

CHAPTER 90

**BOILERS, PRESSURE VESSELS
AND REFRIGERATION**

Authority

N.J.S.A. 34:1-20, 34:1-47, 34:1A-3(e) and 34:7-18.

Source and Effective Date

R.1994 d.599, effective November 9, 1994.
See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Executive Order No. 66(1978) Expiration Date

Chapter 90, Boilers, Pressure Vessels and Refrigeration, expires on November 9, 1999.

Chapter Historical Note

Chapter 90, Boilers, Pressure Vessels and Refrigeration, was filed and became effective prior to September 1, 1969. Amendments became effective March 11, 1976 as R.1976 d.79. See: 8 N.J.R. 41(a), 8 N.J.R. 197(c). Chapter 90 was repealed and new rules became effective December 17, 1984. See: 16 N.J.R. 1172(a), 16 N.J.R. 3454(a). Pursuant to Executive Order No. 66(1978), Chapter 90 was readopted as R.1990 d.24, effective December 15, 1989. See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Pursuant to Executive Order No. 66(1978), Chapter 90 was readopted as R.1994 d.599. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:90-1.1 Title and citation

This chapter shall be known and may be cited as N.J.A.C. 12:90, Boilers, Pressure Vessels and Refrigeration.

12:90-1.2 Authority

These rules are promulgated pursuant to the authority of the Operating Engineers and Firemen Licensing Act, N.J.S.A. 34:7-1 et seq. and the Boiler, Pressure Vessel and Refrigeration Act, N.J.S.A. 34:7-14 et seq.

12:90-1.3 Purpose

(a) The purpose of this chapter is to provide reasonable standards for:

1. The protection of life and property in the use of boilers, pressure vessels and refrigeration systems; and
2. The licensing of engineers and firemen.

12:90-1.4 Scope

(a) This chapter shall apply to:

1. The design, construction, alteration, repair, operation, use and inspection of boilers, pressure vessels and refrigeration systems; and
2. The examination and licensing of operating engineers, firemen, and operators of long boom cranes.

12:90-1.5 Documents referred to by reference

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 12:90-9.

Amended by R.1996 d.588, effective December 16, 1996.
 See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).
 Changed N.J.A.C. reference.

12:90-1.6 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

SUBCHAPTER 2. DEFINITIONS

12:90-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Act” (“Inspection Act”) means the Boiler, Pressure Vessel and Refrigeration Act, N.J.S.A. 34:7-14 et seq.

“Act” (“Licensing Act”) means the Operating Engineers and Firemen Licensing Act, N.J.S.A. 34:7-1 et seq.

“Alteration” means any change in the item described on the original manufacturer’s data report which affects the pressure containing capability of the boiler or pressure vessel. Nonphysical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel 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.

“API” means the American Petroleum Institute.

“API-ASME Code” means the American Petroleum Institute-American Society of Mechanical Engineers Code for Unfired Pressure Vessels for Petroleum Liquids and Gases that existed from 1934 through 1956, and is applicable to Class II unfired pressure vessels described in N.J.A.C. 12:90-5.5.

“API certified inspector” means an inspector who is certified by API to perform functions specified in API-510.

“API-510” means the pressure vessel inspection code for maintenance, inspection, repair, alteration, and rerating procedures for pressure vessels used by the petroleum and chemical process industries.

“Approved” means acceptable to the Commissioner of Labor.

“ASME” means the American Society of Mechanical Engineers.

“ASME Code” means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers.

“Authorized inspection agency” means one of the following:

1. The State of New Jersey;
2. An inspection agency authorized to write boiler and pressure vessel insurance and having inspectors that are authorized with a valid certificate of competency to inspect; or

3. An owner or user of pressure vessels who maintains an established inspection department, whose organization and inspection procedures comply with the requirements of the National Board or the American Petroleum Institute, as applicable, and which is registered with the Office of Boiler and Pressure Vessel Compliance (OBPVC).

“Board” means the Board of Boiler and Pressure Vessel and Refrigeration Rules appointed under N.J.S.A. 34:1-38.1.

“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 external use by the direct application of heat. The term “boiler” shall include fired or waste heat units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves.

1. “Low pressure boiler” means a boiler complying with N.J.A.C. 12:90-4.2(b)4.

2. “Heating boiler” means a steam or vapor boiler operating at a pressure not exceeding 15 psig, or a hot water boiler operating at a temperature not exceeding 250 degrees Fahrenheit.

3. “Hot water heating boiler” means a boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler; and which operates at a pressure not exceeding 160 psig or a temperature of 250 degrees F or both at or near the boiler outlet.

4. “High pressure boiler” means a power boiler in which steam or other vapor is generated at a pressure of more than 15 psig. High pressure boiler also means a high temperature, high pressure water boiler or heat recovery steam generator.

