



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

PHONE: (302) 739-9000
FAX: (302) 739-6242

Secretary's Order No.: **2012-WH-0048**

RE: Approving Amendments to the
Delaware Boiler Safety Regulations for Boilers, Pressure Vessels, and Nuclear
7 DE Admin. Code 1353

Date of Issuance: December 13, 2012

Effective Date of the Amendment: January 11, 2013

I. Background:

A public hearing was held on Wednesday, October 10, 2012, at 6:00 p.m. at the DNREC Lukens Drive Field Office, 391 Lukens Drive, New Castle, Delaware, to receive comment on proposed amendments to 7 DE Admin. Code 1353: *Delaware Boiler Safety Regulations for Boilers, Pressure Vessels, and Nuclear* (hereinafter referred to as "Boiler Safety Regulations"). The Department's Division of Boiler Safety was transferred from the Department of Public Safety to the Department of Natural Resources and Environmental Control (hereinafter referred to as "DNREC" or "Department") in 2003. In 2011, the statutory authority for the Boiler Program was transferred from Title 29 to Title 7 of the Delaware Code, and the program was formally placed in the Department's Division of Waste and Hazardous Substances.

The Department is proposing revisions to the Boiler Safety Regulations which incorporate the above administrative changes, and remove references to the "Division Director of Boiler Safety", since "Boiler Safety" is no longer a stand-alone Division

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within the Department. Additionally, the Department's proposed revisions reflect an exemption for high pressure breathing air cylinders used by emergency response organizations (as suggested by the Volunteer Fireman's Association), as well as definitional changes that allow third party inspection companies to inspect boiler systems or pressure vessels at uninsured facilities. Lastly, the proposed revisions also add requirements for facilities that have their own boiler inspectors to establish their own quality assurance program. The Department is proposing to make these revisions at this time in order to keep Delaware's Boiler Safety Regulations current with national standards, and to have them reflect the current organizational structure of this program within DNREC.

In an attempt to fully vet these proposed amendments to Delaware's existing Boiler Safety Regulations to the regulated community throughout Delaware, the Department engaged the Delaware Council of Boiler Safety in review and preparation of the same. Additionally, DNREC held workshops in both New Castle County and Kent County in March of 2012 in order to receive public comment regarding this matter, with over fifty (50) interested parties in attendance. Public comments were received by the Department as a result of those workshops, and the Department responded fully to those comments. Accordingly, the Department then held a public hearing on Wednesday, October 10, 2012, as noted above. At that time, there were a couple of questions raised by those members of the public in attendance, and Department staff responded fully to the same. Pursuant to Delaware law, the record was held open for an additional fifteen (15) days immediately following the date of the public hearing, in order to give the public further opportunity to provide comment to DNREC concerning this proposed

promulgation. At the time the record formally closed on October 25, 2012, no additional public comment had been received by the Department concerning this matter. Proper notice of the hearing was provided as required by law.

Subsequent to the public hearing held on October 10, 2012, the Department's presiding Hearing Officer, Lisa A. Vest, prepared her report and recommendation in the form of a Hearing Officer's Memorandum to the Secretary dated November 30, 2012, and that Report in its entirety is expressly incorporated herein by reference.

II. Findings:

The Department has provided sound reasoning with regard to the proposed amendments to Delaware's *Regulations Governing Hazardous Waste*, as reflected in the Hearing Officer's Memorandum of November 30, 2012, which is attached hereto and expressly incorporated into this Order in its entirety. Moreover, the following findings and conclusions are entered at this time:

1. The Department has jurisdiction under its statutory authority, 7 Del.C. Chapters 60 and 74, to make a determination in this proceeding;
2. The Department provided adequate public notice of the proceeding and the public hearing in a manner required by the law and regulations;
3. The Department held a public hearing in a manner required by the law and regulations;

4. The Department considered all timely and relevant public comments in making its determination;
5. The Department has reviewed this proposed amendment in the light of the Regulatory Flexibility Act, and believes the same to be lawful, feasible and desirable, and that the recommendations as proposed should be applicable to all Delaware citizens equally;
6. Promulgation of these proposed amendments would keep Delaware's Boiler Safety Regulations current with national standards, and would enable these regulations to reflect the current organizational structure of this program within DNREC;
7. The aforementioned promulgation of these proposed will strengthen and provide better clarity and a fuller understanding of the regulatory language contained within this regulation to the general public and the regulated community;
8. The Department has an adequate record for its decision, and no further public hearing is appropriate or necessary;
9. The Department's proposed regulation, as published in the September 1, 2012 *Delaware Register of Regulations* and set forth within Attachment "A" of the Hearing Officer's Memorandum and attached hereto, is adequately supported, not arbitrary or capricious, and is consistent with the applicable laws and regulations. Consequently, it should be approved as a final regulation, which

shall go into effect ten days after its publication in the next available issue of the *Delaware Register of Regulations*;

10. The Department shall submit the proposed regulation as a final regulation to the Delaware Register of Regulation for publication in its next available issue, and shall provide written notice to the persons affected by the Order.

III. Order:

Based on the record developed, as reviewed in the Hearing Officer's Memorandum dated November 30, 2012 and expressly incorporated herein, it is hereby ordered that the proposed amendments to 7 DE Admin. Code 1353: *Delaware Boiler Safety Regulations for Boilers, Pressure Vessels, and Nuclear* be promulgated in final form in the customary manner and established rule-making procedure required by law.

IV. Reasons:

The promulgation of the amendments to the State of Delaware's Boiler Safety Regulations will update Delaware's requirements, where appropriate, to be consistent and current with national standards for boiler safety, and will enable this program's regulations to accurately reflect the current organizational structure of Delaware's Boiler Safety Program. Additionally, the changes being made will provide better clarity and a fuller understanding of the regulatory language contained within this regulation to the general public and the regulated community.

In developing this regulation, the Department has balanced the absolute environmental need for the State of Delaware to promulgate regulations concerning this matter with the important interests and public concerns surrounding the same, in furtherance of the policy and purposes of 7 Del. C., Chapters 60 and 74.



Collin P. O'Mara
Secretary

MEMORANDUM

TO: The Honorable Collin P. O'Mara
Cabinet Secretary, Dept. of Natural Resources and Environmental Control

FROM: Lisa A. Vest 
Public Hearing Officer, Office of the Secretary
Department of Natural Resources and Environmental Control

RE: Proposed Amendments to 7 DE Admin. Code 1353: *Delaware Boiler Safety Regulations for Boilers, Pressure Vessels, and Nuclear*

DATE: November 30, 2012

I. Background:

A public hearing was held on Wednesday, October 10, 2012, at 6:00 p.m. at the DNREC Lukens Drive Field Office, 391 Lukens Drive, New Castle, Delaware, to receive comment on proposed amendments to 7 DE Admin. Code 1353: *Delaware Boiler Safety Regulations for Boilers, Pressure Vessels, and Nuclear* (hereinafter referred to as "Boiler Safety Regulations"). The Department's Division of Boiler Safety was transferred from the Department of Public Safety to the Department of Natural Resources and Environmental Control (hereinafter referred to as "DNREC" or "Department") in 2003. In 2011, the statutory authority for the Boiler Program was transferred from Title 29 to Title 7 of the Delaware Code, and the program was formally placed in the Department's Division of Waste and Hazardous Substances.

The Department is proposing revisions to the Boiler Safety Regulations which incorporate the above administrative changes, and remove references to the "Division Director of Boiler Safety", since "Boiler Safety" is no longer a stand-alone Division within the Department. Additionally, the Department's proposed revisions reflect an

exemption for high pressure breathing air cylinders used by emergency response organizations (as suggested by the Volunteer Fireman's Association), as well as definitional changes that allow third party inspection companies to inspect boiler systems or pressure vessels at uninsured facilities. Lastly, the proposed revisions also add requirements for facilities that have their own boiler inspectors to establish their own quality assurance program. The Department is proposing to make these revisions at this time in order to keep Delaware's Boiler Safety Regulations current with national standards, and to have them reflect the current organizational structure of this program within DNREC.

In an attempt to fully vet these proposed amendments to Delaware's existing Boiler Safety Regulations to the regulated community throughout Delaware, the Department engaged the Delaware Council of Boiler Safety in review and preparation of the same. Additionally, DNREC held workshops in both New Castle County and Kent County in March of 2012 in order to receive public comment regarding this matter, with over fifty (50) interested parties in attendance. Public comments were received by the Department as a result of those workshops, and the Department responded fully to those comments. Accordingly, the Department then held a public hearing on Wednesday, October 10, 2012, as noted above. At that time, there were a couple of questions raised by those members of the public in attendance, and Department staff responded fully to the same. Pursuant to Delaware law, the record was held open for an additional fifteen (15) days immediately following the date of the public hearing, in order to give the public further opportunity to provide comment to DNREC concerning this proposed promulgation. At the time the record formally closed on October 25, 2012, no additional

public comment had been received by the Department concerning this matter. Proper notice of the hearing was provided as required by law.

II. Summary of Hearing Record:

At the time of the hearing on October 10, 2012, Alex Rittberg, the Environmental Program Manager for the Tank Management Section of the Department's Division of Waste and Hazardous Substances, offered the Department's thirteen (13) exhibits pertaining to these proposed amendments, and this Hearing Officer entered them into the formal hearing record developed in this matter. Included within those Departmental exhibits were Start Action Notice 2011-12 dated August 15, 2011 (authorizing changes to the Boiler Safety Regulations), copies of the Legal Notices regarding both the holding of the public workshops in March of 2012 and of this public hearing on October 25, 2012, a copy of the notification letter sent to all interested persons (i.e., the regulated community) on February 21, 2012 advising the public of this proposed promulgation, copies of the comments received from the public in this matter (as a result of the public workshops), changes to 7 Del. C. Chapter 74B (commonly known as the "Boiler Safety Statute"), as approved by the Delaware General Assembly, dated July 13, 2011, copies of the actual proposed amendments to Delaware's Boiler Safety Regulations, and a brief synopsis of the same as set forth in the Department's Power Point Presentation given at the public hearing on October 10, 2012.

