

Proposed Rules  
of  
Tennessee Department of Labor and Workforce Development  
Division of Boiler and Elevator Inspection  
Board of Boiler Rules

Chapter 0800-3-3  
Boiler Inspections

Presented herein are proposed amendments of the Department of Labor and Workforce Development, Division of Boiler and Elevator Inspection, Board of Boiler Rules, submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Labor and Workforce Development to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in the Legal Division of the Department of Labor and Workforce Development, Andrew Johnson Tower, 2nd Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243, and in the Administrative Procedures Division of the Department of State, William R. Snodgrass Tennessee Tower, 8th Floor, 312 8th Avenue North, Nashville, Tennessee, 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed amendments, contact Mr. Gary Cookston, Director, Division of Boiler and Elevator Inspection, Tennessee Department of Labor and Workforce Development, Andrew Johnson Tower, 3rd Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243-0663, telephone: (615) 532-1929.

The text of the proposed amendments is as follows:

Amendments

Rule 0800-3-3-.01 Definitions is amended by deleting the rule in its entirety and substituting the following language, so that as amended the rule shall read:

0800-3-3-.01 Definitions.

- (1) "Act" means the provisions of Tennessee Code Annotated (T.C.A.), Title 68, Chapter 122.
- (2) "Alteration" means a change in any item described on the original Manufacturer's Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes, such as an increase in the maximum allowable working pressure (internal or external), increase in design temperature, or a reduction in minimum temperature of a boiler or pressure vessel shall be considered an alteration.
- (3) "ANSI" means the American National Standards Institute.
- (4) "API" means the American Petroleum Institute.
- (5) "Approved" means approved by the Board of Boiler Rules.
- (6) "ASME Code" means the American Society of Mechanical Engineers Code.
- (7) "Authorized Inspection Agency" means:
  - (a) A jurisdiction as defined by paragraph (21) of this rule; or
  - (b) An insurance company which has been licensed or registered by the appropriate authority

of a state of the United States or a province of Canada to write boiler and pressure vessel insurance and to provide all inspection services required by the Act for boilers and pressure vessels insured by such company in this State.

- (8) "Board" means the Board of Boiler Rules.
- (9) "Boiler" means and includes a closed vessel or vessels intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum by the direct application of heat from combustible fuels, electricity, or nuclear energy, and also includes an unfired pressure vessel, meaning a vessel in which pressure is obtained from an external source or from an indirect application of heat.
  - (a) "Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.
  - (b) "High-temperature water boiler" means a water boiler intended for operation at pressures in excess of 160 psig or temperatures exceeding 250°F.
  - (c) "Heating boiler" means a steam or vapor boiler operating at pressures not exceeding 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250°F.
  - (d) "Electric boiler" means a power or heating boiler in which the source of heat is electricity.
  - (e) "Miniature boiler" means a power or high-temperature water boiler which does not exceed the following limits:
    - 1. 16 inches inside diameter of shell;
    - 2. 20 square feet of heating surface (not applicable to electric boilers);
    - 3. 5 cubic feet of gross volume exclusive of casing and insulation; and
    - 4. 100 psig maximum allowable working pressure.
  - (f) "Unfired steam boiler" means an unfired pressure vessel or system of unfired pressure vessels intended for operation at a pressure in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy.
  - (g) "Waste heat boiler" means an unfired pressure vessel or system of unfired pressure vessels intended for operation in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy.
  - (h) "Heat recovery boiler" means a vessel or system of vessels comprised of one or more heat exchanger surfaces used for the recovery of waste heat.
  - (i) "Steam heating boiler" means a steam boiler for operation at pressures not exceeding 15 psig.
  - (j) "Hot water heating boiler" means a boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which is operated at a pressure not exceeding 160 psig and/or a temperature of 250°F at or near the boiler outlet.
  - (k) "Hot water supply boiler" means a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig and/or a

temperature of 250°F at or near the boiler outlet.

