOL deny an inspection certificate for a boiler compliant with ASME and with prior approval from the Chief Inspector.

*You may mean "shall" for some of these. Consider replacing "may" with "shall" on lines 4, 7, 11, and 14 on page 1, and line 5 on page 2. If you don't, what are the standards for each of these decisions? **"May" changed to "shall" on all except line 11. We need to leave Line 11 as "may" because there are many factors, but the most specific factors are the location of where the device is manufactured. Some boilers are manufactured in other countries; some are manufactured in facilities that have extreme security clearances; some situations relate to time constraints regarding the ability to travel to the manufacturing site. The decisions are made on a case-by-case basis.***

Note that the "may" on line 9 appears not to raise this issue, as it is an option for the regulated about how to submit their application, rather than an action by the agency. However, if you mean for the application to only be by letter, use "shall".

*On line 11, "the owner, owner or user, or manufacturer,". **Please see 13 NCAC 13.0101 (39). The term "owner or user" is a defined term that is used throughout the rules. We do not want to change it to separate the two words.***

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

Seth Ascher
Commission Counsel

Date submitted to agency: October 1st, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 13 .0422

DEADLINE FOR RECEIPT: October 15, 2024

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 18, replace “may” with “shall”. Revised

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

1 13 NCAC 13 .0202 is amended as published in 39:01 NCR 16-34 as follows:

2
3 **13 NCAC 13 .0202 INSPECTOR QUALIFICATION**

4 (a) ~~Deputy Inspectors conducting certificate inspections shall be in possession of a valid North Carolina Commission.~~
5 Deputy Inspectors, Special Inspectors and Owner-User Inspectors conducting in-service inspections shall be in
6 possession of a valid National Board Commission and a valid North Carolina Commission.

7 (b) A North Carolina Commission shall be issued to an inspector who:

8 (1) has attained a passing grade of 70 percent or higher on an examination administered by the Chief
9 Inspector relating to the Uniform Boiler and Pressure Vessel Act and the rules of this Chapter; and

10 (2) meets all other criteria as set forth in the Uniform Boiler and Pressure Vessel Act and this Chapter.

11 (c) If a North Carolina Commissioned inspector does not conduct at least one certificate inspection in North Carolina
12 per calendar year, the inspector must retake and pass this examination before becoming commissioned again in this
13 State. A certificate inspection shall be an inspection as described in Rule .0211 of this Chapter.

14 (d) National Board examinations are administered by the National Board of Boiler and Pressure Vessel Inspectors.
15 Information on the examinations may be found on the National Board web site at www.nationalboard.org or by
16 telephone at (614) 888-8320.

17 (e) The National Board Inservice Inspector examination covers the installation, operation, and inspection of boilers
18 and pressure vessels and their appurtenances. A grade of 70 percent or higher must be attained to achieve a passing
19 grade on the examination.

20
21 *History Note: Authority G.S. 95-69.11; 95-69.15;*

22 *Eff. May 29, 1981;*

23 *Amended Eff. July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; September 1, 1986;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
25 *2018;*

26 *Amended Eff. November 1, 2024; April 1, 2022.*
27
28

1 13 NCAC 13 .0207 is amended as published in 39:01 NCR 16-34 as follows:

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3 **13 NCAC 13 .0207 INSPECTION REPORTS**

4 (a) Inspection reports shall be filed using National Board form NB-6 or a form containing the equivalent information.

5 Inspectors shall file inspection reports with the Chief Inspector electronically into an inspection report database
6 approved by the Chief Inspector:

7 (1) within 10 working days after the date each inspection is performed;

8 (2) immediately for all conditions of imminent danger, or any condition that would result in the
9 insurance company's refusal to issue or continue an insurance policy on the boiler or pressure vessel;
10 ~~and~~

11 (3) shall include the insurance policy identifier covering any equipment inspected by a special
12 inspector; and

13 (4) shall include comments or indications as to the condition of items inspected and the results of any
14 testing performed.

15 (b) Inspectors shall notify the Chief Inspector, ~~in person or by electronic means~~ by telephone at (919) 707-7918 or
16 email at boiler.safety@labor.nc.gov immediately upon becoming aware of an accident which renders a boiler or
17 pressure vessel inoperative or causes damage to property, personal injury, or death.

18 (c) Should the inspector, during the course of making an inspection, find a condition of imminent danger, ~~he~~ they shall
19 immediately notify the Chief Inspector, ~~in person or by electronic means~~, by telephone at (919) 707-7918 or email at
20 boiler.safety@labor.nc.gov so that steps might be taken to remove the device from service.

21
22 *History Note: Authority G.S. 95-69.11; 95-69.14;*

23 *Eff. May 29, 1981;*

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

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
26 *2018;*

27 *Amended Eff. November 1, 2024; April 1, 2022.*
28
29

1 13 NCAC 13 .0208 is amended as published in 39:01 NCR 16-34 as follows:

2
3 **13 NCAC 13 .0208 INSURANCE COMPANIES TO NOTIFY CHIEF INSPECTOR**

4 (a) All insurance companies shall notify the Chief Inspector within ~~30~~10 working days if any of the following actions
5 are taken concerning boiler or pressure vessels:

- 6 (1) the issuance of a policy;
- 7 (2) the cancellation of a policy; or
- 8 (3) removal of a boiler or pressure vessel from service.