With regard to the actual proposed amendments to Delaware's Boiler Safety Regulations, Mr. Rittberg offered a brief summary of the same for the development of the record concerning this matter, as well as for the benefit of those in attendance at the public hearing. As noted previously, the Boiler Safety Program was formerly a stand-

alone Division within DNREC. Recent organizational changes within the Department caused the Boiler Safety Program to now be housed within the Division of Waste and Hazardous Substances. Additionally, recent revisions made to Delaware Code by the General Assembly provided that, upon the retirement of the Department Director of Boiler Safety, that position would be deleted and converted into a state merit position. Upon the retirement of that former Director, however, another position was not created, due to the State of Delaware hiring freeze being in effect. Thus, the former duties of that Director were absorbed by Mr. Rittberg as the Program Manager for the Tank Management Section of the Department's Division of Waste and Hazardous substances.

All of the enabling language for the Boiler Safety Program previously found in Title 29 of the Delaware Code was switched to 7 Del. C. Chapter 74B, now referred to as the "Boiler Safety Statute". Also, Mr. Rittberg noted that Delaware law provides for Aboveground Storage Tank fees to be used for administrative costs to support the Boiler Safety and Underground Storage Tank programs. Typically, the Boiler Safety Program operates at an approximate \$150,000.00 deficit each year (due to the revenue collected by the State of Delaware), but it has been supplemented by State General Funds, as there has been sufficient Aboveground Storage Tank fees that cover the administrative expenses of the program. The decision was made that, moving forward, DNREC would utilize those Aboveground Storage Tank fees to also cover the Boiler Safety Program. It should be noted that the Department is not raising any fees related to boiler safety as part of this proposed promulgation.

In developing the proposed revisions to Delaware's Boiler Safety Regulations, the Department received requests from the Volunteer Firemans' Association for an

exemption to be added for high pressure breathing air cylinders used by emergency response organizations, provided the same are maintained in accordance with other relevant codes. The Department has no objection to this request, as it comes from emergency response organizations that DNREC trusts will maintain their equipment properly, and so such language was added to these proposed revisions.

Additional definitions have been added throughout the proposed regulations in order to fully reflect the reorganization of the Department. Delaware law now gives the DNREC Secretary the authority to implement the Boiler Safety law (instead of the former Division Director of Boiler Safety), and also allows the Department to inspect boilers that are overdue for inspection (these are boilers that should have been inspected by insurance companies). Additionally, changes to Delaware law created the new position of “Chief Boiler Inspector”, which is the lead inspector for the Department in this area. There are two inspector positions under the Chief Boiler Inspector position, one of which is currently vacant, and the Department has been actively attempting to fill that position for the past several months. All of the regulatory revisions presently being proposed in this matter reflect all of the above administrative changes.

Continuing with his presentation at the hearing, Mr. Rittberg noted that the Department has added two additional definitions of a boiler to these regulations, first, pertaining to thermal fluid heaters, and secondly, to jacketed cooking kettles. For both of these types of equipment, applicable technical standards were also added within the proposed regulations. Exemptions that were in place within Delaware Code are now proposed to be stated within the Boiler Safety Regulations as well.

The Department is also now proposing to allow nontraditional inspection agencies to perform inspections of uninsured objects, or, for such entities to act as a contractor for an insurance company. According to Mr. Rittberg, this proposal by the Department was the proposed revision that garnered the most questions and/or concerns at the March 2012 public workshops. Some representatives of insurance companies were worried that these nontraditional inspection agencies would start inspecting facilities that *were* insured, and then bill those companies for boiler inspection and attempt to either take their work away from them, or perhaps charge extra fees associated with such work. As a result of those concerns, the Department added language in the proposed regulations (1) specifying the qualifications for such nontraditional inspection agencies; (2) requiring the Department to maintain and approve lists of agencies that perform such work; and (3) authorizing the Department to disbar any company that does not operate per Department rules for just cause. According to Mr. Rittberg, those changes have now satisfied the concerns previously voiced to the Department in this matter, to the extent that DNREC has received positive feedback that, going forward, these changes make the proposed revision a *good* regulation for Delaware.

In closing, Mr. Rittberg noted that the proposed regulation revisions include a waiver of the current requirement to have 30-inch clearance around the perimeter of any given boiler system. Many times when a new boiler system is installed to replace an older system, the newer system is bigger, and there is not enough clearance to maintain the 30-inch rule. The Department wanted to provide a mechanism within these revised Boiler Safety Regulations that would enable people to upgrade their boiler systems

without having to obtain a waiver to do so. DNREC will still require that the new system will have the clearance as specified in the system manufacturer's specifications. Many manufacturers currently do not require clearance on all four sides of the system, rather, only on one side, so this revision will enable DNREC to become more flexible in this matter. Additionally, the Department is putting new requirements into these proposed revisions for an owner/user quality assurance program for companies that have their own inspectors of pressure vessels. These companies will be required (within six months of the effective date of the revised regulations) to develop a written quality control manual.

For the Secretary's review, and in order for the Secretary to gain a thorough understanding of these proposed amendments, copies of the actual proposed amendments to Delaware's Boiler Safety Regulations are attached hereto as Attachment "A", and the same are expressly incorporated into this Hearing Officer's memorandum.

It should be noted that the Department adhered to all appropriate Delaware statutes and the regulatory development process in this matter, and that the Department has met the standard required public noticing obligations regarding these proposed amendments. It should also be noted that the Department has reviewed this proposed amendment in the light of the Regulatory Flexibility Act, and believes the same to be lawful, feasible and desirable, and that the recommendations as proposed should be applicable to all Delaware citizens equally.

III. Conclusions and Recommendations:

Based on the above discussion, I conclude that the Department has provided appropriate reasoning regarding the need for these proposed changes to 7 DE Admin. Code 1353, *Boiler Safety Regulations for Boilers, Pressure Vessels, and Nuclear*.

Accordingly, I recommend promulgation of these proposed amendments in the customary manner provided by law.

Further, I recommend the following findings:

1. The Department has jurisdiction under its statutory authority, 7 Del.C. Chapters 60 and 74, to make a determination in this proceeding;
2. The Department provided adequate public notice of the proceeding and the public hearing in a manner required by the law and regulations;
3. The Department held a public hearing in a manner required by the law and regulations;
4. The Department considered all timely and relevant public comments in making its determination;
5. The Department has reviewed this proposed amendment in the light of the Regulatory Flexibility Act, and believes the same to be lawful, feasible and desirable, and that the recommendations as proposed should be applicable to all Delaware citizens equally;
6. Promulgation of these proposed amendments would keep Delaware's Boiler Safety Regulations current with national standards, and would enable these regulations to reflect the current organizational structure of this program within DNREC;
7. The aforementioned promulgation of these proposed will strengthen and provide better clarity and a fuller understanding of the regulatory language contained within this regulation to the general public and the regulated community;

8. The Department has an adequate record for its decision, and no further public hearing is appropriate or necessary;
9. The Department's proposed regulation, as published in the September 1, 2012 *Delaware Register of Regulations* and set forth within Attachment "A" hereto, is adequately supported, not arbitrary or capricious, and is consistent with the applicable laws and regulations. Consequently, it should be approved as a final regulation, which shall go into effect ten days after its publication in the next available issue of the *Delaware Register of Regulations*;
10. The Department shall submit the proposed regulation as a final regulation to the Delaware Register of Regulation for publication in its next available issue, and shall provide written notice to the persons affected by the Order.



LISA A. VEST
Public Hearing Officer

APPENDIX "A"



DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

Statutory Authority: 7 Delaware Code, Chapter 74B; (7 Del.C., Ch. 74B)
7 DE Admin. Code 1353

PROPOSED

EXHIBIT 1

1353 Boiler Safety

REGISTER NOTICE SAN #2011-12

1. TITLE OF THE REGULATIONS:

1353 Boiler Safety Regulations For Boilers, Pressure Vessels, and Nuclear

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The Division of Boiler Safety was transferred from the Department of Public Safety to the Department of Natural Resources and Environmental Control in 2003. In 2011 the statutory authority for the Boiler Program was transferred from Title 29 to Title 7 and the program was formally placed in the Division of Waste and Hazardous Substances. The DNREC is proposing changes to the Boiler Safety Regulations that incorporates this administrative change and removes references to the Division Director of Boiler Safety since Boiler Safety is no longer a stand-alone Division within the Department. The proposed revisions also reflect an exemption for high pressure breathing air cylinders used by emergency response organizations as suggested by the Volunteer Fireman's Association; as well as definitional changes that allow third party inspection companies to inspect boiler systems or pressure vessels at uninsured facilities. Lastly, the regulations also add requirements for facilities that have their own boiler inspectors such as the Delaware City Refinery to establish their own quality assurance program.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del.C., ch. 74B

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

N/A

6. NOTICE OF PUBLIC COMMENT:

The DNREC will conduct a Public Hearing on Wednesday, October 10, 2012. The hearing is scheduled to begin at 6:00 p.m. in the conference room at the DNREC office located at 391 Lukens Drive, New Castle, DE. The public and interested parties are invited to attend the hearing and to make comments orally or in writing at the hearing. Written comments not presented at the hearing should be addressed to Mr. Alex Rittberg, DNREC/TMS, 391 Lukens Drive, New Castle, DE 19720 and must be received by the Department not later than 4:00pm on October 31, 2012 unless a longer time is specified at the hearing.