- (l) “Portable boiler” means a boiler which is primarily intended for temporary location, where the construction and usage permits it to be readily moved from one location to another.
  - (m) “Potable hot water heater” means a heater supplying potable water for commercial purposes in which the pressure does not exceed 160 psig and the temperature does not exceed 210°F.
- (10) “BTU/hr” means British Thermal Units per hour.
- (11) “Certificate inspection” means an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding, suspending or revoking a certificate of inspection. This certificate inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.
- (a) “Internal inspection” means an inspection that can reasonably be conducted on the internal and external surfaces of a boiler or pressure vessel while it is shut down and the manhole plates, handhole plates or other inspection opening closures are removed.
  - (b) “External inspection” means an inspection made when a boiler or pressure vessel is in operation, if possible.
- (12) “Certificate of competency” means a certificate issued to a person who has passed the examination prescribed by the Board pursuant to T.C.A. § 68-122-109.
- (13) “Certificate of inspection” means a certificate issued for operation of a boiler or pressure vessel as required in T.C.A. § 68-122-111.
- (14) “Commission” means the commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a certificate of competency who desires to make shop or field inspections in accordance with the National Board Rules for Commissioned Inspectors, and whose employer submits the inspector’s application to the National Board for such commission.
- (15) “Condemned boiler or pressure vessel” means a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by an inspector qualified to take such action who has applied a stamping or marking designating its rejection.
- (16) “Department” means the Tennessee Department of Labor and Workforce Development.
- (17) “Existing installation” means any boiler constructed, installed, placed in operation, or contracted for before July 1, 1955.
- (18) “Historic power boilers” means any steam traction engine, portable or stationary, standard or nonstandard power boiler, including free-lance and scale models, owned by publicly operated museums, non-profit organizations and individuals who preserve, maintain, exhibit and only occasionally operate these boilers on a not-for-profit basis and for the primary purpose of perpetuating the agricultural and pioneer heritage of the state of Tennessee.
- (19) “Inspector” means the Chief Inspector, Deputy Inspector, or Special Inspector.
- (a) Chief Inspector is the Chief Boiler and Pressure Vessel Inspector appointed pursuant to T.C.A. § 68-122-106.
  - (b) Deputy Inspector is any inspector appointed pursuant to T.C.A. § 68-122-107.
  - (c) Special Inspector is an inspector holding a Tennessee certificate of competency, and who is

continuously employed by an insurance company authorized to insure against loss from explosion of boilers or pressure vessels in this State, or a company owning or operating pressure vessels (Owner-User Inspection Agency) in this State for the purposes of making inspections of pressure vessels used or to be used by such company, and provided such company complies with the requirements of T.C.A. § 68-122-108.

1. A special inspector shall receive no salary from, nor shall any of their expenses be paid by, the State, and the continuance of a special inspector's commission shall be conditioned upon the special inspector continuing in the employ of a boiler insurance company duly authorized as aforementioned or upon continuing in the employ of a company operating unfired pressure vessels in this State, and upon the special inspector's maintenance of the standards imposed by the Act.
  2. A special inspector of a company operating unfired pressure vessels shall not be authorized to inspect boilers.
  3. A special inspector shall inspect all boilers and unfired pressure vessels insured or all unfired pressure vessels operated by their respective companies and, when so inspected, the owners and users of such boilers and unfired pressure vessels shall be exempt from the payment to the State of the inspection fees as provided for in T.C.A. § 68-122-113.
  4. A special inspector shall submit inspection reports in accordance with paragraph (13) of this rule.
- (20) "Installation permit" means a permit issued by the Chief Inspector for authorization to install a boiler or pressure vessel in accordance with Rule 0800-3-3-.03(5).
- (21) "Jurisdiction" means a state, commonwealth, county or municipality of the United States or a province of Canada which has adopted one or more sections of the ASME Code, one of which is Section I, and maintains a duly constituted department, bureau or division for the purpose of enforcement of such Code.
- (22) "Lethal service (pressure vessel)" means a pressure vessel stamped "lethal service" which contains, under pressure, poisonous gas or liquids of such a nature that a very small amount of the gas or of the vapor of the liquid mixed or unmixed with air is dangerous to life when inhaled.
- (23) "Licensed boiler and pressure vessel contractor" means a person, corporation, partnership or firm authorized to engage in the erection and/or repair of boilers and pressure vessels.
- (24) "Lined potable water heater" means a water heater with a corrosion-resistant lining used to supply potable hot water.
- (25) "National Board" means the National Board of Boiler and Pressure Vessel Inspectors (NB), 1055 Crupper Avenue, Columbus, Ohio 43229.
- (26) "National Board Inspection Code" means the code for the repair, alteration and inspection of boilers and pressure vessels published by the National Board.
- (27) "New installation" means any boiler constructed, installed, placed in operation or contracted for after July 1, 1949 and any pressure vessel constructed, installed, placed in operation or contracted for after July 1, 1955.
- (28) "NFPA" means the National Fire Protection Association, Inc.
- (29) "Non-certificate inspection" means any inspection of a boiler or pressure vessel the result of which

does not warrant the issuance of a certificate of inspection.