5. “High temperature water boiler” means a water boiler operating at a pressure exceeding 160 psig or a temperature exceeding 250 degrees Fahrenheit.

6. “Heat recovery steam generator” means a high pressure boiler in which steam or other vapor is generated and where steam is super heated. The term “heat recovery steam generator” shall include both fired and indirect fired units whose heat source is derived from duct burners and/or waste exhaust gasses.

7. “Hot water supply boiler” means a low pressure hot water boiler having a volume exceeding 120 gallons or a heat input exceeding 200,000 BTU/Hour (58.6 KW) or an operating temperature exceeding 200 degrees Fahrenheit, that provides hot water to be used externally to itself.

8. “Unfired boiler” means an unfired pressure vessel in which steam is generated except for evaporators, heat exchangers or vessels in which steam is generated by the use of heat resulting from operation of a processing system containing a number of pressure vessels such as

used in the manufacture of chemical and petroleum products.

“Boiler horsepower” means the evaporation of 34.5 pounds of water from and at 212 degrees Fahrenheit or its equivalent and in the absence of reliable means of determination shall mean five square feet of boiler heating surface, or 10 kilowatts input, or 40,000 BTU input.

“BTU” means a British thermal unit or the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

“Building of public assembly” means an assembly building, Use Group A, which is a place of assembly as defined by Section 302.0 of the BOCA Basic National Building Code-1984.

“Certificate of Competency” means a certificate issued to a person who has passed the inspection examination prescribed by the Examining Board.

“Certificate of inspection” means an inspection, the report of which is used by the chief boiler inspector as justification for issuing, withholding or revoking the certificate as provided for in N.J.S.A. 34:7-24.

“Chief engineer” means a properly licensed person supervising one or more of the licensed operators of boilers, power plants or refrigeration systems working in the same plant.

“Commissioner” means the Commissioner of Labor or his authorized agent.

“Continuous processing operation” means a continuously operating processing or environmental control unit within the petroleum refining or chemical manufacturing industry where an associated boiler or similar equipment cannot be taken out-of-service outside of a scheduled, pre-planned periodic shut down of the entire continuous processing operation without incurring significant safety, environmental or economic harm.

“Division of Workplace Standards” means the Division of Workplace Standards of the New Jersey Department of Labor, CN 392, Trenton, NJ 08625-0392.

“Examiner” means an individual identified as a member of the examining board pursuant to N.J.S.A. 34:1-38.1.

“External inspection” means an inspection made when a boiler or pressure vessel is in operation.

“Fireman” means a boiler operator.

“Insurance company inspector” means an employee of an insurer who is trained and specializing in the inspection of boiler or pressure vessels for safety reasons to represent the interests of the insurer.

“Internal inspection” means as complete an examination as can reasonably be made of the internal surfaces of a boiler or pressure vessel when manhole plates, handhold plates, or other inspection opening closures are removed.

“Kilowatt” means a unit of electrical power equal to 1000 watts.

“License” means a certificate documenting acceptance of a person as competent to operate specified equipment.

“Long boom crane” means a hoisting machine with a boom length of over 99 feet.

“Mechanical Inspection Bureau” means the bureau established pursuant to N.J.S.A. 34:1-38.1 et seq. (1917) and is synonymous with the Office of Boiler and Pressure Vessel Compliance.

“National Board Commission” means the commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a certificate of competency who desires to make shop or field inspections in accordance with the National Board for such commission.

“National Board Inspection Code” means the manual for boiler and pressure vessel inspectors published by the National Board of Boiler and Pressure Vessel Inspectors.

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

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Occupied building” means a building which is occupied by persons other than custodial or security personnel. A building is not deemed to be occupied solely on the basis of attendance by custodial or security personnel.

“Office of Boiler and Pressure Vessel Compliance” means the Office of Boiler and Pressure Vessel Compliance of the Division of Workplace Standards, New Jersey Department of Labor, CN 392, Trenton, NJ 08625-0392.

“Owner or user” means any person, firm or corporation legally responsible for the safe operation of any boiler, pressure vessel, or refrigeration system.

“Owner-user inspector” means an inspector who possesses an owner-user Certificate of Competency issued by the Office of Boiler and Pressure Vessel Compliance and is employed by a registered owner-user inspection agency.

“Pressure vessel” (See unfired pressure vessel).

“Prime mover” means a turbine, pump or other steam driven device which produces work (energy).

“Psig” means pounds per square inch gauge.

“Refrigeration system” means a system that is a combination of interconnected refrigerant containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat.

“Shift engineer” means a properly licensed person operating a boiler, power plant or refrigeration system.