Copies of the proposed regulations are available online at <http://www.dnrec.delaware.gov/info/Rules.htm>

Copies may be viewed during regular business hours at the following DNREC offices:

DNREC, 391 Lukens Drive, New Castle, DE

DNREC, R&R Building, 89 Kings Highway, Dover, DE

DNREC, Route 113, Sussex Suites, Unit #6, Georgetown, DE

7. PREPARED BY:

Alex Rittberg, Environmental Program Manager II, 395-2500, 8/10/12, Alex.Rittberg@state.de.us

1353 Boiler Safety Regulations For Boilers, Pressure Vessels, and Nuclear

1.0 Definitions

"The Act" means ~~29 Del.C. §8240~~ 7 Del.C. ch. 74B.

"Accident" means an unexpected event resulting from (a) unknown causes, (b) carelessness, (c) unawareness, causing injury, death or property damage.

“Alteration” means any change in the item described on the original Manufacturers' Data Report which affects the pressure containing capability of the pressure retaining item. Non-physical changes such as an increase in the maximum allowable working pressure (internal or external) increase in or design temperature, or a reduction in minimum temperature of a pressure retaining item shall be considered an alteration. ~~A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.~~

“ANSI”: means American National Standards Institute.

~~**“AIA”**: Authorized Inspection Agency as defined in NBIC.~~

“AI” means Authorized Inspector and includes the ~~Director~~ Chief Inspector, a Deputy Inspector or Special Inspector holding a current National Board Commission, with an "A" or "B" endorsement, and a Delaware Certificate of Competency.

“Antique Boiler” means boilers manufactured prior to January 1, 1924, and used solely for display and demonstration purposes.

“APA” means Administrative Procedures Act.

“ASME” mean American Society of Mechanical Engineers.

“Authorized Inspection Agency” means

- : New Construction: An Authorized Inspection Agency is one that is accredited by the National Board meeting the qualification and duties of NB-360, *Criteria for Acceptance of Authorized Inspection Agencies for New Construction*.
- : In-service: An Authorized Inspection Agency is either:
 - : a jurisdictional authority as defined in the National Board Constitution; or
 - : an entity that is accredited by the National Board meeting NB 369, *Qualifications and Duties for Authorized Inspection Agencies Performing In-service Inspection Activities and Qualifications for Inspectors of Boilers and Pressure Vessels; N B-3 71, Accreditation of Owner-User Inspection Organizations (OUIO) or NB-390, For Federal Inspection Agencies (FIAs) Performing In-service Inspection Activities*.

“Automatically Fired Boiler” means a boiler that cycles automatically in response to a control system with no operator.

“Boiler” means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the direct application of heat from the combustion of fuels, or from electricity or nuclear energy. The term "boiler" shall include fired units for heating or vaporizing liquids other than water, where these units are separate from processing systems, and are complete within themselves.

“High Temperature Water Boiler” means a water boiler operating at a pressure exceeding 160 psi and/or temperatures in excess of 250 degrees F.

“Heating Boiler” means a steam boiler operating at pressures not exceeding fifteen (15) psi, or a hot water boiler operating at pressures not exceeding 160 psi and/or temperatures not exceeding 250 degrees F, which is supplied to an external heating system.

“Hot Water Supply Boiler” means a vessel used to heat water for purposes other than space heating, where the water is used external to itself, at pressures not exceeding 160 psi, and/or temperatures not exceeding 250 degrees F. at or near the boiler outlet. ASME Stamping would be ASME Section IV, H.

“Jacketed Cooking Kettle” means a gas or electrically fired jacketed cooking kettle built and stamped ASME Section VIII, Division 1. ASME stamping would be U.

“Pool Heater” means an appliance designed for heating non-potable water stored at atmospheric pressure such as water in swimming pools, spas, hot tubs, and similar applications.

“Power Boiler” means a vessel in which steam or other vapor is generated at a pressure of more than fifteen (15) PSIG.

“Thermal Fluid Heater” means a boiler used to heat an organic fluid for heating and or processing that does not vaporize in the process. Object is considered a boiler in the State of Delaware and is required to be built to Section I or Section VIII of the ASME Construction Codes and registered with the National Board. Overpressure protection will be in accordance with ASME Section I Part PVG or ASME Section VIII as determined by the Department.

“Water Heater” means a closed vessel in which water is heated by gas, oil, electric, or some other fuel supply, and the water is used externally to itself for potable water supply, or used for potable water and space heating (as outlined in Section 14 of these Rules and Regulations), operating at pressures not exceeding 160 psi and water temperatures not in excess of 210 degrees F. ASME Stamping would be ASME Section IV, HLW.

"Certificate of Competency" means a certificate issued by the ~~Division~~ the Boiler Safety Program to an inspector after passing the Delaware test for inservice inspections, ~~and or~~ to an inspector holding a valid National Board Commission for ~~"Shop" inspections only~~ "New Construction Inspector". See Delaware Commission.

"Certificate of Inspection" means a printed document, issued by the ~~Division of Boiler Safety~~ the Boiler Safety Program, signifying the object has met Code requirements after receipt of a report from a National Board Commissioned or Owner/User Inspector, stating the conditions of the object are satisfactory to issue a certificate. The inspector will issue a current decal bearing a date of inspection. The certificate becomes valid upon payment of the required inspection and/or certificate fees.

"Chief Inspector": means a State of Delaware Employee who is commissioned by the National Board responsible for code enforcement and jurisdictional interpretations.

"Commission" means:

"National Board Commission" means a certificate issued by the National Board to an individual that has taken and passed the National Board Commission Examination.

"Delaware Commission" means a Certificate of Competency issued by the ~~Division of~~ Boiler Safety Program to a National Board Commissioned Inspector employed by ~~any one of the following~~: the State of Delaware; ~~by~~ an insurance company licensed to sell boiler and machinery insurance in the State of Delaware; ~~or~~ an owner/user inspector employed by a recognized Delaware Owner/User Agency; or an inspector employed by a Non-traditional Inspection Agency accredited by National Board- 369.

"Controls and Safety Devices (CSD-1)" means ASME Standard adopted by the Boiler Safety Program in 1992 for controls on boilers with input capacity of less than 12,500,000 Btu/Hr.

"Council" refers to the members of the Governor's "Council on Boiler Safety". ~~29 Del.C. §8214~~ 7 Del.C. ch. 74B.

"Decal" means ~~A three part report filled out by inspector at time of inspection. White copy is left at location, yellow copy is submitted to Division of Boiler Safety, and pink copy is inspectors'. This is notification the object has been inspected.~~ a report filled out by the inspector at time of inspection and left at the location. This is notification the object has been inspected.

"Department" means Department of ~~Public Safety~~ Natural Resources and Environmental Control (DNREC).

"Division" means Division of Boiler Safety.

"Deputy Inspector" means an inspector employed by the State of Delaware, ~~Division of~~ Boiler Safety Program.

"Director": ~~Director of the Division of Boiler Safety.~~

"Existing Installations" means:

Any power or miniature boiler installed before January 1, 1924.

Any electrically heated pressure vessel installed before August 8, 1953.

Any steam heating, hot water supply or hot water heating boiler installed before May 11, 1954.

Any pressure vessel installed before June 30, 1974.

Controls and Safety Devices (CSD-1) was adopted for boilers installed after September 15, 1992.

Pressure Vessels for Human Occupancy (PVHO-1) was adopted on July 1, 2009.

"External Inspection" means an inspection of the exterior surfaces as defined in NBIC, when a boiler or pressure vessel is connected for use.

"External Piping" means:

Power boilers- any pipe or fitting connected between the boiler and those limits defined in ASME B31.1.

~~Low pressure boilers and pressure vessels any pipe or fitting connected between the boiler, water heater, or pressure vessel and the first circumferential joint.~~

"F": Fahrenheit.

"HLW" means part of ASME Code, Section IV, dealing with potable water heaters.

"Inspector": means a Deputy Inspector, Chief Inspector, Special Inspector, or an Owner/User Inspector.

"Internal Inspection" means an inspection of the interior surfaces of a boiler or pressure vessel, as defined in the NBIC, with implementation of preparation and safety procedures.

"MTR" means Material Test Report.

"MAWP": means Maximum Allowable Working Pressure.

"Manager of the Boiler Safety Program" means a State of Delaware Employee responsible for the administration of Delaware's Boiler Safety Program.

“Mechanical Assembly” means the work necessary to establish or restore a pressure retaining boundary, under supplementary materials, whereby pressure-retaining capability is established through a mechanical, chemical, or physical interface, as defined under the rules of the NBIC.

“Mechanical Repair Method” means a method of repair, which restores a pressure retaining boundary to a safe and satisfactory operating condition, where the pressure retaining boundary is established by a method other than welding or brazing, as defined under the rules of the NBIC.

“National Board” means “The National Board of Boiler and Pressure Vessel Inspectors”.

“National Board Commissioned Inspector” means an individual who holds a valid and current National Board Commission.

“NBIC” means National Board Inspection Code The manual for boiler and pressure vessel inspectors, published by the National Board of Boiler and Pressure Vessel Inspectors. The NBIC is recognized for Repairs and Alterations, and Antique (Historical) boilers only (Part 3 only), from which copies may be obtained.

“NDE” means NonDestructive Examination.

“Non-traditional Inspection Agency” means a *National Board-369* authorized inspection agency that is not a state agency, nor sells insurance.

“Owner or User” means any person, firm, or corporation owning or operating any boiler, pressure vessel or nuclear installation within this state.