9 (b) All insurance companies shall notify the Chief Inspector within 10 working days regarding the non-renewal or
10 suspension of a policy because of unsafe conditions.

11 (c) Notification for items listed under Paragraph (a) of this Rule shall be made electronically by using the National
12 Board form NB-4, or a ~~form~~ method determined by the Chief Inspector to be equivalent to the National Board form.
13 Notifications under Paragraph (b) of this Rule shall be made by telephone at (919) 707-7918, email at
14 boiler.safety@labor.nc.gov or overnight mail to 1101 Mail Service Center, Raleigh, NC 27699-1101 or package
15 delivery service to the Boiler Safety Bureau, 4 West Edenton Street, Raleigh, NC 27601. All notifications shall include
16 reference to the following:

- 17 (1) Object, date of service and effective date;
- 18 (2) Owner's number;
- 19 (3) Jurisdiction number;
- 20 (4) National Board number;
- 21 (5) Name of manufacturer;
- 22 (6) Name of owner including county;
- 23 (7) Location of object including county;
- 24 (8) User of object;
- 25 (9) Date of last inspection for certificate;
- 26 (10) Whether or not a certificate of inspection was issued; and
- 27 (11) Reason for discontinuance or cancellation.

28
29 *History Note: Authority G.S. 95-69.11; 95-69.14;*

30 *Eff. May 29, 1981;*

31 *Amended Eff. July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
33 *2018;*

34 *Amended Eff. November 1, 2024; January 1, 2020.*
35
36

1 13 NCAC 13 .0211 is amended as published in 39:01 NCR 16-34 as follows :

2
3 **13 NCAC 13 .0211 CERTIFICATE INSPECTIONS**

4 (a) A commissioned inspector shall ~~inspect~~ perform a direct in-person inspection of all boilers and pressure vessels
5 at the time of installation and at regular intervals thereafter, as provided in this Rule.

6 (b) Subject to the exceptions in Paragraphs (c) and (d) of this Rule, and after seven days' notice is given to the owner
7 or user, an inspector shall conduct an internal inspection of a high pressure boiler at the time of installation and
8 annually thereafter. An external inspection shall be conducted a minimum of once every 12 months while the boiler
9 is in operation. The inspector shall ensure that the safety controls are operating as required. Issuance of the inspection
10 certificate shall be based on the results of the internal inspection; however, if the inspector determines during the
11 external inspection that an imminent danger exists, the inspector shall notify the Chief Inspector pursuant to 13 NCAC
12 13 .0301(d).

13 (c) In place of the first internal inspection of a new high pressure boiler, an inspector may conduct an external
14 inspection if the inspector determines that data sufficient to determine compliance with the rules of this Chapter can
15 be gathered from an external inspection. This shall not apply to relocated used boilers or those for which extended
16 inspection certificates are being requested.

17 (d) ~~Miniature boilers, and coil-type watertube boilers, and boilers heating a fluid other than water which do not~~
18 ~~produce steam or vapor~~ operating as high pressure boilers shall undergo an external inspection annually while in
19 operation. ~~Miniature boilers, and coil-type watertube boilers, and boilers heating a fluid other than water~~ operating as
20 heating boilers shall undergo an external inspection biennially while in operation. ~~Hobby boilers, locomotive boilers,~~
21 ~~and exhibition boilers shall be inspected annually, at the beginning of the season when they are anticipated to be~~
22 ~~operated.~~

23 (e) Boilers heating a fluid other than water that do not produce steam or vapor operating as high pressure boilers,
24 shall undergo an external inspection annually while in operation. Boilers heating a fluid other than water operating as
25 heating boilers, shall undergo an external inspection biennially while in operation.

26 (f) Hobby boilers, locomotive boilers, and exhibition boilers shall be inspected annually, at the beginning of the
27 season when they are anticipated to be operated, in accordance with the requirements of the National Board Inspection
28 Code, as applicable.

29 ~~(e)(g)~~ Low pressure boilers and pressure vessels, except hydropneumatic storage tanks, shall undergo an external
30 inspection biennially while in operation.

31 ~~(f)(h)~~ Owner-user inspectors shall conduct inspections for pressure vessels as prescribed in this Rule.

32 ~~(g)(i)~~ Inspectors may order coverings removed, internal inspections, external inspections, removal of internal parts,
33 testing or calibration of controls, indicating and safety devices and pressure tests whenever conditions warrant further
34 evaluation of the pressure equipment. The inspector may also require the boiler to be started to verify the operating
35 controls.

36 ~~(h)(j)~~ Hydropneumatic storage tanks shall undergo an external inspection every four years while in operation.

1 ~~(k)~~ When the inspector or Chief Inspector determines that a certificate cannot be issued as a result of an inspection,
2 the boiler or pressure vessel shall be reinspected after the necessary repairs are made.