“Shop inspection” means an inspection performed when any boiler or pressure vessel is being constructed, fabricated or undergoing welded repair. Such inspections shall include audits and joint reviews as required and assigned by the ASME, API, and National Board including owner-user certification audits.

“State inspector” means an employee of the Office of Boiler and Pressure Vessel Compliance who is authorized to inspect boilers or pressure vessels or other equipment.

“Total capacity” means the sum of the horsepower at ratings of all boilers comprising the system based on the minimum safety valve relieving capacity as required by the ASME Code.

“Unfired pressure vessel” means a vessel in which the pressure is obtained from an external source, or by the application of heat from a direct or indirect source.

“Welded repair” means work necessary to restore a boiler or pressure vessel to a condition suitable for safe operation at the design conditions. If any repair changes the design temperature or pressure, the requirements for rerating shall be satisfied. A repair can be the addition or replacement of pressure or non-pressure parts that do not change the rating of the boiler or pressure vessel.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

“Examiner” and “fireman” added; “secondhand boiler or pressure vessel” deleted; “Mechanical Inspection Bureau” revised.

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Added definitions for “alteration”, “API”, “API certified inspector”, “API-510”, “hot water supply boiler”, “unfired boiler”, “National Board Inspection Code”, and “owner-user inspector”; deleted definition for “water heater”; and “API-ASME”, “authorized inspection agency”, “boiler”, “boiler horsepower”, “BTU”, “certificate of competency”, “Division of Workplace Standards”, “shop inspection”, and “welded repair” revised.

SUBCHAPTER 3. ADMINISTRATION

12:90-3.1 Scope of subchapter

This subchapter shall apply to the administrative functions required to be performed by the owner or user of any boiler, pressure vessel or refrigeration system within the scope of this chapter.

12:90-3.2 Right of entry

(a) For the purpose of examination or inspection of any boiler, pressure vessel, refrigeration system, power plant or other equipment, the Commissioner may enter such premises at all reasonable hours in accordance with N.J.S.A. 34:1-15.

(b) Any person, corporation or firm violating any provision of this section shall, for each offense, be liable for a penalty of \$50.00 pursuant to N.J.S.A. 34:1-16.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Penalty for violation added at (b).

12:90-3.3 Equipment requiring a licensed operator

(a) No person shall operate the equipment listed below without the appropriate license as specified in N.J.A.C. 12:90-3.4 through 3.8.

1. Any steam boiler, steam generator, hot water boiler for service over 250 degrees Fahrenheit, or similar equipment potentially capable of generating steam having a safety valve or valves set higher than 15 pounds per square inch gauge and rated over six horsepower;

2. A steam or hot water heating plant with an indicated or rated capacity that exceeds either 499 square feet of heating surface, or 100 boiler horsepower, or 1,000 kilowatts, or 4,000,000 Btu input regardless of pressure or temperature conditions only when the building or building being served is deemed occupied;

3. Any steam turbine, steam engine or other steam driven prime mover, rated over six horsepower;

4. Any refrigerating system using a refrigerant which is either flammable or toxic and rated over 24 tons of refrigerating capacity;

5. Any hoisting machine with a boom length exceeding 99 feet; or

6. Hot-oil generators or equipment using fluids other than water to produce steam indirectly.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Six tons changed to 24 tons in (a)4.
Amended by R.1994 d.599, effective December 5, 1994.
See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

12:90-3.4 Licenses for high pressure boilers

(a) This section shall apply to the grades of licenses required to operate a high pressure boiler.

(b) The chief engineer and shift engineer of a high pressure boiler shall hold at least the license designated in Table 3.4.

Table 3.4

Licenses for High Pressure Boilers

Boiler horsepower over	Boiler horsepower not over	Chief Engineer's License (1)	Shift Engineer's License
		1-A gold seal 1st class engineer	1-C blue seal 3rd class engineer
3,000			
1,000	3,000	1-B red seal 2nd class engineer	1-C blue seal 3rd class engineer
500	1,000	1-C blue seal 3rd class engineer	black seal boiler operator in charge
100	500	black seal boiler operator in charge	black seal boiler operator in charge
6	100(2)	—	boiler operator special

Notes to Table

(1) When required by N.J.A.C. 12:90-3.9.
(2) Applies only to fully automatic boilers over six but not over 100 boiler horsepower.

(c) A fireman's special license for electric boilers may be issued for unlimited horsepower use, and may not be used for the operation of other types of boilers.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Restrictions on use of fireman's special license added at (c).
Amended by R.1996 d.588, effective December 16, 1996.
See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).
In (c), deleted reference to coil and waste heat boilers.

12:90-3.5 Licenses for low pressure boilers

(a) This section shall apply to the licenses required to operate a low pressure boiler.