- (30) “Non-standard boiler or pressure vessel” means a boiler or pressure vessel that does not bear the ASME code symbol stamp, the API-ASME code symbol stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by the Board.
- (31) “Nuclear power plant” means one or more nuclear power systems and containment systems.
- (32) “Nuclear power system” means a system that serves the purpose of producing and controlling an output of thermal energy from nuclear fuel and those associated systems essential to the functions of the power system. The components of the system include such items as pressure vessels, piping systems, pumps, valves and storage tanks.
- (33) “Owner or User” means any person, firm or corporation legally responsible for the safe installation, operation and maintenance of any boiler or pressure vessel within the jurisdiction.
- (34) “Owner-User Inspection Agency” means an owner or user of pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures generally meet the requirements of the National Board rules and are acceptable to the Board.
- (35) “Pressure vessel” means a vessel in which the pressure is obtained from an external source, or by the application of heat from an indirect source, or from a direct source other than those boilers defined in subparagraphs (a) – (m) of paragraph (9) of this rule.
- (36) “Psig” means pounds per square inch gauge.
- (37) “Reinstalled boiler or pressure vessel” means a boiler or pressure vessel removed from its original setting and reinstalled at the same location without change of ownership.
- (38) “Repair” means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition provided there is no deviation from the original design.
- (39) “Second-hand boiler or pressure vessel” means a boiler or pressure vessel which has changed both location and ownership since last used.
- (40) “Special Inspection” means:
  - (a) Inspection of a boiler or pressure vessel (stamped lethal service) upon installation by permit, subject to the fees in accordance with Rule 0800-3-3-.09(10);
  - (b) Boilers and pressure vessels (stamped lethal service) discovered to be installed without an installation permit. The owner or user shall be assessed a fee set by the Chief Inspector in accordance with T.C.A. § 68-122-113 plus all expenses allowed therein and Rule 0800-3-3-.09(10); or
  - (c) An additional inspection deemed appropriate and necessary by the Chief Inspector, subject to a fee in accordance with T.C.A. § 68-122-113 plus all expenses allowed therein and Rule 0800-3-3-.09(10).
- (41) “Standard boiler or pressure vessel” means a boiler or pressure vessel which bears the stamp of this State, the ASME code symbol stamp, the API-ASME code symbol stamp, both the ASME and National Board stamps, or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by the Board.

- (42) “Supplemental documentation” means additional material used in the determination of a safe and proper construction, installation, repair, use and operation of boilers and pressure vessels in this State.

Authority: T.C.A. §§ 4-5-202, 68-122-102, 68-122-106, 68-122-107, 68-122-108, 68-122-109, 68-122-111, and 68-122-113.

Rule 0800-3-3-.03 Administration is amended by deleting the rule in its entirety and substituting the following language, so that as amended the rule shall read:

- (1) Construction Standards.
- (a) No boiler or unfired pressure vessel shall be installed for operation in the State unless it is designed, constructed, inspected, stamped, and installed for the desired pressure and temperature in accordance with the provisions of this Chapter, the applicable section of the ASME Code, and other applicable law.
  - (b) Boilers and pressure vessels shall bear the National Board stamping and the manufacturer’s NB number as registered with the National Board. A copy of the Manufacturer’s Data Report signed by the manufacturer’s representative and the National Board commissioned inspector employed by the third party inspection agency shall be filed with the Chief Inspector when the boiler or pressure vessel is shipped into this State for installation.
  - (c) Electrically heated boilers subject to the ASME Code requirements shall bear the “Underwriters Laboratory” label in addition to the required ASME Code symbol stamp. This means that the boiler shall be supplied by the manufacturer as a complete unit and not converted in the field.
  - (d) Piping.
    - 1. Power piping external to power boilers from the boiler to the first stop valve of a single boiler, and to the second stop valve in a battery of two or more boilers, is subject to the requirements of the ASME Code, Power Boilers, Section I. The design, fabrication, installation and testing of the valves and piping shall be in accordance with ASME B31.1.
    - 2. Welded piping is subject to the ASME Code requirements for proper code certification, including stamping in conformance with the code and furnishing of applicable ASME data report forms for the owners and the Chief Inspector.
- (2) Exemptions. Potable hot water heaters are exempt from the “Construction Standards” requirements of subparagraphs (a) and (b) of Rule 0800-3-3-.03(1) when neither of the following limitations are exceeded:
- (a) Heat input of 199,999 BTU/hr.
  - (b) Water temperature of 210°F. However, such potable hot water heaters, with a heat input of between 100,000 and 199,999 BTU/hr., are subject to registration, inspection and inspection certificate requirements.
  - (c) These vessels are required to have an NB rated, ASME constructed, test-lever pressure-temperature activated safety relief device.
- (3) “Tennessee Special” Boilers and Pressure Vessels. If a boiler or pressure vessel is of special design, or one that cannot bear the ASME and National Board stamping, details of the proposed

construction (including shop drawings) shall be submitted to the Chief Inspector. Approval for construction and installation as a "Tennessee Special" boiler or pressure vessel must be obtained from the Board before construction is started.