3 ~~(j)~~(l) Inspections shall be conducted in accordance with the National Board Inspection Code. The inspector may
4 require controls, indicating, and safety devices to be disassembled, tested, checked, or calibrated as necessary to ensure
5 their proper operation.

6 ~~(k)~~(m) The Chief Inspector may extend an existing inspection certificate for a high pressure boiler for a period not
7 exceeding 90 days beyond the certificate expiration date. The owner or user shall submit a written request to extend
8 an existing inspection certificate, providing justification for an extension. The request shall include a report from a
9 commissioned inspector of an external inspection which shall have been conducted no earlier than 60 days before the
10 certificate expiration date, and the inspection report shall include a recommendation from the inspector for an
11 extension to the inspection certificate.

12 ~~(h)~~(n) The inspection frequency established by this Rule may be modified by the Chief Inspector for individual boilers
13 and pressure vessels if the Chief Inspector determines the frequency established herein is not appropriate, and that the
14 safety attained by the normal inspection frequency will be otherwise obtained. Requirements for extended certificates
15 for pressure equipment are detailed in Rule .0214 of this Chapter. ~~Pressure vessels in "Locked High Radiation" areas~~
16 ~~may be certified for up to five years and may be inspected in accordance with Paragraph (m) of this Rule.~~

17 (o) Pressure vessels in "Locked High Radiation" areas may be certified for up to five years and may be inspected in
18 accordance with Paragraph (p) of this Rule.

19 ~~(m)~~(p) With prior approval from the Chief Inspector, Ppressure retaining items which contain highly hazardous
20 chemicals or biological elements that require level B personal protective equipment, or are in highly hazardous areas
21 or pressure retaining items containing radioactive materials causing the pressure equipment to be classified as "Locked
22 High Radiation," may be inspected remotely by live video provided:

- 23 (1) there is a listing of all the items under this criterion at the site. The list shall be kept current by the
24 owner/user and any additions or deletions shall be kept current. Prior to inspection the inspector
25 shall review the last inspection certificate, the ASME data report, any National Board ("NB")
26 repair/alteration forms and any records of testing performed during the certificate period;
- 27 (2) each item shall be inspected by means of live video feed that is monitored by the inspector. The
28 inspector shall remain in radio contact with the individual operating the video equipment;
- 29 (3) the inspector shall be in proximity to the item and shall witness the video equipment operator enter
30 the location of the item;
- 31 (4) a scan as complete as possible (within the limitations of the equipment) of all the pressure
32 boundaries shall be witnessed by the inspector;
- 33 (5) the ASME nameplate shall be viewed as well as the ASME/NB nameplate on any pressure relieving
34 device on the item;
- 35 (6) follow up inspections to verify the correction of deficiencies can be performed with a video
36 inspection using the items outlined herein by the inspector;

- 1 (7) the inspector shall submit an inspection report for each pressure retaining item at intervals specified
2 in this Rule and the report shall be annotated indicating that the item was inspected pursuant to this
3 Paragraph; and
4 (8) any incident that renders the item inoperative shall be reported to the Bureau by the owner/user or
5 the inspector within 24 hours.

6
7 *History Note: Authority G.S. 95-69.11; 95-69.14; 95-69.17;*
8 *Eff. May 29, 1981;*
9 *Amended Eff. August 1, 2011; July 1, 2006; January 1, 1995; March 2, 1992;*
10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
11 *2018;*
12 *Amended Eff. November 1, 2024; April 1, 2022.*
13
14

1 13 NCAC 13 .0214 is proposed for amendment as follows:

2
3 **13 NCAC 13 .0214 EXTENDED PRESSURE EQUIPMENT OPERATING CERTIFICATES**

4 (a) ~~G.S. 95-69.11, G.S. 95-69.16,~~ and 13 NCAC 13 ~~.0211(4)~~ **.0211(m)** of this Chapter allows the Commissioner, as
5 delegated to the Chief Inspector, to modify the inspection frequency for individual pressure equipment if it is
6 determined that the new frequency will provide for the safety attained by the normal inspection frequency as defined
7 in this Chapter. Maintenance programs, the condition of the pressure equipment, and a baseline inspection help to
8 determine if the equipment is eligible for extended certification. The Chief Inspector may allow certificate renewal
9 frequencies of up to three years. Companies wishing to have their pressure equipment given an extended certification
10 must apply by letter to the Chief Inspector requesting extended certification.