“Owner/User Agency” means An organization that is recognized by the Boiler Safety Program as having inspectors holding State of Delaware Owner/User Commissions that allow the inspectors to inspect pressure vessels owned and operated by the Delaware Owner/User Agency.

“Owner/User Inspector” means ~~an Inspector employed by an Owner User Agency, as described in the NBIC.~~ A Delaware Commissioned Inspector who has been issued a Delaware Certificate of Competency and works for a recognized Owner/User in the State of Delaware.

“Place of Public Assembly” means any establishment, building, location or any portion thereof within this State intended and used for occupation by persons while employed therein for compensation of any kind, and any commercial structure and/or location to which the public has access. This shall include, but not be limited to apartment buildings, schools, day care centers, nursing homes, hospitals, theaters, houses of worship and sporting arenas.

“PSI” means pounds per square inch

“PSIG” means pounds per square inch gauge.

“Portable Boiler” means an internally fired boiler primarily intended for temporary location, and the construction and usage of which is obviously portable.

“Pressure Retaining Item (PRI)” means any boiler, pressure vessel, piping, or material used for the containment of pressure, either internal or external. The pressure may be obtained from an external source, or by the application of heat from a direct source, or any combination thereof.

“Pressure Vessel” means containers for the containment of pressure, either internal or external. The pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

“Repair” means the work necessary to restore pressure retaining items to a safe and satisfactory condition such that the existing design requirements are met.

“Secretary” means the Secretary of the Department of ~~Public Safety~~ Natural Resources and Environmental Control.

“Shop Review” means a general survey and examination of a boiler or pressure vessel manufacturing or repair firm's facilities, methods and records. The examination is performed by a designee of the ASME, and/or the National Board.

“Special Inspector” means a National Board Commissioned Inspector and/or an AI Authorized Inspector, employed by an insurance company authorized to write boiler and pressure vessel insurance in Delaware, or an inspector employed by a Non-traditional Inspection Agency.

“Standard Boiler or Pressure Vessel” means a boiler or pressure vessel which bears the stamp of the ASME and which are registered with the NB. Such items shall bear the appropriate ASME Code Symbol Stamp and the NB Registration number.

Note: Cast iron ~~heating~~ and cast aluminum boilers are exempted from National Board Registration.

“State Special Number” means a Delaware Registration Number assigned to a boiler or pressure vessel of nonstandard design.

- 2.1 Any boiler or pressure vessel within the scope of these rules and installed in a place of public assembly, shall be subject to field inspection. ~~Exempt boilers and Pressure Vessels are listed in the Administrative Section of these Rules and Regulations.~~
- 2.2 These regulations do not apply to the following types of equipment:
- 2.2.1 Any boiler or pressure vessel which is subject to federal inspection and control:
- 2.2.2 Any pressure vessel used for the transport or storage of compressed gasses and liquids under the control or regulation of the United States Department of Transportation:
- 2.2.3 Any air tank on any vehicle used for carrying passengers or freight and operated under the authority of any other state agency:
- 2.2.4 Any air tank installed on the right-of-way of railroads:
- 2.2.5 Any unfired pressure vessel not exceeding:
- 2.2.5.1 Five cubic feet in volume and 250 psig design pressure:
- 2.2.5.2 Three 3 cubic feet in volume and 350 psig design pressure.
- 2.2.5.3 One and one-half cubic feet in volume and 600 psig design pressure:
- 2.2.5.4 Vessels having an inside diameter, width, height, or cross section diagonal not exceeding 6 inch with no limitation on length of vessel or pressure.
- 2.2.6 Any unfired pressure vessel having an internal and/or external operating pressure not exceeding 15 psig:
- 2.2.7 Any unfired pressure vessel containing water at ambient temperature with a nominal water containing capacity of 120 gallons or less, including those with air or gas cushion, the compression of which serves only as a cushion:
- 2.2.8 Any water filter or softener containing water at ambient temperature when the pressure does not exceed 300 psig:
- 2.2.9 Any pressure vessel under the control of the State Fire Marshal:
- 2.2.10 High pressure breathing air cylinders used by emergency response organizations are exempt from inspection and certification provided they are installed, serviced, and maintained in accordance with the manufacturer's recommendations and the National Fire Prevention Association Standards, and the owner or user of this equipment shall be responsible for maintaining, testing, and servicing this equipment and shall keep all records associated with these activities as required by National Fire Protection Association Standards. The failure of any person to so install, service, test and maintain these air cylinders and to keep such records shall constitute a violation of this Chapter.
- 2.2.11 Any water heater, directly fired with oil, gas or electricity, which shall be equipped with American Society of Mechanical Engineers (ASME) stamped safety relief valves and which cannot exceed any of the following limitations:
- 2.2.11.1 Heat input of 200,000 Btu/hr. or 58,600 watts:
- 2.2.11.2 Water temperature of 210 degrees Fahrenheit; or
- 2.2.11.3 Nominal water capacity of 120 gallons.
- 2.2.12 Any coil type hot water boiler without any steam space where water flashes into steam released through a manually operated nozzle unless 1 of the following limitations is exceeded:
- 2.2.12.1 A 3/4-inch diameter tubing or pipe size, with no drum or headers attached:
- 2.2.12.2 Nominal water containing capacity does not exceed 6 gallons;
- 2.2.12.3 Water temperature does not exceed 350 degrees Fahrenheit; or
- 2.2.12.4 Steam is not generated within the coil.
- 2.2.13 Any water heater, indirectly fired, which shall be equipped with American Society of Mechanical Engineers (ASME) stamped safety relief valves and which cannot exceed any of the following limitations:
- 2.2.11.1 Heat input of 200,000 Btu/hr. or 58,600 watts:
- 2.2.11.2 Water temperature of 210 degrees Fahrenheit; or
- 2.2.11.3 Nominal water capacity of 120 gallons.
- 2.2.14 Hot water storage tanks or expansion tanks with a normal water containing capacity not exceeding 120 gallons.
- 2.2.15 Sterilizers – self contained type having an integral heating unit:
- 2.2.15.1 Internal volume of less than two (2) cubic feet
- 2.2.15.2 Electrically heated type shall bear the Underwriter's Laboratory listing marking, are exempt provided that such sterilizers bear the UL label indicating the sterilizer meets the UL requirements.

Possession or control of these sterilizers not bearing the UL label indicating the sterilizer meets the UL requirements shall constitute a violation of these regulations.

3.0 Codes and Standards:

- 3.1 The State of Delaware ~~Division of Boiler Safety Program~~ has adopted the ASME Boiler and Pressure Vessel Codes for construction and stamping, including CSD-1 for controls and safety devices. Standards referenced by these rules are: ASME Code Sections I, II, III (all Sections), IV, V, VIII (Div. 1, 2 and 3), XI, X, XI, PVHO-1, CSD-1, B31.1 (for boiler external piping), and Code Cases. Interpretations are not part of the ASME and National Board Codes and will be handled on a case by case basis.
- 3.2 The National Board Inspection Code has been adopted for repairs and alterations.
- 3.3 All Standards listed above refer to the latest accepted edition ~~and addenda~~.

4.0 Administration

4.1 Duties of Inspectors and Insurance Companies:

4.1.1 Inspectors shall:

- 4.1.1.1 Submit completed boiler or pressure vessel reports to the ~~division~~ Boiler Safety Program within 30 days of inspection. First time inspections shall be submitted on the National Board Form NB-7 or the Delaware First Inspection Report (~~Sample Form Exhibit 5~~), or filed electronically. Electronic reporting does not require submission of hard copies.
- 4.1.1.2 Report immediately to the ~~Director~~ Chief Inspector of the Boiler Safety Program the name of the owner or user who is operating any boiler or pressure vessel (a) without a valid certificate of inspection, or, (b) in an unsafe condition.
- 4.1.1.3 Report to the ~~Director~~ Chief Inspector of the Boiler Safety Program all accidents involving boilers and pressure vessels when informed of such accidents by the owner/user.

4.1.2 It shall be the duty of the insurance company to notify the ~~Division~~ Boiler Safety Program of installations on which insurance is accepted, refused, cancelled, or suspended. Such reports shall give detailed account of any unsafe conditions and shall be submitted within 30 days of such insurance acceptance or refusal.

4.2 Shop Inspections:

4.2.1 The shop inspections required by any applicable section of the ASME Boiler & Pressure Vessel Code shall be made by an Inspector who holds a valid commission issued by the National Board of Boiler & Pressure Vessel Inspectors, and having a valid "A" or "B" endorsement. A Certificate of Competency card, issued by the ~~Division of Boiler Safety Program~~, is required for all inspectors. An AI inspecting nuclear components requires the "N" endorsement.

4.3 Shop Reviews:

4.3.1 ASME and National Board Shop reviews shall be conducted by an ASME representative, a National Board representative, or the ~~Division of Boiler Safety Program~~ ASME Designee.

4.4 ~~Examining Board:~~

4.4.1 ~~The Council on Boiler Safety shall act as the "Examining Board" as required by the National Board for the purpose of administering the National Board test for the certification of competency. With the Council on Boiler Safety member's approval, the Director may appoint alternates for the National Board examination.~~

4.54 Conflict of interest:

4.54.1 An Inspector shall not engage in the sale of any services, article or device relating to boilers, pressure vessels, or their appurtenances.

