

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-.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 of boilers and pressure vessels and for manufacturers and contractors of boilers and pressure vessels quality control system reviews:
  - (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 H.P. or less, or 50 sq. ft. or less of heating surface \$35.00
  - (b) Boilers over 5 H.P. or over 50 sq. ft. of heating surface \$35.00
  - (c) External inspections \$25.00
- (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	\$20.00
(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 eighty-one dollars (\$81.00) shall be paid per day for the actual inspection time of each inspector on any one (1) vessel.	
(5)	Examination fee (non-refundable)	\$100.00
(6)	Certificate of Competency fee (non-refundable)	\$50.00
(7)	Identification card fee (non-refundable) Annual renewal	\$25.00
(8)	Inspection certificates fees:	
(a)	For power boilers	\$30.00
(b)	For low pressure heating boilers and unfired pressure vessels	\$45.00
(9)	License fee:	
(a)	Original license (first year)	\$50.00
(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	\$35.00
	For one (1) day maximum	\$70.00

Authority: T.C.A. §§ 4-5- 202(a)(3), 68-122-101 through 68-122-104, 68-122-106, 68-122-111, 68-122-113, and 68-122-116.

Legal Contact and/or party who will approve final copy:

Martin Toth  
 Chief Inspector  
 Tennessee Department of Labor  
 and Workforce Development  
 Andrew Johnson Tower, 3<sup>rd</sup> Floor  
 710 James Robertson Parkway  
 Nashville, Tennessee 37243  
 (615) 741-2123

Contact for disk acquisition:

Martin Toth

Chief Inspector  
Tennessee Department of Labor  
and Workforce Development  
Andrew Johnson Tower, 3<sup>rd</sup> Floor  
710 James Robertson Parkway  
Nashville, Tennessee 37243  
(615) 741-2123

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

\_\_\_\_\_  
W. Edward Lunn, Jr.  
Chairman  
Board of Boiler Rules

The roll call vote by the Board of Boiler Rules on these proposed rules was as follows:

	Aye	No	Absent
Dr. Domenico Canonico	___	___	___
Wayne L. Hiter	___	___	___
Dr. Glen E. Johnson	___	___	___
W. Edward Lunn, Jr.	___	___	___
Brian R. Morelock	___	___	___
Edwin G. Vance	___	___	___

I certify that this is an accurate and complete copy of proposed rules lawfully promulgated and adopted by the Board of Boiler Rules on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
James G. Neeley  
Commissioner  
Department of Labor and Workforce Development

The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

\_\_\_\_\_  
James G. Neeley  
Commissioner  
Department of Labor and Workforce Development

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Robert E. Cooper, Jr.  
Attorney General and Reporter

The proposed rules set out herein were properly filed in the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Riley Darnell  
Secretary of State

By: \_\_\_\_\_