11 (b) For a first time extended inspection frequency, the following shall apply to both new and existing equipment:

12 (1) Base Line Inspections: At the outset of an extended inspection frequency, a base line inspection
13 must be conducted of all inside and outside accessible pressure boundaries. The inspected area shall
14 be examined visually by a North Carolina Department of Labor, Boiler Safety Bureau Inspector
15 Supervisor along with a Deputy Inspector for evidence of cracking, discoloration, wear, pitting,
16 bulging, blistering, corrosion and erosion, arc strikes, gouges, dents, and other signs of surface
17 irregularities. Areas that are suspect shall be non-destructively examined, as defined in this Chapter,
18 by a method acceptable to the Inspector Supervisor and Deputy Inspector. For areas that are still
19 suspect after such examination, a more thorough supplemental examination and engineering
20 evaluation of the discontinuities shall be conducted and discussed with the Chief Inspector or
21 designee;

22 (2) Inspection Mapping and Records: An inspection grid map shall be constructed for each pressure
23 component detailing the areas found suspect. The grid shall not exceed four inch square. Suspect
24 area shall be described in detail and photographs of such areas shall be taken. These records shall
25 be kept and made available to the Deputy Inspector prior to the next required inspection;

26 (3) Base Line Inspection of ~~Boiler~~ Tubes: The ~~boiler~~ tubes shall be examined by nondestructive
27 examination. Tubes shall be examined for wear, corrosion, erosion, thinning, bulging, blistering,
28 dents, discoloration, cracking and any other surface irregularities. Areas that are suspect shall be
29 noted and discussed with the Inspector Supervisor and Deputy Inspector; and

30 (4) ~~Boiler~~ Tube Inspection Mapping and Record: Where suspect tubes are identified, the ~~boiler~~ tubes
31 shall be numbered in a logical sequence and the location of any suspect area shall be precisely
32 defined and described in detail. Photographs of such areas shall be taken. These records shall be
33 kept and made available to the Inspector Supervisor and Deputy Inspector prior to the next required
34 inspection.

35 (c) Scheduling of Inspections for Extended Certificate: Approximately two months prior to a scheduled outage in
36 which the ~~boiler~~ pressure equipment can be inspected, and prior to the current certificate expiration, the owner or user
37 shall do the following in order to initiate the inspection process:

- 1 (1) Send a letter addressed to the Chief Inspector requesting the extended certificate;
- 2 (2) Contact the North Carolina Department of Labor, Boiler Safety Bureau at 919-707-7918 and request
- 3 to speak with an Inspector Supervisor for the purpose of scheduling the inspections required for
- 4 extending the ~~boiler~~ inspection certificate expiration for to up to 36 months; and
- 5 (3) Agree with the Inspector Supervisor and Deputy Inspector on a date to meet for the external
- 6 inspection of the ~~boiler~~ pressure equipment and to review reports. The ~~boiler~~ pressure equipment
- 7 must be operating when the external inspection is done. Heat recovery boilers with less than one
- 8 percent capacity factor per year may be excluded from the need to operate during the external
- 9 inspection but a letter requesting the exclusion must be sent to the Chief Inspector stating the
- 10 capacity factor for the year before such an exclusion request can be granted.
- 11 (d) External Inspection: All report forms may be obtained from either NBIC or ASME. The following reports must
- 12 be available to the Inspector Supervisor and Deputy Inspector at the external inspection:
- 13 (1) NBIC ~~R-1 forms~~ Form R Reports for the past five years for initial inspections and since the previous
- 14 inspection for renewals;
- 15 (2) A list of alterations scheduled, and those alterations done since the last internal inspection with the
- 16 NBIC R-2 ~~R-2~~ forms;
- 17 (3) Safety valve testing and repair reports for the past five years for initial inspections and since the
- 18 previous inspection for renewals;
- 19 (4) Fitness for Service reports for headers for the past five years for initial inspections and since the
- 20 previous inspection for renewals. All Fitness for Service reports shall be documented on the National
- 21 Board Form NB-403 or other created form that includes all information required on the Form NB-
- 22 403;
- 23 (5) Side elevation drawing of the ~~boiler~~ pressure equipment (8 ½ inches by 11 inches);
- 24 (6) Steam & Mud drums - Original drum thickness, drawings, and manufacturer's data reports if
- 25 available;
- 26 (7) Copy of the last operating certificate and copies of the last three years of inspection reports;
- 27 (8) Reports of annual external inspections by ~~owner's~~ the owner or user's insurance company or a Boiler
- 28 Safety Bureau Deputy Inspector.
- 29 (e) Equipment inspection requirements during outage or shut-down:
- 30 (1) An operational test for all safety valves shall be conducted after the equipment has been restarted.
- 31 After the operational test, the organization performing the test shall affix an updated inspection tag
- 32 to the valve. The Deputy Inspector shall verify the updated inspection tag and review any associated
- 33 test report. In lieu of operational tests, it is acceptable to replace safety valves with new valves or
- 34 valves reworked by a National Board "VR" or "NVR" authorized company;
- 35 (2) Inspect the pressure equipment internally; and
- 36 (3) Inspect the drums and shells using the following methods:

1 (A) Examine penetrations into the drum or shell wall for cracking: if the nozzles are visible
2 from inside the drum or shell, then a visual examination is satisfactory; otherwise
3 ultrasonically examine the nozzles, from the outside surface, of at least 20 percent of the
4 pressure equipment nozzles;

5 (B) Visually examine inside the heads; and

6 (C) When access permits, crawl through the drum or shell for a visual examination.

7 (f) Setting the Certificate Interval: If the requirements of this Rule are met, the Deputy Inspector shall submit an
8 inspection report to the Chief Inspector with the recommendation for the extended certificate.