4.65 Appeals:

4.65.1 The ~~Director~~ Manager of the Boiler Safety Program may suspend or revoke a Certificate of Competency or a Commission, after due investigation for willful falsification of any matter or statement contained in his application, or in a report of any inspection made by him/her, and for any other finding of improper conduct. Written notice of any such suspension or revocation as required by 29 **Del.C.** § 1031(c), shall be given by the ~~Director~~ Manager of the Boiler Safety Program to the inspector and his employer. An inspector whose ~~e~~Certificate of ~~e~~Competency or commission has been suspended or revoked shall be given ten days to appeal the decision to the Secretary of ~~Public Safety~~ the Department of Natural Resources and Environmental Control. The notice of any proceedings shall conform to 29 **Del.C.** § 10122.

4.65.2 Appeal from decision of Inspectors. If the owner or user of any boiler, pressure vessel or nuclear installation disagrees with the Inspector, as to the necessity for shutting it down for making repairs or alterations to it, or taking any other measures for safety that may be requested by the Inspector, the owner or user may appeal the decision of the Inspector to the ~~Director~~ Manager of the Boiler Safety Program

within an acceptable time limit as determined by the ~~Director~~ Manager of the Boiler Safety Program according to the severity of the violation. The owner/user will be notified of the time limit for appeal in the notice of violation. In case of a disagreement with the ~~Director~~ Manager of the Boiler Safety Program, an appeal may be filed with the Secretary, who will review the decision and may order another inspection, as the Secretary may deem necessary to decide the issue.

- 4.76 Accident. The owner or user shall notify the ~~Division of Boiler Safety Program~~ when an accident occurs that renders a boiler or pressure vessel inoperative. In the case of a serious accident, as in a personal injury or an explosion, notice shall be given immediately by telephone. No boiler, pressure vessel, or parts thereof involved in the accident, shall be removed or disturbed before an investigation can be conducted, except for the purpose of conserving human life and limiting consequential damage.

5.0 Manufacturers

- 5.1 Construction Standards. Boilers, pressure vessels, nuclear components and component parts to be installed for use in the State of Delaware, shall be designed, fabricated, inspected, stamped and installed in accordance with current applicable Sections of the ASME Boiler and Pressure Vessel Code, and these Rules and Regulations.
- 5.2 Stamping. Boilers, pressure vessels and nuclear components shall be stamped with the applicable ASME Code stamping and a National Board number ~~or a Delaware Special number~~, or the ASME Code Symbol and the word ("USER"), and if electrically heated a nationally recognized testing agency, such as, but not limited to the Underwriters Laboratory. Note: Cast Iron or cast aluminum boilers do not require National Board Registration. The required stamping shall be visible for inspection and not permanently covered.
- 5.3 State Special. If a boiler, pressure vessel or nuclear component is of special design and can not be built to the ASME Code, and have the ASME Code Symbol, and National Board or USER stampings, a permit for a State Special must be applied for in writing by the Delaware user. Blueprints, design data, calculations and specifications shall be prepared by a Registered Professional Engineer, knowledgeable in the appropriate Code of Construction, and submitted to the ~~Division of Boiler Safety Program~~ prior to construction.

6.0 Installation

- 6.1 A new boiler or pressure vessel installation, including a reinstalled or secondhand boiler or pressure vessel, shall be installed in accordance with the current Edition:
- 6.1.1 The ASME Code.
- 6.1.2 Delaware Rules and Regulations.
- 6.1.3 ASME CSD1
- 6.1.3.1 Part CF of CSD-1 shall be met when the installing contractor submits an operational test form CSD-1 ~~Appendix G~~ or a form containing the same information. ~~(Exhibits 1 & 2)~~ This is for boilers over 400,00 Btu/hr.
- 6.1.3.2 Part CM The preventive maintenance schedule will be determined by the owner or user.
- ~~6.1.4 The NBIC.~~
- 6.2 If a condition is not covered by these regulations, the applicable provisions of the ASME Code or NBIC govern.
- 6.3 External piping shall be made of materials accepted by the ASME Code.
- 6.4 ~~It shall be the duty of the insurance company to notify the Division of installations on which insurance is accepted, refused, canceled, or suspended. Such reports shall give a detailed account of any unsafe conditions, and shall be submitted within 30 days of such insurance acceptance or refusal.~~
- 6.54 Installation Registration. The installation of any boiler or pressure vessel within the scope of these rules, and installed in a place of public assembly, shall be registered with the ~~Division~~ Boiler Safety Program by the installer before the operation of the boiler or pressure vessel. ~~(Exhibit 4)~~ The boiler may be operationally tested prior to obtaining a certificate.
- 6.65 Clearances. ~~All Boiler & Pressure Vessel installations shall have adequate clearance around the object so that inspections can be made, and service technicians may work safely. Adequate clearance shall be 30 inches minimum for boilers, and as specified by the manufacturer for pressure vessels. If adequate clearance is not available, a variance must be obtained from the Director of the Division of Boiler Safety. All boiler installations shall have adequate clearance which should be 30 inch clearance on all sides or the distance stated in the manufacturer's specifications. If the Manufacturer specified minimum clearance is not available, a variance must be obtained from the Manager of the Boiler Safety Program prior to the boilers being installed. All pressure vessels shall have adequate clearance for safe maintenance and inspection.~~
- 6.76 Power Boilers

6.76.1 New Installations

- 6.76.1.1 Ladders and runways. Steel runway or platform, at least twenty four (24") inches wide, and provided with standard handrails and toe boards on either side, with at least 7' 6" head room, shall be installed across the tops of adjacent boilers, or at some other convenient level, for the purpose of affording safe access to the boilers. All runways shall have at least two (2) means of exit, each exit to be remotely located from the other and connected to a permanent stairway or inclined ladder leading to the floor level.
 - 6.76.1.2 Exit from boiler rooms all boiler rooms exceeding five hundred (500) square feet of floor area and containing one or more boilers having a fuel burning capacity of 1,000,000 BTU's shall have at least two (2) means of exit, one of which shall lead outside.
 - 6.76.1.3 Explosion doors if used and if located in the setting walls, within seven (7) feet of the firing floor or operating platform, shall be provided with substantial deflectors to divert the blast.
- 6.87 When a standard boiler, pressure vessel, or nuclear component located within this jurisdiction is to be moved outside the jurisdiction for repair, alteration, or modification, it shall be documented on the appropriated "R" form. Copies of all "R" forms shall be forwarded to the ~~Division~~ Boiler Safety Program. Routine Repairs are not required to be filed with the division.
- 6.98 The installation or operation of nonstandard boilers, pressure vessels, or nuclear components in this jurisdiction without prior permission from the ~~Director~~ Manager of the Boiler Safety Program is prohibited.
- 6.409 High Pressure Steam Boiler Blow Down Tanks and Receivers
- 6.409.1 Blowoff piping from a power boiler shall not discharge directly into a sewer or interconnected system. A blowoff tank shall be used where conditions do not provide adequate and safe open discharge and shall be placed between the boiler and the sewer or other such system.
 - 6.409.2 Pressure or unvented blowdown tanks:
 - 6.409.2.1 A blowdown tank subject to possible maximum steam boiler pressure shall be constructed for the boiler pressure and stamped in accordance with the ASME Code.
 - 6.109.3 Atmospheric or vented blowdown tanks:
 - 6.409.3.1 The outlet from the blowdown tank shall be not less than twice the area of the boiler blowdown pipe, and made to extend internally to within six inches of the bottom of the tank.
 - 6.409.3.2 A vent pipe at least twice the diameter of the inlet shall lead to the outside atmosphere. Vents shall be as direct as possible to the outside atmosphere and discharge at a point not less than seven feet above grade. No valve, water pocket, or other obstruction shall be in this line.
- 6.11 ~~Construction of blowdown tanks~~
- 6.11.1 ~~The minimum metal thickness of blowdown tanks, whether of the pressure or atmospheric type, shall be not less than five sixteenths inch.~~
 - 6.11.2 ~~All blow down tanks, whether of the closed or vented type, shall have approved openings for cleaning and inspection, and shall be capable of a maximum discharge of 150 degrees Fahrenheit at five (5) PSIG.~~
- 6.4210 Centrifugal type separators:
- 6.4210.1 Centrifugal type separators shall be built and stamped in accordance with the ASME Code.
 - 6.4210.2 Separators may be used when a safe point of discharge is available and the pressure and temperature conditions at the point of discharge need not be considered.
 - 6.4210.3 Separators may be used as an auxiliary to a blowdown tank but may not be used in lieu of a conventional blowdown tank in those installations requiring a blowdown tank.

7.0 Nonstandard Boilers or Pressure Vessels

- 7.1 Nonstandard high-pressure boilers, which were installed in the State of Delaware prior to January 1, 1924, shall be subject to the rules of the ASME Boiler Code for calculations and installation. Nonstandard pressure vessels installed prior to June 30, 1974, shall be calculated and installed in accordance with ASME Code Section VIII, and the following rules:
 - 7.1.1 Factors of Safety. The minimum factor of safety may not be less than 4 for existing installations. The factor of safety may be increased when it is considered necessary by the inspector to insure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject shall be the determining factors.
 - 7.1.2 ~~Any boilers or pressure vessels over 30 years old; the factor of safety shall be increased by not less than five tenths; provided however that after a thorough internal and external yearly inspection the pressure allowed may be continued at its present factor of safety. The owner or user of such boiler or pressure vessel shall prepare the boiler for hydrostatic pressure test by uncovering all riveted joints.~~

7.1.32 The owner/user and the ~~At~~ inspector shall agree what further NDE will be required to verify the integrity of the vessel.

7.1.43 When a nonstandard boiler, pressure vessel, or nuclear component is removed from this jurisdiction for reason other than repair or alteration, it shall not be brought back and installed within this State.