- (4) Tennessee Standard Pressure Vessels.
  - (a) Vessels constructed by an owner-user who is authorized by the State as an Owner-User Inspection Agency and who holds a valid certificate of authorization to use the ASME "U" Stamp shall be stamped "Tennessee Standard", provided the vessels are:
    1. Inspected by an owner-user inspector holding a valid certificate of competency issued by the State; and
    2. To be used exclusively by the owner-user and not for resale.
  - (b) Such vessels shall meet all requirements of the ASME Code, Section VIII, Division 1, except that they are inspected by an owner-user inspector.
- (5) Permission to Install.
  - (a) All installers of boilers or pressure vessels shall be knowledgeable in the proper installation of the boiler or pressure vessel they are requesting to install.
  - (b) The company or person responsible for the installation of the boiler or pressure vessel (stamped lethal service) shall obtain an installation permit for the boiler or pressure vessel prior to any work being performed. An "Application for Permission to Install a Boiler or Pressure Vessel (stamped lethal service)", boiler room layout drawings/dimensions, Manufacturer's Data Report, and a copy of any applicable local/municipal building or like permit shall be forwarded to the Tennessee Department of Labor and Workforce Development, Boiler Inspection Division. "Tennessee Special" boilers and pressure vessels are subject to the requirements of this rule.
  - (c) All boiler installations between 400,000-12,500,000 BTU/hr (excluding hot water heaters) shall meet all the requirements of ASME-CSD-1. Boilers 12,500,000 BTU/hr and over shall meet any additional requirements of NFPA 85. A copy of the "Controls and Safety Devices" section of the installation application must accompany all submitted Applications for Permission to Install a Boiler or Pressure Vessel (stamped lethal service). Failure to comply with the requirements of this rule, without significant explanation, could delay the permission to install approval or warrant non-acceptance of the application.
  - (d) After the application has been reviewed by the Chief Inspector, an installation permit shall be issued.
  - (e) All newly installed boilers and pressure vessels (stamped lethal service) shall be inspected by a Deputy Inspector before the boiler or pressure vessel is put into service. The company or person performing the installation is responsible for notifying the Tennessee Department of Labor and Workforce Development, Boiler Inspection Division, when the boiler or pressure vessel (stamped lethal service) is ready for inspection. The inspection upon installation by permit is subject to the fees in accordance with Rule 0800-3-3-.09(10).
  - (f) A revised application shall be submitted to the Chief Inspector by the installer if there is a change to the original application. A copy of the original installation permit and supplemental documentation shall accompany the revised application.
  - (g) All installation permits shall be issued for a period of twelve (12) months. If the boiler or pressure vessel (stamped lethal service) is not installed during this period, the installation

permit shall expire and the file shall be closed. When a file has been closed, the installer shall be required to apply for another installation permit in accordance with subparagraph (b) of this rule.