9 (g) Follow-up and Interim Inspections: External inspections of high pressure boilers are required six months after the
10 certificate renewal, and then annually thereafter. The external inspections may be performed by the Boiler Safety
11 Bureau Deputy Inspectors or by the ~~owner's~~ owner or user's insurance inspector. The results of the inspection shall be
12 documented on an inspection report and submitted to the Chief Inspector, North Carolina Department of Labor, Boiler
13 Safety Bureau.

14
15 *History Note: Authority G.S. 95-69.11; 95-69.14; 95-69.16;*

16 *Eff. July 1, 2011;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
18 *2018;*

19 *Amended Eff. November 1, 2024; April 1, 2022; January 1, 2020.*

1 13 NCAC 13 .0405 is amended as published in 39:01 NCR 16-34 as follows:

2
3 **13 NCAC 13 .0405 PRESSURE RELIEF DEVICES**

4 (a) Boilers and pressure vessels shall be protected from overpressurization by a pressure relief device. All pressure
5 relief devices installed on any boiler or pressure vessel shall be constructed and stamped in accordance with the
6 Accepted Design and Construction Code as defined in Rule .0101 of this Chapter.

7 (b) All pressure relief devices shall be stamped and capacity certified by the manufacturer indicating compliance with
8 the National Board. The stamping shall include the set pressure and the relieving capacity.

9 (c) High pressure boilers with over 500 square feet of heating surface and electrically fired boilers having an input in
10 excess of 1100 kW shall be provided with a minimum of two safety valves. For high pressure boilers with a combined
11 bare tube and extended water-heating surface area exceeding 500 square feet, one safety valve is required if the design
12 steam generating capacity of the boiler is less than 4,000 pounds of steam per hour.

13 (d) Safety valves and safety relief valves for heating boilers shall have a seat diameter of not less than ½ inch, and
14 not more than 4 ½ inches.

15 (e) Pressure relief devices shall have a set pressure and relieving capacity in accordance with the requirements of the
16 Accepted Design and Construction Code for the type of equipment on which the pressure relief device is installed. At
17 least one pressure relief device shall have the set pressure set at not greater than the maximum allowable working
18 pressure of the boiler or pressure vessel. The relieving capacity shall not be less than the minimum required relieving
19 capacity indicated on the manufacturer's name plate or stamping, or as otherwise required by the Accepted Design and
20 Construction Code. Safety relief valves installed on tank-type potable water heaters or hot water storage vessels shall
21 be of the combination temperature and pressure relieving type; Instantaneous and coil-type water heaters and hot
22 water supply boilers shall be equipped with a safety relief valve of the combination temperature and pressure relieving
23 type, or as otherwise permitted by the Accepted Design and Construction Code, ~~for modular water heaters.~~

24 (f) All safety valves installed on high pressure boilers shall be installed on top of the boiler, or in the case of watertube
25 boilers on top of the upper drum, with the spindle in the vertical position. All safety valves and safety relief valves
26 installed on heating boilers shall be on top of the boiler or on an opening at the highest practicable part, as determined
27 by industry standards, of the side of the boiler, but in no case shall the safety valve be installed below the normal
28 operating level for a steam boiler. Safety valves and safety relief valves installed on hot water heating boilers, hot
29 water supply boilers, and steam heating boilers shall be installed with the spindles mounted in the vertical position.
30 Safety relief valves for water heaters may be installed with the spindles mounted in either the vertical or horizontal
31 position. In no case may pressure relief devices be mounted on appurtenances, unless permitted by the Accepted
32 Design and Construction Code, ~~for modular heaters.~~

33 (g) The distance between the pressure relief device outlet nozzle on the boiler and the pressure relief device inlet shall
34 be kept to a minimum consistent with the size of the pressure relief device and the pipe sizes required. In no case shall
35 any valves or stops be installed in the inlet piping to the pressure relief device or in the discharge piping from the
36 pressure relief device. The boiler outlet and the piping between the boiler outlet and the pressure relief device shall
37 have a cross sectional area of not less than the cross sectional area of the pressure relief device inlet.

(h) Discharge piping from the pressure relief device outlet shall be the same size, or larger, than the outlet pipe connection on the pressure relief device and shall be extended full size to a safe location. A safe location shall be interpreted to mean a location within six inches of the finished floor of the mechanical room, to a location outside the building terminating a safe distance above the building roof or to a location outside the building within six inches above the finished grade. For vessels such as organic fluid heaters where the medium presents a hazard, the discharge shall be to a containment vessel large enough to hold all anticipated pressure relief discharges. ~~When pressure relief device discharge piping is routed vertically, piped drainage shall be provided by the use of drip pan elbows installed on the outlet of each pressure relief device served.~~ Discharge piping shall be designed to facilitate drainage or be fitted with drains to prevent liquid from lodging or collecting in the discharge side of the pressure relief device, and such piping shall lead to a safe location of discharge.

(i) Multiple pressure relief devices may be piped to the point of discharge using a common discharge header pipe. The header pipe size shall have a diameter sufficient to provide an equivalent cross-sectional area equal to or larger than the sum of the cross-sectional areas of the pressure relief device outlets to which it is connected.