7.1.54 Maximum Allowable Working Pressure for Non-standard Pressure Vessels.

7.1.54.1 Internal Pressure. The maximum allowable working pressure on the shell of a nonstandard pressure vessel is determined by:

7.1.54.1.1 The strength of the weakest course computed from the thickness of the plate.

7.1.54.1.2 The tensile strength of the plate.

7.1.54.1.3 The efficiency of the longitudinal joint.

7.1.54.1.4 The inside diameter of the course.

7.1.54.1.5 The factor of safety set by these rules.

$$\text{maximum allowable working pressure, psig} = \frac{TS + E}{RFS}$$

Where:

TS = Ultimate tensile strength of shell plate, PSI. When the tensile of shell plate is not known, it shall be taken as 55,000 PSI for temperatures not exceeding 700 F.

t = Minimum thickness of shell plate of weakest course, inches.

E = Efficiency of longitudinal joint depending upon construction. Use the following values: for riveted joints the calculated riveted efficiency; and for fusion welded and brazed joints:

	Percent
Single Lap Weld	40
Double Lap Weld	60
Single Butt Weld	60
Double Butt Weld	75
Forge Weld	70
Brazed Steel	80

R = Inside radius of weakest course of shell, inches, provided the thickness does not exceed 10 percent of the radius. If the thickness is over 10 percent of the radius, the outer radius shall be used.

FS = Factor of safety allowed by these rules.

7.1.54.2 External Pressure: The maximum working pressure for cylindrical nonstandard pressure vessels subjected to external or collapsing pressure shall be determined by the rules in the appropriate ASME Code Section VIII, Div. 1, 2, or 3

7.1.65 A State Special number may be assigned to a boiler or pressure vessel of nonstandard design. All designs and specifications must be submitted to the ~~Division~~ Boiler Safety Program for approval and must include:

7.1.65.1 Drawings and calculations certified by a mechanical engineer from the original manufacturer, or a Delaware registered professional engineer.

7.1.65.2 Material test reports certified by the original manufacturer or a material testing laboratory.

7.1.65.3 Report of a pressure test certified by the owner and a Delaware commissioned Inspector.

- 7.1.65.4 Report of an internal & external inspection by a Delaware commissioned Inspector.
- 7.1.65.5 Establish that welding meets the requirements of the ASME code.
- 7.1.65.6 If any of the above documentation has been lost, it will be necessary to fulfill the basic requirements by some other means acceptable to the ~~Director~~ Chief Inspector of the Boiler Safety Program.

8.0 Inspections

8.1 Access for inspection.

- 8.1.1 The Secretary, ~~Director~~ Chief Inspector of the Boiler Safety Program, Deputy Inspector, Special Inspectors, or members of the Council on Boiler Safety, shall have full access during reasonable hours to any premises in the State, where a boiler, pressure vessel or nuclear component within the scope of these Rules and Regulations is being constructed, installed, connected for use or operated, to ascertain compliance with these Rules and Regulations. Immediate access must be provided upon event of an accident.

8.2 Inspection Requirements

- 8.2.1 High-pressure boilers, miniature boilers and high-pressure high temperature water boilers shall receive a certificate of inspection annually. They shall also be inspected internally annually. The external (in service) inspection should be done within six months of the internal inspection.
- 8.2.2 Low-pressure steam heating boilers, hot water heating boilers, hot water supply boilers, and lined water heaters, shall be given a certificate of inspection biennially. This inspection may be an external inspection, unless the Inspector requires an internal inspection. The Inspector, due to operating conditions, may require additional inspections.
- 8.2.3 All pressure vessels shall be given a certificate of inspection every four years. This inspection may be an external inspection, unless the Inspector requires an internal inspection. The Inspector, due to operating conditions such as corrosive conditions or lethal service, may require additional inspections or request the certificate be for two years instead of 4 years.

8.2.3.1 The Department may grant an alternate approval for a pressure vessel to operate for a period of 10 days provided they have a valid certificate from another jurisdiction.

8.2.3.2 Any air cannon used in competition prior to 2004 that does not have ASME code welds must pass a hydrostatic test once every 2 years to continue to be allowed to operate.

- 8.2.4 Thermal Fluid Heaters (Boilers) shall receive a certificate inspection annually. They shall also be externally inspected annually. During the annual inspection, the Relief Devices test history shall be reviewed and safety controls checked. The inspector may require additional inspections due to conditions found.

8.3 Certificate Inspections

- 8.3.1 Certificate inspections will be allowed a grace period of one month beyond the normal inspection date, with extensions to the above, granted only by the ~~Director~~ Manager of the Boiler Safety Program. A current Certificate of Inspection must have a decal attached by the Inspector using the decals provided by the ~~Division~~ Boiler Safety Program. Violation of this paragraph will subject the owner/user to the penalty, as provided in ~~29 Del.C. §8210~~ 7 Del.C. ch 74B.

- 8.3.2 If, at the discretion of the Inspector, a hydrostatic test or any other test is deemed necessary, it shall be made by the owner or user of the boiler or pressure vessel.

- 8.3.3 Sufficient covering of the boiler or pressure vessel shall be removed to satisfy the Inspector that he may determine the conditions 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 such time as the covering can be removed and proper examinations made.

- ~~8.3.4 Installing contractor may perform operational tests on boilers prior to obtaining an operating certificate. This is for operational testing only.~~

8.4 Alternate Internal Inspection Requirements

- 8.4.1 High-pressure boiler internal inspection may be extended to 24 months; and 48 months for waste heat boilers, if the following requirements are met:

- 8.4.1.1 Continuous water treating under the general supervision of a trained person with experience in water treatment for the purpose of controlling and limiting corrosion and deposits.

- 8.4.1.2 Record keeping available for review showing:

- 8.4.1.2.1 The date and time boiler is out of service and the reason therefore.

- 8.4.1.2.2 Daily analysis of water samples that will adequately show the condition of such water and any elements or characteristics which are capable of producing corrosion or other deterioration of the boiler or its parts.
- 8.4.1.3 Annual external inspections performed by an Inspector with review of records in 8.4.1.1 and 8.4.1.2 above and enter results in comments section of his report.
- 8.4.1.4 Applicable NDE, if required by the Inspector. Records are to be maintained at least six (6) years. In order to qualify for such an extension, a written request to the Director Manager of the Boiler Safety Program must be made. This extension, when granted, is good until revoked.
- 8.4.2 The Director Manager of the Boiler Safety Program upon written requests may grant other extensions from the owner user with approval of the AIA.
- 8.5 Condemned boiler or pressure vessel
 - 8.5.1 This is a vessel that is declared unsafe by an Inspector, due to an irreversible defect, and removed from service. It shall be stamped as follows:
 - 8.5.1.1 XXXDELXXX - adjacent to original stamping
- 8.6 The inspections required by this Section shall be made by the Director Chief inspector, by a Deputy Inspector, an Owner/User inspector, or by a Special Inspector.
 - 8.6.1 If an owner or user of equipment, specified by this Section, obtains an insurance policy on such equipment from an insurance company licensed by the Delaware Insurance Commissioner's Office to insure boilers and pressure vessels, the Special Inspector employed by that insurance company shall conduct the inspection required by this Section.
 - 8.6.2 An Inspector employed by an Owner-User or a State of Delaware Owner/User may conduct the inspections on pressure vessels owned by that company in lieu of a State or Insurance Company Inspector.

9.0 Certificate of Inspection

- 9.1 Issuance of Certificate
 - 9.1.1 If upon making the required inspection, the Inspector finds the boiler, pressure vessel or nuclear installation to be in a safe working order, including all necessary safety devices shall submit a report to the Division of Boiler Safety Program. When the Division of Boiler Safety Program receives the report, either electronically or upon receipt of the inspection report (hard copy) from said Inspector, and the fee mentioned hereafter paid, shall issue a Certificate of Inspection. The certificate shall be posted on or near the object.
 - 9.1.2 At the time of the first inspection, the Inspector shall ~~leave a decal at the site. The second part of the decal is to be affixed to the lower right hand corner of report, and sent to the Division~~ assign the Delaware State Number (sequential number on seal) and leave a decal at the site.
 - 9.1.3 On subsequent inspections, the Inspector will attach the decal to the Certificate of Inspection, ~~and likewise affix the second portion of the decal to the lower right hand corner of the inspectors request form.~~ Any corrections or changes to this inspector's request form will be circled and changes noted and returned to the Division Boiler Safety Program. If reports are submitted electronically, no decals or hard copies of report have to be submitted to the Division Boiler Safety Program.
 - 9.1.4 In the event of a violation of these regulations or unsafe condition, the Inspector will ~~affix to the Certificate a red "fail" sticker indicate on the decal the object "failed". He will note on his Inspector's request, a written explanation and will attach a signed decal marked "fail",~~ and return the inspection request to the Division Boiler Safety Program. No decal or hard copy of report is required to be submitted if the report is submitted electronically. A decal marked "failed" will be left at location if object does not meet requirements for issuance of a certificate.
- 9.2 Certificates for boilers, pressure vessels or nuclear installations. Every Inspector inspecting boilers, pressure vessels or nuclear installations in the State of Delaware shall file with the Director Manager of Boiler Safety Program the applicable inspection report within thirty (30) days, after the date of inspection. The report can submitted either electronically or by a hard copy.
- 9.3 Certificate withdrawn, withheld, or revoked. If an Inspector finds that the boiler, pressure vessel or nuclear installation is not in safe working condition, or is not provided with the necessary safety appurtenances, or if the appurtenances are improperly arranged, ~~he~~ the inspector shall immediately notify the owner or user, and the person in charge of the boiler, of the code violations. He shall report the same to the Director, who shall place or cause to be placed on it an official State seal to prevent use of said boiler, pressure vessel or nuclear installation and its appurtenances, until it is put in condition to insure safety of operation Manager of Boiler

Safety Program. The owner and/or user shall not operate it or permit it to be operated, until such Certificate has been granted or restored.

