

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.

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

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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?

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

1 13 NCAC 13 .0202 is proposed for amendment 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 In-Service 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

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

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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?

How are inspection reports on line 4 filed? Is there a rule or statute that establishes how to file things with the Chief Inspector?

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?

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

1 13 NCAC 13 .0207 is proposed for amendment as follows:

2
3 **13 NCAC 13 .0207 INSPECTION REPORTS**

4 (a) Inspectors shall file inspection reports with the Chief Inspector:

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

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

9 (3) shall include the insurance policy identifier covering any equipment inspected by a special
10 inspector;~~and~~

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

13 (b) Inspectors shall notify the Chief Inspector, ~~in person or by electronic means,~~ immediately upon becoming aware
14 of an accident which renders a boiler or pressure vessel inoperative or causes damage to property, personal injury, or
15 death.

16 (c) Should the inspector, during the course of making an inspection, find a condition of imminent danger, ~~he~~they shall
17 immediately notify the Chief Inspector, ~~in person or by electronic means,~~ so that steps might be taken to remove the
18 device from service.

19
20 *History Note: Authority G.S. 95-69.11; 95-69.14;*

21 *Eff. May 29, 1981;*

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

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

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

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

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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?

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

1 13 NCAC 13 .0208 is proposed for amendment 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 by using the National Board form NB-
12 4, or a ~~form~~ method determined by the Chief Inspector to be equivalent to the National Board form. Notifications
13 under Paragraph (b) of this Rule shall be made by telephone at (919) 707-7918, email at boiler.safety@labor.nc.gov
14 or overnight mail to 1101 Mail Service Center, Raleigh, NC 27699-1101 or package delivery service to the Boiler
15 Safety Bureau, 4 West Edenton Street, Raleigh, NC 27601. All notifications shall include reference to the following:

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

27
28 *History Note: Authority G.S. 95-69.11; 95-69.14;*

29 *Eff. May 29, 1981;*

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

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

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

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

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

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

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

1 13 NCAC 13 .0211 is proposed for amendment as follows:

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

4 (a) A commissioned inspector shall ~~inspect~~ perform a direct in-person inspection all boilers and pressure vessels at
5 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

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

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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 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

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

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

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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.

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

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 . . .”

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 .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 ~~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.*
20
21

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

1 13 NCAC 13 .0301 is proposed for amendment as follows:

2
3 **SECTION .0300 - ENFORCEMENT OF STANDARDS**
4

5 **13 NCAC 13 .0301 INSPECTION DOCUMENTATION**

6 (a) The inspector shall document the condition of the pressure equipment, items inspected, and the results of the
7 inspection on a written inspection report or in an electronic format recognized by the Chief Inspector.

8 (b) If the inspector finds that the boiler or pressure vessel is in compliance with the rules in this Chapter, ~~he~~ they shall
9 indicate on the report that the boiler or pressure vessel is satisfactory.

10 (c) If the inspector finds the boiler or pressure vessel is not in compliance with the rules in this Chapter, ~~he~~ they shall
11 specify on the inspection report the deficiencies and the required repairs or corrective action.

12 (d) The inspector shall determine if the deficiency is such that operation of the boiler or pressure vessel creates a
13 condition of imminent danger. If a condition of imminent danger exists, the inspector shall state on the inspection
14 report that operation of the boiler or pressure vessel is to cease until completion of the necessary repairs or corrective
15 action. The inspector shall notify the Chief Inspector upon discovery of any condition of imminent danger.

16 (e) If the condition of the boiler or pressure vessel is such that repairs or corrective action cannot bring the boiler or
17 pressure vessel into compliance, the inspector shall recommend to the Chief Inspector that the boiler or pressure vessel
18 be condemned from further use.

19 (f) For inspections revealing deficiencies, the inspector shall provide the owner/user contact with specific information
20 regarding the violation. The Bureau shall generate a Notice of Violation letter and send to the owner/user. The Notice
21 of Violation shall outline the violation(s), the required corrective action, and the date by which the corrective action
22 shall be completed.

23 (g) The Bureau shall issue an invoice to the owner or user, or their insurance company, for the inspections made and
24 for issuance of the inspection certificate. The owner or user or insurance company, shall remit payment as indicated
25 on the invoice within 30 days to the North Carolina Department of Labor.

26
27 *History Note: Authority G.S. 95-69.11; 95-69.16;*

28 *Eff. May 29, 1981;*

29 *Amended Eff. November 1, 2024; July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995;*
30 *August 1, 1988;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
32 *2018.*
33
34

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?

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.

1 13 NCAC 13 .0405 is proposed for amendment 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 positive 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.

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.

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.

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

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 ~~18~~ 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.

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?

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 .0420 is proposed for amendment 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 and located at a safe distance from the boiler.

16
17 *History Note: Authority G.S. 95-69.11; 95-69.14;*

18 *Eff. January 1, 1995;*

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

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

22 *Amended April 1, 2022.*
23
24

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?

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

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.*

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".

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

1 13 NCAC 13 .0422 is proposed for amendment 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 be required by the inspector if it is necessary to prove the integrity of the
19 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.*