(j) Pressure relief devices on pressure vessels may be installed with the spindle in the vertical or horizontal position. The pressure relief device inlet, discharge piping, and the requirement for piping the discharge to a safe location shall be the same as noted for boilers. The requirement for discharge piping is optional for pressure vessels used to store compressed air, inert ~~gasses~~ gases, water, or other fluids no more hazardous than water.

(k) Pressure relief devices for ~~direct-fired~~ pressure vessels ~~and for those used as air compressor storage tanks~~ shall be installed directly on the pressure vessel ~~with no intervening valves. Pressure relief devices for all other pressure vessels may be installed directly on the pressure vessel or in the piping system unless the source of pressure is external to the vessel, and is under such direct positive control by the owner or user that the pressure cannot exceed the maximum overpressure permitted by the Accepted Design and Construction Code, and the pressure relief device cannot be isolated from the vessel, except as permitted by subpart (l) of this Rule.~~

(l) A full area stop valve that does not reduce the discharge capacity of the pressure relief device, may be installed between a pressure vessel and the pressure relief device if one of the following is satisfied:

- (1) the stop valve is normally locked or sealed in the open position, and may only be closed when there is an attendant stationed at all times at the stop valve when it is in the closed position for inspection, testing, or repair purposes; or
- (2) isolating the pressure relief device from the pressure vessel by closing the stop valve also isolates the pressure vessel from the source of pressure.

(m) Pressure relief devices shall be sealed to prevent the valve from being taken apart without breaking the seal. Pressure relief devices for boilers and pressure vessels containing air, water, or steam shall be provided with a test lever, pull test ring or other mechanism that may be used to test the operation of the valve. Pressure relief devices which are required to be provided with a testing mechanism shall be readily accessible for testing from the work platform or other means, such as a pull chain, shall be provided so that the pressure relief device can be tested from the work platform.

(n) When a hot water supply boiler or storage vessel is heated indirectly by steam or hot water in a coil or pipe, the pressure relief device capacity shall be determined by the heating surface available for heat transfer, and the pressure relief device shall not be less than 1 inch diameter.

(o) A person shall not:

- (1) attempt to remove, tamper, alter or conduct any work on any pressure relief device while the boiler or pressure vessel is in operation, except as permitted by the Accepted Design and Construction Code or the National Board Inspection Code;
- (2) load a pressure relief device in any manner to maintain a working pressure in excess of the maximum allowable working pressure as stated on the inspection certificate;
- (3) operate any boiler or pressure vessel without the safety appliances as described in this Chapter, the Accepted Design and Construction Code, and the National Board Inspection Code;
- (4) use a pressure relief device required by this Chapter as an operating pressure control; or
- (5) remove the seal and attempt to adjust or otherwise work on a pressure relief device unless the person or company removing the seal is an authorized holder of a National Board "VR" stamp.

(p) If an owner or user can demonstrate that a pressure vessel is operating in a system of such design that the maximum allowable working pressure cannot be exceeded, the Chief Inspector shall waive the requirement for installation of a pressure relief device if the pressure vessel meets the safety requirements greater than or equal to the level of protection afforded by this Chapter and the Accepted Design and Construction Code, and does not pose a danger to persons or property. This waiver shall only be granted when the source of pressure is under direct control of the owner or user of the pressure vessel.

(q) Pressure relief device piping shall be supported so that the piping is supported with no additional force being applied to the pressure relief device.

(r) Hydropneumatic storage tanks shall be provided with a relief valve of not less than ¾ inch NPS and rated in standard cubic feet per minute (SCFM). The relief valve shall be installed on top of the tank. This rule applies to any equipment or relief valves installed after January 1, 2009.

(s) Dead weight safety valves are prohibited from use on any boiler or pressure vessel regulated by this Chapter.

(t) When the minimum safety valve relieving capacity is not found on the data plate, the table in this Paragraph may be used to determine the required safety valve capacity for steam boilers. The factor noted in the table shall be multiplied by the heating surface of the boiler to determine required safety valve relieving capacity. When the table in this Paragraph is used for calculations, the additional requirements found in NBIC Part 4, Section 2 for calculating heating surface shall be utilized.

Table-0405 Guide for Estimating Steaming Capacity Based on Heating Surface		
	Firetube Boilers	Watertube Boilers
Boiler heating surface:		
Hand-fired	5	6

Stoker-fired	7	8
Oil, gas, or pulverized fuel	8	10
Waterwall heating surface:		
Hand-fired	8	8
Stoker-fired	10	12
Oil, gas, or pulverized fuel	14	16
Copper-finned watertube		
Hand-fired	N/A	4
Stoker-fired	N/A	5
Oil, gas, or pulverized fuel-fired	N/A	6

History Note: Authority G.S. 95-69.11; 95-69.14;
Eff. May 29, 1981;
Amended Eff. June 1, 1992; February 1, 1985;
Recodified from 13 NCAC 13 .0404 Eff. January 1, 1995;
Amended Eff. January 1, 2009; July 1, 2006; January 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2018;
Amended Eff. November 1, 2024; April 1, 2022.