- (h) A boiler or pressure vessel may be installed prior to submission of the "Application for Permission to Install a Boiler or Pressure Vessel (stamped lethal service)" when it has been determined by the Chief Inspector that the installation is an emergency situation. Immediately thereafter, the installer shall submit an application, layout drawings/dimensions, Manufacturer's Data Report and a copy of any applicable local/municipal building or like permit in accordance with subparagraph (b) of this rule.
  - (i) When it is discovered that a boiler or pressure vessel (stamped lethal service) has been installed without an approved installation permit prior to installation, the Chief Inspector shall notify the owner or user. The Chief Inspector shall take appropriate action in accordance with T.C.A. § 68-122-106. The owner or user shall be assessed a special inspection fee set by the Chief Inspector in accordance with T.C.A. § 68-122-113 and Rule 0800-3-3-.09(10). Any owner or user aggrieved by an order or act of the Chief Inspector may, within fifteen (15) days after notice thereof, appeal from such order or act to the Board.
- (6) Permission to Reinstall.
- (a) Reinstallation of Boilers or Pressure Vessels (Removed from the State). When a standard boiler or pressure vessel located in this State is moved outside the State for temporary use or repair, the owner or user shall apply to the Chief Inspector for permission to reinstall the boiler or pressure vessel in this State. After the owner or user files the "Application for Permission to Reinstall" and it is approved, the Deputy Inspector shall conduct an inspection. When a non-standard boiler or pressure vessel is removed from this State, it shall not be reinstalled within this State without additional approval of the Board.
  - (b) Installation of Second-Hand Boilers or Pressure Vessels. Second-hand boilers and pressure vessels may not be installed unless the Chief Inspector approves an "Application for Permission to Reinstall". After the owner or user files the "Application for Permission to Reinstall" and it is approved, the Deputy Inspector shall conduct an inspection.
  - (c) Reinstallation of Boilers or Pressure Vessels (Not Second-Hand). The owner or user shall apply to the Chief Inspector for permission to reinstall a boiler or pressure vessel in this State. After the owner or user files the "Application for Permission to Reinstall" and it is approved, the Deputy Inspector shall conduct an inspection.
  - (d) An owner or user of the boiler and pressure vessel described in subparagraphs (a), (b) and (c) of this rule is subject to the permitting requirements in accordance with Rule 0800-3-3-.03(5), and the Special Inspection fee requirements of Rule 0800-3-3-.09(10). An "Application for Permission to Reinstall" form must accompany all permit applications for these installations.
  - (e) For reinstalled boilers and pressure vessels with a current certificate of inspection, the Deputy Inspector shall submit a reinspection report in accordance with Rule 0800-3-3-.03(13)(b). The comment that the boiler or pressure vessel is "reinstalled" shall be noted on the reinspection report. The reinspection shall be a non-certificate inspection.
- (7) Application of State Serial Numbers. Upon completion of the installation of a boiler or pressure vessel, or at the time of the initial certificate inspection of an existing installation, the inspector shall tag each boiler or pressure vessel in the vicinity of the code stamping with a Board approved and Department supplied registration tag.

- (8) Accessibility to Code Stamping. Code stamping shall not be concealed by lagging or paint. The stamping shall be exposed at all times, unless a suitable record is kept of the location of the stamping so that it may be readily uncovered when desired.
- (9) Frequency of Inspections. All boilers and pressure vessels subject to inspection under the Act shall be inspected in accordance with the requirements of T.C.A. § 68-122-110.
- (10) Notification of Inspection.
  - (a) Certificate inspections, as required, shall be carried out no more than two (2) months prior to the expiration date of the certificate or within the two (2) month period following the expiration date at a time mutually agreeable to the inspector and owner or user.
  - (b) External inspections may be performed by the inspector during reasonable hours and without prior notification.
  - (c) When, as a result of external inspection or determination by other objective means, it is the inspector's opinion that continued operation of the boiler or pressure vessel constitutes a danger to life or property, the inspector may order an internal inspection or an appropriate pressure test, or both, to evaluate conditions. In such instances, the owner or user shall prepare the boiler or pressure vessel for such inspections or tests as the inspector designates.
- (11) External Inspection Disclosure of Defective Conditions. If, upon an external inspection, there is evidence of a leak or crack, sufficient covering of the boiler or pressure vessel shall be removed to permit the inspector to determine satisfactorily the safety of the boiler or pressure vessel. If the covering cannot be removed at that time, the inspector may order the operation of the boiler or pressure vessel stopped until the covering can be removed and proper examination made. The Chief Inspector shall be notified immediately.
- (12) Notification of an Incident or Accident. The owner or user shall promptly submit to the Chief Inspector a detailed report of any incident or accident that occurs to a boiler or pressure vessel. In the event of a personal injury, incident, accident, or explosion, the owner or user shall immediately give notice to the office of the Chief Inspector. Neither the boiler or pressure vessel, nor any parts thereof, shall be removed or disturbed without the permission of the Chief Inspector, except for the purpose of saving human life or limiting consequential damage.
- (13) Inspection reports.
  - (a) Deputy and Special Inspectors shall submit to the Chief Inspector on a form approved by the Board, an initial inspection report for each boiler and pressure vessel subject to inspection in this State. Complete data shall be submitted on a form approved by the Board for each non-standard boiler or pressure vessel.
  - (b) Deputy and Special Inspectors shall submit to the Chief Inspector on a form approved by the Board, reinspection reports of subsequent inspections of both standard and non-standard boilers and pressure vessels.
  - (c) Owner-User Inspection Agencies shall submit reports in accordance with subparagraphs (a) and (b) of this rule. Said reports shall be filed as provided in paragraph (20) of this rule.
  - (d) Inspection reports required by subparagraphs (a), (b), and (c) of this rule shall be submitted within thirty (30) days after the date of inspection.
- (14) Working Pressure for Existing Installations. With the approval of the Chief Inspector, any

inspector may decrease the maximum working pressure on any existing installation if the condition of the boiler or pressure vessel warrants.