10.0 Safety and Relief Valves and Rupture disks.

- 10.1 Installation of pressure relief valves, safety valves and rupture disks shall be in accordance with the ~~NBIC and the~~ appropriate Section of the ASME Code. A hot water supply boiler, including lined water heaters stamped HLW shall have a pressure temperature relief valve marked 210 F.
- 10.2 When any of the safety/relief valves require repairs or adjustments, these adjustments must be made by the manufacturer or an appropriate "VR" stamp repair company, and tested either before reinstallation or immediately upon placing the boiler, pressure vessel or nuclear installation in service.
- 10.3 No person shall load or adjust safety/relief valves in any matter to maintain a working pressure in excess of that stated on the certificate of inspection.
- 10.4 The owner/user shall assure that the safety valve(s) is functional at all times.
- 10.5 All low-pressure boiler safety and relief valves shall be ~~tested by hand or bench tested at the time of inspection~~ determined to be functional at time of inspection.
- 10.6 All high pressure boiler safety valves shall be hand tested or bench tested for set pressure and blowdown at the time of inspection or within the maximum allowable inspection interval provided by these regulations. In lieu of bench testing, the hydraulic lift system is acceptable. All high-pressure boiler safety valves for pressures over 400 PSIG shall be overhauled every five(5) years.
- 10.7 All pressure vessel relief valves shall be hand tested or bench tested for set pressure at the time of inspection or within the allowable inspection interval permitted by these regulations. In lieu of bench testing, the hydraulic lift system is acceptable. The frequency may be extended when supported by performance records of the individual user. For liquids or gasses, which are hazardous or costly and in-service testing is impractical, bench testing/ replacement frequency shall be ~~left to the owner/user~~ done every five (5) years and documented.
- 10.8 Bench testing is only acceptable if the bench testing apparatus can deliver proper pressure and volume. Sufficient volume should be enough to lift the pressure relief valve fully open.
- 10.9 Pressure vessel relief valves on installations must be overhauled or replaced every four (4) years where there is documented corrosion, deterioration of valve parts, product build up, or the possibility of plugging in the inlet or outlet, or sticking of the disc to the seat.
- 10.10 Thermal Fluid Heaters shall be equipped with Pressure Relief Devices that meet the requirements of ASME Section I Part PVG or ASME Section VIII as determined by the Department.

11.0 Antique Boilers

- 11.1 Antique boilers include any closed vessel manufactured prior to January 1, 1924, and used solely for display and demonstration purposes, in which water is heated or steam is generated by the direct application of heat from the combustion of fuels.
 - 11.1.1 An AI shall inspect antique boilers and remaining material thickness will be determined by a method acceptable to the AI. The MAWP based on these Rules and Regulations, as determined by a Registered Professional Engineer knowledgeable in power boiler fabrication, shall be submitted to the ~~Director~~ Manager of Boiler Safety Program for his review and acceptance.
 - 11.1.2 All antique boilers shall be inspected annually ~~by an AI~~ and shall include the following:
 - 11.1.2.1 A hydrostatic test at 1 1/4 times the MAWP
 - 11.1.2.2 ASME approved fusible plug installed and in good condition. Fusible plug shall be ~~removed annually to check condition~~ replaced annually.
 - 11.1.2.3 A safety valve meeting current ASME and National Board requirements set at or below the MAWP, with required relieving capacity, and tested, as required by these regulations. The seals on the valve shall be intact. ~~The O~~outlet of safety valve shall be piped to a safe point of discharge.
 - 11.1.2.4 A visual examination for any evidence of corrosion or leakage to include the boiler piping up to the first valve.
 - 11.1.2.5 Thickness readings shall be taken at the time of the first inspection, and every two years thereafter to determine the amount of corrosion of metal.
 - 11.1.2.6 Any other requirements specified in the Division Boiler Safety Program's regulations.
 - 11.1.2.7 Ultrasonic thickness testing of boiler shall be performed every 4 years and the results recorded and maintained for review by the inspector.

- 11.1.3 Approval for operation of an antique boiler will be granted upon successful completion of the above inspection requirements and payment of the fee required. A Certificate will be issued and shall be valid for a period not to exceed 12 months. A fee of \$15.00 shall be charged for inspections and a fee of \$15.00 shall be charged for the certificate. A current operating certificate shall be posted while in operation.
- 11.1.4 Alternate approval may be given to operate an antique boiler having a valid certificate from another State, whose requirements have been determined by the Division Boiler Safety Program to meet or exceed the current Edition and Addenda of the NBIC and these requirements.
- 11.1.5 Request for approval must be submitted 30 days ~~before~~ prior to operation.

12.0 Repairs or Alterations by Fusion Welding

- 12.1 Repairs and alterations to boilers and pressure vessel shall comply with:
 - 12.1.1 The original construction standard, or later editions of the construction standard,
 - 12.1.2 The latest accepted edition of the National Board Inspection Code, and
 - 12.1.3 These Rules & Regulations.
- 12.2 All repairs or alterations to boilers, pressure vessels or piping within jurisdictional limits, shall be approved by a Delaware commissioned AI and performed under his guidance.
- 12.3 The organization making the repair or alteration shall possess a valid National Board Repair Certificate of Authorization
 - 12.3.1 National Board Repair Certificate of Authorization is required for any repair or alteration work performed in or out of the manufacturer's premises.
 - 12.3.2 Design changes shall be certified by an organization having an approved Q.C. Program, which includes control of drawings, design calculations and specifications. These controls shall meet or exceed ASME requirements.
 - 12.3.3 The work shall be within the scope of their Q.C. program.
- 12.4 An R1 "Record of Welded Repair" shall be filed with the ~~Division of~~ Boiler Safety Program with the Delaware jurisdiction number clearly identified.
- 12.5 An R2 "Report of Alteration" with a copy of the manufacturer's data report shall be filed with the ~~Division~~ Boiler Safety Program, with the Delaware jurisdiction number clearly identified.
- 12.6 Repairs of a routine nature as defined by the NBIC need not have a "Report of Welded Repair" submitted to the ~~Director~~ Manager of Boiler Safety Program, but this repair documentation must be retained by the owner/user as long as the object remains in service. "Routine Repair" shall be entered in "Remarks" section of the R-1 Form.
- 12.7 Lap Seam Cracks. The shell or drum of a boiler or pressure vessel in which a lap seam crack is discovered along a longitudinal riveted joint shall be immediately condemned and permanently removed from service. Repairs of this type defect are prohibited.
- 12.8 Riveted Patches. In applying riveted patches, the design of the patch and method of installation shall be in accordance with the NBIC, 1973 edition.
- 12.9 Repair, modification or replacement of nuclear components. Repair, modification or replacement of nuclear components shall be made only by an organization which holds a valid Certificate of Authorization for use of the appropriate National Board nuclear "NR" symbol stamp. Repair, modification or replacement of ASME stamped "NV" pressure relief valves shall be made only by an organization which holds valid National Board Certificates of Authorization for use of the "NR" and "VR" symbol stamps.
- 12.10 Restamping of Boilers and Pressure Vessels shall be in accordance with the current Edition of the NBIC and jurisdictional requirements.

13.0 Fees

- 13.1 Inspection and certificate of inspection fees:
 - 13.1.1 The owner and/or user of a boiler, pressure vessel or nuclear installation required to be inspected under these Rules & Regulations shall pay the required fees.
 - 13.1.2 All checks should be made payable to the ~~Division of~~ Boiler Safety Program and sent directly to the office by the owner and/or user.
- 13.2 Certificate of Inspection Fees. Boiler and pressure vessel certificate fees are \$7.50 annually.
- 13.3 Inspection Fees:

13.3.1 Power Boilers & High Pressure/High Temperature Hot Water Boilers:

Internal inspection under 5 HP	\$15.00
5 HP up to 99 HP	\$25.00
99 HP up to 200 HP	\$35.00
Over 200 HP, on an hourly basis with a minimum of	\$50.00
External Inspection	\$15.00
Heating Boilers and Hot Water Supply Boilers:	
Without a manhole:	\$15.00
With a manhole:	\$25.00
Water heater	\$10.00

13.3.2 Pressure Vessels. ~~The required inspection fee shall be based on the cross-sectional area in square feet obtained by multiplying the square of the external diameter of the vessel in feet by .7854. For rectangular vessels, the product of the two greatest external dimensions in feet i.e., length by either width or depth, whichever is greater. For jacketed vessels, the product of the greatest external diameter in feet or width of outside shell and the greatest length or depth in feet of the outside shell.~~ The required inspection fee shall be based on the cross-sectional area in square feet obtained by multiplying the external diameter of the vessel in feet by the external length of the vessel in feet.

Fifty (50) square feet or less	\$10.00
Each additional 100 square feet or fraction thereof in excess of 50 square feet	\$20.00

A group of pressure vessels such as rolls of a paper machine or a dryer operating as a single machine or unit shall be considered as one pressure vessel and the inspection fee shall be based on the actual hourly inspection time.

13.3.3 Hydrostatic tests. When it is necessary to make a special trip to witness the application of a hydrostatic test, the fee for such service shall be based on the actual hourly inspection time including travel. The entire expense of applying the hydrostatic test shall be borne by the owner and/or user.

13.3.4 Nuclear Installations. The inspection fee is based on actual hourly inspection time at an hourly or daily rate determined by the ~~Director~~ Manager of the ~~Division of Boiler Safety Program~~, dependent on the type of qualified personnel necessary to perform the required safety inspections.