1 13 NCAC 13 .0413 is amended as published in 39:01 NCR 16-34 as follows:

2
3 **13 NCAC 13 .0413 CLEARANCES**

4 (a) All boilers and pressure vessels shall be located so that adequate space is provided for proper operation, including
5 visibility of all gauges, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other
6 equipment, and for maintenance and repair, including replacement of tubes. Boiler clearances shall remain free of all
7 items, including temporarily stored items, other than boiler piping and trim. Boiler piping and trim shall not impede
8 access to the boiler.

9 (b) Adequate clearance for ~~boilers and pressure vessels installed prior to January 1, 2009~~ shall not be less than the
10 following, or as recommended by the manufacturer:

11 (1) ~~Three feet~~ For the top and sides, of a minimum unobstructed clearance shall of 18 inches shall
12 be provided. Clearance for the bottom shall conform to subpart (a) above of this Rule, between the
13 boiler or pressure vessel on all service sides, and clearances as recommended by the manufacturer
14 on all other sides. Service side shall be interpreted as any side, including the top, of a boiler or
15 pressure vessel on which clearance is necessary to access operating controls, safety devices, drain
16 and blowoff valves, or inspection openings.

17 (2) ~~Cabinet mounted boilers, such as those used primarily for process or cooking, and having a~~
18 ~~maximum input of 400,000 Btu/hr need only be provided with the unobstructed clearances~~
19 ~~recommended by the manufacturer.~~

20 (c) Adequate clearance for ~~boilers and pressure vessels installed after January 1, 2009~~ shall not be less than the
21 following, or as recommended by the manufacturer:

22 (1) ~~High pressure steam boilers~~ Boilers, except water heaters that exceed 5,000,000 Btu/hr input (1465
23 kW), 5,000 pounds of steam per hour capacity or a 1,000 square foot heating surface shall have a
24 minimum unobstructed clearance of seven feet 36 inches from the top and sides of the boiler, to the
25 ceiling. Clearance for the bottom shall conform to subpart (a) above of this Rule.

26 (2) ~~The following types of boilers and pressure vessels shall have a minimum unobstructed clearance~~
27 ~~of three feet from the top of the boiler to the ceiling: Water heaters shall have a minimum~~
28 ~~unobstructed clearance of 18 inches from the top and sides of the boiler. Clearance for the bottom~~
29 ~~shall conform to subpart (a) above of this Rule.~~

30 (A) ~~Steam heating boilers and hot water heating boilers that exceed 5,000,000 Btu/hr input~~
31 ~~(1465 kW), 5,000 pounds of steam per hour capacity or a 1,000 square foot heating~~
32 ~~surface;~~

33 (B) ~~High pressure steam boilers that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000~~
34 ~~pounds of steam per hour capacity or a 1,000 square foot heating surface; and~~

35 (C) ~~All boilers with manholes on top of the boiler.~~

36 (3) ~~Package Modular boilers and water heaters that require individual units to be set side by side, front~~
37 ~~to back, or by stacking, steam heating boilers and hot water heating boilers without manholes on~~

1 ~~top of the shell that do not exceed 5,000,000 Btu/hr input (1465 kW), 5,000 pounds of steam per~~
2 ~~hour capacity or a 1,000 square foot heating surface shall have a~~ minimum unobstructed clearances
3 ~~of two feet from the ceiling as recommended by the manufacturer.~~

4 (d) ~~When~~ To facilitate entrance of a person during an inspection, boilers or pressure vessels are installed or replaced
5 ~~with a manway, unobstructed clearance shall be provided to allow access for inspection, maintenance and repair.~~
6 ~~Passageways around all sides of boilers and pressure vessels shall have an unobstructed width~~ clearance of not less
7 than ~~18~~ 84 inches ~~from the manway~~, unless otherwise recommended by manufacturer's installation instructions.

8
9 *History Note: Authority G.S. 95-69.11; 95-69.14;*

10 *Eff. May 29, 1981;*

11 *Recodified from 13 NCAC 13 .0409 Eff. January 1, 1995;*

12 *Amended Eff. November 1, 2024; February 1, 2009; January 1, 1995;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
14 *2018.*

1 13 NCAC 13 .0420 is amended as published in 39:01 NCR 16-34 as follows:

2
3 **13 NCAC 13 .0420 FIRING MECHANISM CONTROLS**

4 (a) Automatically fired boilers and pressure vessels shall be provided with firing mechanism controls.

5 (b) Oil, gas-fired, and electrically heated boilers shall be equipped with primary flame safeguard safety controls,
6 safety limit switches, and burners or electric elements that conform to the North Carolina Building Code in effect at
7 the time of installation.