(15) Repairs and Alterations.

- (a) Repairs and alterations shall not be made without the permission of an inspector employed by the Authorized Inspection Agency responsible for the in-service inspection of the subject boiler or pressure vessel. Such repairs and alterations shall be done in accordance with the National Board Inspection Code. The inspector authorizing the repair or alteration shall sign the necessary National Board "NB-R" form or forms.
- (b) The person, corporation, partnership or firm performing the repair or alteration shall have a valid license in accordance with T.C.A. §§ 68-122-201 through 68-122-209. In order to qualify for such license, the applicant shall have a valid Certificate of Authorization from the National Board for the use of a Repair Code Symbol stamp.
- (c) A copy of the signed applicable "NB-R" form or forms shall be submitted to the Chief Inspector for each repair or alteration performed.

(16) Safety Appliances.

- (a) No person shall attempt to remove, or do any work on, any safety appliance prescribed by this Chapter while the appliance is subject to pressure.
- (b) Should any such appliance be removed for repair during an outage of a boiler or pressure vessel, it shall be reinstalled and in proper working order before the object is again placed in service.
- (c) No person shall alter any safety or safety relief valve or pressure relief devices in any manner to maintain a working pressure in excess of that stated on the boiler or pressure vessel inspection certificate.
- (d) Only the holder of a valid certificate of authorization for use of the National Board "VR" stamp, or an owner-user's maintenance organization approved by the Chief Inspector, may repair safety or safety relief valves. An owner-user maintenance organization shall be limited to repairing such valves for its own use.

(17) Restamping of Boilers and Pressure Vessels.

- (a) When the Code stamping of a boiler or pressure vessel becomes indistinct, the inspector shall instruct the owner or user to have it restamped. The owner or user shall submit a request for authorization of restamping to the Chief Inspector on the appropriate "Replacement of Stamped Data Form". Proof of the original stamping shall accompany the request.
- (b) If the Chief Inspector authorized restamping, it shall be done only in the presence of an inspector, and shall be identical with the original stamping.
- (c) The ASME Code symbol may be restamped only by the original manufacturer of the boiler or pressure vessel in the presence of an inspector of the Authorized Inspection Agency who signed the Manufacturer's Data Report or a Deputy Inspector. The witnessing inspector shall file with the Chief Inspector the completed and signed "Replacement of Stamped Data Form" with a facsimile of the stamping applied.

(18) Condemned Boilers and Pressure Vessels. The Chief Inspector or a Deputy Inspector shall stamp on any boiler or pressure vessel declared unfit for further service the letters "XXX" on either side

of the State number. Such stamping (XXX 00 XXX) shall designate a condemned boiler or pressure vessel.

(19) Insurance.

- (a) An insurance company shall notify the Chief Inspector within thirty (30) days of all boilers or pressure vessels, on which insurance is written, cancelled, not renewed or suspended.
- (b) An insurance company shall conduct all required inspections to boilers and pressure vessels that are covered in the insurance policy, where premiums for specific inspection requirements are specified.
- (c) If a Special Inspector employed by the insurance company does not perform the inspection required in subparagraph (b) of this rule within ninety (90) days of the expiration date of the certificate of inspection, or required external inspection on a power boiler, a Deputy Inspector may be called upon by the Chief Inspector to perform such inspection to determine the safety compliance of such boiler or pressure vessel. In the event that a Deputy Inspector performs an inspection on an insured boiler or pressure vessel, the insurance company in question shall be assessed a special inspection fee set by the Chief Inspector in accordance with T.C.A. § 68-122-113.