13.3.5 Shop Reviews. A fee of \$1500 per ASME and National Board "R" review, requires a team leader and if available, ~~team member~~ a jurisdictional representative to be present. A fee of \$800 per review, if only a National Board "R" ~~authorization to repair or alter ASME stamped boilers and pressure vessels~~ is requested.

13.4 Miscellaneous Fees:

Inspectors Commission Fees	
National Board Examination,	
Delaware Resident	\$75.00
Non-Delaware Resident	\$150.00
Examination for a Delaware Inspector Commission	\$50.00
Biennial (2 yr.) Commission Credential card renewal	\$25.00
Replacement of lost or destroyed Commission	\$20.00
Permit for State Special	
Boiler or Pressure Vessel	\$500.00 minimum
Nuclear installation	\$2000.00 minimum

14.0 Gas Water Heaters Suitable For Potable Water And Space Heating

14.1 Units Covered

14.1.1 Gas water heaters, which are suitable for potable water and space heating, shall be covered by this Section provided the water heater does not exceed any of the following limitations:

- 14.1.1.1 Maximum heat input of 200,000 BTU per hour or 58,600 watts;
- 14.1.1.2 Maximum water temperature limit of 210 degrees Fahrenheit (99 degrees Celsius); or
- 14.1.1.3 Nominal water containing capacity of 120 gallons (454.2 L).

- 14.1.2 This Section shall cover the water heater, heat exchanger, coil or any other device connected directly or indirectly to the water heater and used to supply potable hot water and space heating.
- 14.2 Gas Water Heaters Suitable for Potable Water and Space Heating with Input Ratings of 75,000 BTU per Hour or less. In addition to the requirements in section 14.1 of this Section, gas water heaters suitable for potable water and space heating with input ratings of 75,000 BTU per hour or less shall also be constructed and installed in accordance with the American National Standard for Gas Water Heaters, Volume 1, ANSI Z21.10.1, current edition and addenda, including, but not limited to Z21.10.1a, current edition and addenda, as well as all applicable Federal, State and local laws and regulations. Water heaters covered by this Section are not required to be constructed to the standards set forth in Section IV, ASME Boiler and Pressure Vessel Code, except to the extent required by ANSI Z21.10.1, current edition and addenda.
- 14.3 Gas Water Heaters Suitable for Potable Water and Space Heating with Input Ratings in excess of 75,000 BTU per Hour but with a Maximum of 200,000 BTU per Hour. In addition to the requirements of 14.1 of this Section, gas water heaters suitable for potable water and space heating, with input ratings in excess of 75,000 BTU per hour, but not more than 200,000 BTU per hour, shall be constructed and installed in accordance with the American National Standard for Gas Water Heaters, Volume III, ANSI Z21.10.3, current edition and addenda, as well as applicable Federal, State and local laws and regulations.
- 14.4 Limitations
- 14.4.1 All units covered by this Section shall not be connected to any existing nonpotable water heating system.
- 14.4.2 No more than one (1) unit covered by this Section shall be connected to a circulating system.
- 14.4.3 This Section shall not apply to closed loop systems.
- 14.5 Inspection
- 14.5.1 Exemption from field inspection of units covered by this Section shall be governed by 29 Del.C. §8210.
- 14.5.2 These exempt water heaters shall be equipped with ASME Code approved pressure/temperature relief valves.
- 14.6 Oil fired combination service water heating or space-heating equipment shall meet the requirements of the ASHRAE/IES 90.1, current edition and addenda.

15.0 Jacketed Cooking Kettles

- 15.1 Fired jacketed cooking kettles built to ASME Section VIII Division 1 shall meet the requirements of ASME Section VIII Division 1 Appendix 19:
- 15.1.1 No steam or water shall be withdrawn from the jacket for use external to the vessel and operating pressure of the jacket shall not exceed 50 psi.
- 15.1.2 An ASME approved relief valve shall be installed set at or below the allowable working pressure of the jacketed cooking kettle with the minimum relieving capacity as required by the manufacturer.
- 15.1.3 There shall be a pressure gage installed on the jacket.
- 15.1.4 There shall be a water gage glass; or alternatively, for electrically heated jacketed steam kettles with immersion type heating elements, a low level warning light.
- 15.1.5 There shall be a separate connection, fitted with a stop valve, for venting air or adding water to the jacket (the water may be added while the vessel is not under pressure).
- 15.1.6 There shall be an electric heater control or automatic gas valve controlled by pressure to maintain the steam pressure in the jacket below the safety valve setting.
- 15.1.7 There shall be a low water cutoff that will cut off the fuel to the burner or power to the heating elements on a low water condition.

156.0 Variances

The ~~Director~~ Manager of the ~~Division of~~ Boiler Safety Program shall have the authority to grant a variance, on a case by case basis, to those rules and regulations that pertain to the installation of new boilers to replace existing boilers. The variance shall be in writing describing all pertinent information regarding the variance requested and the reason for the request.

167.0 Complaints

When the ~~division~~ Boiler Safety Program receives a complaint a boiler or pressure vessel is being operated in an unsafe condition or does not meet codes, an investigation shall be conducted by either a State Deputy Boiler Inspector, or by the inspector employed by the insurance company carrying boiler machinery insurance

on the object. A report will be submitted to the ~~Director~~ Manager of the Boiler Safety Program, and appropriate action will be taken depending on the conditions found.

18.0 Code Variations (the following are code variances)

The application of a NB number to a boiler or pressure vessel after it has been placed in service is not permitted without prior approval of Boiler Safety

19.0 Delaware Owner/User Agency and Inspectors

19.1 Owner/User Inspector. The Manager shall, upon the request of any company maintaining a Delaware Owner/User Inspection Agency and operating pressure vessels in this State, issue an Owner/User Commission to an inspector that meets the requirements stated in 20.2, the inspector is continuously employed by the company, and satisfactorily passes a written examination based on the requirements of the latest Edition of the Rules and Regulations of the Boiler Safety Program.

19.2 Examination for Certificate of Competency

19.2.1 Examination for a certificate competency as a Delaware Owner/User inspector of pressure vessels shall be held at the office of the Boiler Safety Program or at any location selected by the Manager of the Boiler Safety Program.

19.2.2 An applicant for an examination shall have education and experience equal to at least one of the following:

19.2.2.1 A degree in mechanical engineering plus one year experience in the design, construction, operation, or inspection of high pressure boilers, pressure vessels, or nuclear installations.

19.2.2.2 A degree in a branch of engineering, other than mechanical engineering, plus (2) years of experience in the design, construction, operation or inspection of high pressure boilers, pressure vessels, or nuclear installations.

19.2.2.3 The equivalent of a high school education plus three (3) years of experience (1) in high pressure boiler, pressure vessel, nuclear construction or repair or (2) as an operating engineer in charge of a high pressure boiler, pressure vessel, or nuclear installation operation; or (3) as an inspector of high pressure boilers, pressure vessels, or nuclear installations.

19.2.3 Applications for examination shall be in writing on a form furnished by the Boiler Safety Program stating the school education of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsifications or untruthful statements will be rejected. If the applicant's history and experience meet with the approval of the Manager of the Boiler Safety Program, the applicant shall be given a written examination dealing with the construction, installation, operation, maintenance, repair and inspection of boilers, pressure vessels, and nuclear installations and their appurtenances. The applicant shall be accepted or rejected on the merits of this examination. If the applicant is successful in meeting the requirements of the examining Board, a Certificate of Competency will be issued by the Manager of the Boiler Safety Program.

19.3 Owner/User Inspection Agency

19.3.1 Within 6 months of the effective date of these regulations, any company which maintains a regularly established inspection department in the State of Delaware, has a written Quality Control manual that is accepted by the Manager of the Boiler Safety Program and reviewed every three years, employs owner/user inspectors qualified under the provisions of 20.1.1, and desires to inspect pressure vessels for its own use and operation in the State of Delaware shall apply on its letterhead requesting registration.

19.3.2 An Owner/User Inspection Agency shall only be authorized to do in-service inspections of pressure vessels it owns and operates in the State of Delaware and not available for re-sale.

19.3.3 The Quality Control Manual shall contain:

19.3.3.1 Title Page

19.3.3.2 Contents Page

19.3.3.3 Scope of Work

19.3.3.4 Statement of Authority and Responsibility

19.3.3.5 Organization

19.3.3.6 Inspection Methods

19.3.3.7 Reporting

19.3.3.8 Training

19.3.3.9 Control of Contract Services

19.3.3.10 Exhibits

20.0 Non-traditional Inspection Agency

- 20.1 Non-traditional Inspection Agencies shall maintain a valid Delaware Business License to perform work required by these regulations in the State of Delaware.
- 20.2 Non-traditional Inspection Agencies shall maintain two million dollars of Professional Liability Insurance and submit documentation of this insurance to the Boiler Safety Program annually to perform work required by these regulations in the State of Delaware.
- 20.3 The State of Delaware Boiler Safety Program shall maintain a list of approved Non-traditional inspection agencies and only those approved by the State of Delaware's Boiler Safety Program shall perform work required by these regulations in the State of Delaware.
- 20.4 Non-traditional Inspection Agencies shall only perform inspections at un-insured locations; or at locations where the Non-traditional Inspection Agency is a contractor to an insurance company.
- 20.5 The DNREC Boiler Safety Program shall have the right to audit a Non-traditional Inspection Agency and revoke their approval based on just cause.

4721.0 Severability

If any part of these Rules and Regulations are held invalid, unconstitutional, or otherwise contrary to law, then it shall be severable and the remaining portions hereof shall remain and continue in full force and effect.

5 DE Reg. 1128 (11/1/01)

16 DE Reg. 251 (09/01/12) (Prop.)

* Please Note: All attachments are being deleted from the regulation.