8 (c) Automatically fired boilers installed after January 1, 2007, shall be provided with a remote emergency ~~fuel shut-~~
9 ~~off shutdown~~ switch marked for identification. The remote ~~shut-off shutdown~~ switch shall be located outside each
10 door of the room in which the boiler is located. Alternatively, the ~~shut-off shutdown~~ switch may be located just inside
11 the entrance door(s) where the equipment is located. If there is more than one door to the boiler room, there shall be a
12 switch located at each door designed for primary emergency egress from the boiler room. Boilers that bear the ASME
13 "HLW" designator are not required to be provided with a remote emergency ~~fuel shut-off shutdown~~ switch. For boilers
14 not installed in a boiler or equipment room, such as outdoors, on a roof top, or in an open indoor space, the remote
15 emergency shutdown switch shall be accessible within 50 feet of the boiler and located at a safe distance from the
16 boiler as determined by the inspector. The remote shutdown switch shall not be located on the boiler.

17
18 *History Note: Authority G.S. 95-69.11; 95-69.14;*

19 *Eff. January 1, 1995;*

20 *Amended Eff. November 1, 2024; February 1, 2009; July 1, 2006;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
22 *2018;*

23 *Amended April 1, 2022.*
24
25

1 13 NCAC 13 .0422 is amended as published in 39:01 NCR 16-34 as follows:

2
3 **13 NCAC 13 .0422 EXHIBITION BOILERS**

4 Exhibition boilers shall meet the following requirements:

- 5 (1) Exhibition boilers that are not built to the ASME Code shall not be operated above 125 psig without
6 written approval by the Chief Inspector, who shall base such approval on documentation and
7 calculations submitted by the owner or user. The documents and calculations, with an inspection,
8 must provide evidence to support the exhibition boiler operating at higher pressure ratings.
- 9 (2) Safety relief valves shall not exceed the maximum allowed working pressure of the boiler and shall
10 be ASME/NB certified valves.
- 11 (3) Each boiler shall have:
- 12 (a) an operating pressure gauge which shall be approximately double the pressure to which the
13 safety relief valve is set but in no case shall it be less than 1 1/2 times the set pressure;
- 14 (b) a safety relief valve which shall be capable of protecting the boiler from over
15 pressurization; and
- 16 (c) a water gauge glass.
- 17 (4) When fusible plugs are used, they shall conform to NBIC Part 2 as applicable.
- 18 (5) A hydrostatic test ~~may~~ shall be required by the inspector if it is necessary to prove the integrity of
19 the pressure boundary. The hydrostatic test shall not exceed 125 percent of the maximum allowed
20 working pressure of the vessel or the set pressure of the safety valve, whichever is greater.
- 21 (6) Upon completion of the inspection and payment of the applicable fees referenced in this Chapter,
22 the Chief Inspector shall issue a Certificate of Inspection valid for one year.

23
24 *History Note: Authority G.S. 95-69.11; 95-69.14;*

25 *Eff. July 1, 2006;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
27 *2018;*

28 *Amended Eff. November 1, 2024; April 1, 2022.*

Burgos, Alexander N

Subject: FW: RFC for Department of Labor October Rules

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, October 1, 2024 4:39 PM
To: Cramer, Jill <jill.cramer@labor.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RFC for Department of Labor October Rules

For the page number, either the first page or the entire range will work.

For context, behind the scenes we have an automated process that needs the volume and issue number included as formatted to run so it essential to have that information correct on each rule. Humans use the page number, so that is not as rigorous a requirement as long as the information is there.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Tuesday, October 1, 2024 3:26 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>
Subject: RE: RFC for Department of Labor October Rules

Correction (I caught an error):

Seth

For clarification, when I am correcting the intro language, do I **only** use the first page on which the rule appears in the NCR or all the pages on which the rule appears in the NCR?

For example:

1. 13 NCAC 13 .0101 is amended as published in 39:01 NCR 18 as follows:

OR

2. 13 NCAC 13 .0101 is amended as published in 39:01 NCR 18-21 as follows:

Thanks.

Jill F. Cramer

General Counsel

NC Department of Labor

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1101 Mail Service Center

Raleigh, NC 27699-1101

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From: Cramer, Jill
Sent: Tuesday, October 1, 2024 3:25 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>
Subject: RE: RFC for Department of Labor October Rules

Seth

For clarification, when I am correcting the intro language, do I **only** use the first page on which the rule appears in the NCR or all the pages on which the rule appears in the NCR?

For example:

1. 13 NCAC 13 .0101 is amended as published in 39:01 NCR 18 for amendment as follows:

OR

2. 13 NCAC 13 .0101 is amended as published in 39:01 NCR 18-21 for amendment as follows:

Thanks.

Jill F. Cramer

General Counsel

NC Department of Labor

Direct: 919-707-7710

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Burgos, Alexander N

From: Rose, Carla
Sent: Tuesday, October 1, 2024 10:31 AM
To: Ascher, Seth M; Cramer, Jill
Cc: Burgos, Alexander N
Subject: RE: RFC for Department of Labor October Rules

Received. Thank you.

Carla D. Rose, NCCP
Paralegal
N.C. Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, NC 27699-1101
919-707-7712 Direct
919-707-7713 Main

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, October 1, 2024 10:12 AM
To: Cramer, Jill <jill.cramer@labor.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RFC for Department of Labor October Rules

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Department of Labor for the October 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, October 30, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on October 15, 2024. Note that the first request applies to all of the rules. For the remainder, I have only included a page if there were additional requests.

Please let me know if you have any questions or concerns.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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