(20) Owner-User Inspection Agency. Each Owner-User Inspection Agency shall:

- (a) Conduct inspections of pressure vessels (not exempt under T.C.A. § 68-122-105), utilizing only qualified inspection personnel, as provided in this Chapter;
- (b) Retain on file where the equipment is inspected a true record or copy of each of the latest inspection reports submitted by the inspector;
- (c) Execute and deliver to the Chief Inspector and those responsible for the operation of the pressure vessel a true report of each inspection, together with appropriate requirements or recommendations that result from such inspections;
- (d) Promptly notify the Chief Inspector of any pressure vessel which does not meet the applicable requirements; and
- (e) Maintain inspection records, which shall be readily available for examination by the Chief Inspector or his authorized representatives during business hours. Such records shall include:
  - 1. A list of each pressure vessel covered by the Act, showing a serial number and such abbreviated descriptions as may be necessary for identification; and
  - 2. The date of the last inspection of each unit, and the approximate date for the next inspection (arrived at by applying the appropriate rules to all data available when the inspection record is complete).

(21) Special Inspectors - Notification of Unsafe Boilers and Pressure Vessels.

- (a) If a Special Inspector, upon first inspection of a new risk, finds that a boiler or pressure vessel, or any appurtenance thereof, is in such condition that his company would refuse insurance, the inspector shall immediately notify the Chief Inspector and submit a report about the defects.
- (b) If, upon inspection, a Special Inspector finds a boiler or pressure vessel to be unsafe for further operation, he shall promptly notify the owner or user and state what repairs or other

corrective measures are required to bring the boiler or pressure vessel into compliance with this Chapter. Unless the owner or user makes such repairs or adopts other corrective measures promptly, the Special Inspector shall immediately notify the Chief Inspector. Until such corrections have been made, no further operation of the boiler or pressure vessel involved shall be permitted. If a certificate of inspection is required and is in force, it shall be suspended by the Chief Inspector. When a reinspection establishes that the boiler or pressure vessel is safe to operate, the Chief Inspector shall be notified. At that time, a certificate of inspection (where applicable) may be issued.

- (c) If a Special Inspector, while making required inspections, becomes aware of any other boiler or pressure vessel on the premises which are not registered in accordance with applicable law, he shall report this information to the owner or user of the boiler or pressure vessel and to the Chief Inspector within thirty (30) days.

(22) Examination for Certificate of Competency.

- (a) Unless other arrangements are made, the examination for an inspector's certificate of competency shall be held in conjunction with a quarterly meeting of the Board at such location as it designates.

- (b) An applicant for examination shall have education and experience equal to at least one of the following:

1. A degree from an accredited school in mechanical engineering, plus one year of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels;
2. A degree from an accredited school in a branch of engineering other than mechanical engineering, or an associate degree in mechanical technology, plus two years of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels; or
3. A high school education (or the equivalent) plus three years of experience:
  - (i) In high-pressure boiler and pressure vessel construction or repair; or
  - (ii) As an operating engineer in charge of high-pressure boiler operation; or
  - (iii) As an inspector of high-pressure boilers and pressure boiler operation.

- (c) An application for examination shall be submitted on the form prescribed by the Chief Inspector at least forty-five (45) days prior to the date of examination. Each application shall be accompanied by a nonrefundable fee of one hundred dollars (\$100.00).

- (d) The Board may reject any application containing a willfully false or misleading statement.

- (e) The Board shall administer to qualified applicants a written examination dealing with the construction, maintenance, and repair of boilers and pressure vessels and their appurtenances.

- (f) The Board may waive examination of an applicant who holds a valid commission or certificate of competency from a state that has a standard of examination substantially equal to that of this State, and a valid commission and current commission card issued by the National Board.

(23) Certificate of Competency and Identification Card.

- (a) In order to be eligible to receive a certificate of competency, the applicant shall be in the regular employment of, and exclusively engaged by, an Authorized Inspection Agency or Owner-User Inspection Agency.
  - (b) A request for a certificate of competency and identification card shall be submitted by the employer on the form prescribed by the Chief Inspector. The request shall be accompanied by a nonrefundable fee of fifty dollars (\$50.00).
  - (c) When the holder of a certificate of competency ceases to be employed by the organization which requested the certificate, that organization shall return the certificate of competency and valid identification card to the Chief Inspector.
  - (d) Identification cards shall be renewable annually by application of the employer. The application shall be submitted not later than December 31 of each year, and shall be accompanied by a nonrefundable fee of twenty-five dollars (\$25.00) for each card.
- (24) Conflict of Interest. An inspector shall not engage in the sale of any service, article or device relating to boilers, pressure vessels, or their appurtenances.

Authority: T.C.A. §§ 4-5-202, 4-5-202(a)(3), 68-122-102(a), 68-122-102(b), 68-122-103 through 68-122-113, and 68-122-116.

Subparagraphs (b) and (c) of Paragraph (10) of Rule 0800-3-3-.04 General Requirements are amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

- (b) Repairs shall be made by an organization holding a current National Board Repair Certificate of Authorization and the license required by Rule 0800-3-3-.03(15)(b).
- (c) Alterations shall be made by an organization holding a current National Board Repair Certificate of Authorization and the license required by Rule 0800-3-3-.03(15)(b).

Authority: T.C.A. §§ 4-5-202, 4-5-202(a)(3), 68-122-102, 68-122-202 through 68-122-209.

Subparagraph (a) of Paragraph (5) of Rule 0800-3-3-.06 Existing Heating Boilers is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

- (a) Each steam boiler shall have one or more ASME/National Board stamped safety valves of the spring pop-type adjusted and sealed to discharge at a pressure not to exceed 15 psig. Seals shall be attached in a manner to prevent the valves from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure of the boiler. A body drain connection below seat level shall be provided by the manufacturer and this drain shall not be plugged during or after field installation. For valves exceeding two and one half (2½) inches pipe size, the drain holes or holes shall be tapped not less than three eighths (¾) inch pipe size. For valves less than two and one half (2½) inches, the drain hole shall not be less than one fourth (¼) inch in diameter.

Authority: T.C.A. §§ 4-5-202, 4-5-202(a)(3), 68-122-102 through 68-122-104, 68-122-110.

Paragraph (1) of Rule 0800-3-3-.08 Historic Boilers is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

- (1) These rules apply to “historic power boilers” as defined in Rule 0800-3-3-.01(18).

Authority: T.C.A. §§ 4-5-202(a)(3), 68-122-102, and 68-122-104.

Rule 0800-3-3-.09 Fees is amended by deleting the rule in its entirety and substituting the following language, so that as amended the rule shall read:

0800-3-3-.09 Fees.

- (1) For shop inspections, quality control system reviews and surveys of manufacturers and contractors of boilers and pressure vessels, and owner-user inspection agencies:
  - (a) For one-half (½) day minimum \$250.00
  - (b) For one (1) full day maximum \$500.00
- (2) For special boiler and pressure vessel inspections and second-hand inspections:
  - (a) For one-half (½) day minimum \$250.00
  - (b) For one (1) full day maximum \$500.00
- (3) Boilers inspection fees (fired vessels):
  - (a) Boilers of 5 horsepower (H.P.) or less, or fifty (50) square feet or less of heating surface \$30.00
  - (b) Boilers over 5 H.P. or over fifty (50) square feet of heating surface \$30.00
  - (c) External inspections \$20.00
  - (d) Inspection of heating boilers \$15.00
- (4) Boiler inspection fees (unfired vessels):
  - (a) Internal and/or external inspection of each unfired pressure vessel subject to inspection having a cross-sectional area of fifty (50) square feet or less is \$15.00
  - (b) For each additional one hundred (100) square feet or fraction thereof, of area in excess of fifty (50) square feet is \$6.00

Not more than seventy-five dollars (\$75.00) shall be paid per day for the actual inspection time of each inspector on any one (1) vessel.
- (5) Examination fee (nonrefundable) \$100.00
- (6) Certificate of competency fee (nonrefundable) \$50.00
- (7) Identification card fee (nonrefundable) annual renewal \$25.00
- (8) Inspection certificates fees:
  - (a) For power boilers \$25.00
  - (b) For low pressure heating boilers and unfired pressure vessels \$40.00
- (9) License fee:
  - (a) Original license (first year) \$50.00

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| (b)  | Annual renewal license   | \$30.00  |
| (10) | For special inspection fee based on the number of working days notice of inspection: |          |
| (a)  | 1 – 10 Working Days: For one-half (1/2) day minimum                                  | \$250.00 |
|      | For one (1) day maximum  | \$500.00 |
| (b)  | 11 – 20 Workings Days: For one-half (1/2) day minimum                                | \$100.00 |
|      | For one (1) day maximum  | \$200.00 |
| (c)  | 21 – 30 Working Days: For one-half (1/2) day minimum                                 | \$50.00  |
|      | For one (1) day maximum  | \$100.00 |
| (d)  | More than 30 Working Days: For one-half (1/2) day minimum                            | \$30.00  |
|      | For one (1) day maximum  | \$60.00  |

Authority: T.C.A. §§ 4-5-202(a)(3), 68-122-102 through 68-122-104, 68-122-106, 68-122-111, 68-122-113, and 68-122-116.

The proposed rules set out herein were properly filed in the Department of State on the 21st day of November, 2005 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 30th day of March, 2006.