(b) No unlicensed person shall operate a low pressure steam or hot water heating boiler in which the rated capacity exceeds 100 horsepower or 499 square feet of heating surface or 4,000,000 Btu input or 1,000 kilowatts regardless of pressure or temperature conditions only when the building or building being served is deemed occupied.

(c) A person with a low pressure license may operate low pressure boilers of unlimited horsepower.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Operation of boilers of unlimited horsepower permitted at (c).
Amended by R.1994 d.599, effective December 5, 1994.
See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

12:90-3.6 (Reserved)

12:90-3.7 Licenses for power generating plants

(a) This section shall apply to the various grades of licenses required to operate the steam driven prime mover in power generating plants.

(b) The chief engineer, shift engineer and boiler operator of a power generating plant shall hold at least the license designated in Table 3.7.

Refrigeration Plant Capacity		Chief Engineer's License	Shift Engineer's License
tons over	tons not over	(1)(2)	(2)
65	300	2-B red seal 2nd class engineer	2-C blue seal 3rd class engineer
24	65	2-C blue seal 3rd class engineer	2-C blue seal 3rd class engineer

Table 3.7

Licenses for Power Generating Plants

Power Generating Plant Prime Mover		Chief Engineer's License	Shift Engineer's License	Boiler Operator's License
horsepower over	horsepower not over	(1)	(1)	(2)
500 and over		1-A gold seal 1st class engineer	1-C blue seal 3rd class engineer	black seal boiler operator in charge
100	500	1-B red seal 2nd class engineer	1-C blue seal 3rd class engineer	black seal boiler operator in charge
6	100	1-C blue seal 3rd class engineer	1-C blue seal 3rd class engineer	black seal boiler operator in charge (2)

Notes to Table

- (1) When required by N.J.A.C. 12:90-3.9.
- (2) If needed.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Table 3.7 amended to add 1-C blue seal 3rd class engineer under shift engineer's license for horsepower over 6, but not over 100.

12:90-3.8 Licenses for refrigeration systems

(a) This section shall apply to the various grades of licenses required to operate refrigeration systems using toxic or flammable refrigerants.

(b) The chief engineer or shift engineer of a refrigeration system shall hold at least the license designated in Table 3.8.

Table 3.8

Licenses for Refrigeration Systems

Refrigeration Plant Capacity		Chief Engineer's License	Shift Engineer's License
tons over	tons not over	(1)(2)	(2)
300 and over		2-A gold seal 1st class engineer	2-C blue seal 3rd class engineer

Notes to Table

- (1) When required by N.J.A.C. 12:90-3.9.
- (2) When steam driven prime movers are employed as part of the refrigeration system, the engineer shall hold the appropriate steam and refrigeration engineer's license.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Stylistic changes.

12:90-3.9 Chief engineer and scope of certain licenses

(a) When more than one licensed person is required to operate a high pressure boiler, refrigeration system, or power generating plant, whether or not the operators are employed on the same shift, the management of the plant shall designate a chief engineer. Chief engineers are not required for low pressure systems.

(b) A chief engineer may be called a supervising engineer in some plants.

(c) The engineer designated as chief engineer shall be permitted to serve as chief engineer in one plant location only and must be a full-time employee of the company responsible for the operation of the high pressure boilers, power generating or refrigeration systems. The designation shall be in writing and be on file at the plant location where the chief engineer is employed.

(d) The designated chief engineer may be a shift engineer holding a license of a grade required for a chief engineer.

(e) The chief engineer designated in (a) above shall hold the proper grade and classification of license as provided by N.J.A.C. 12:90-3.4 through 3.8.

(f) The Office of Boiler and Pressure Vessel Compliance may recognize an engineer holding a license one grade lower than that required to serve as acting chief engineer on a temporary basis provided:

1. Every reasonable effort has been made by the employer to obtain a properly licensed chief engineer;
2. The candidate has submitted an acceptable application for examination for the higher grade license; and
3. The employer has submitted a request in writing for the acting chief engineer status.

(g) A fireman holding a fireman in charge license may act as chief engineer of an installation of 500 boiler horsepower or less. He may assume charge of a shift, under the supervision of a properly licensed chief engineer, in installations not over 1,000 boiler horsepower. When the total capacity exceeds 1,000 boiler horsepower, he may act as fireman, under the direction of, and responsible to, a properly licensed engineer in charge of his shift.

(h) An engineer holding a C or third grade license of the proper classification may act as chief engineer of any plant where the total capacity of the equipment involved does not exceed 1,000 boiler horsepower, 100 engine horsepower or 65 tons refrigerating capacity. He may also act as operating engineer, under the supervision of a properly licensed chief engineer, in installations exceeding the above limits.

(i) An engineer holding a B or second grade license of the proper classification may act as chief engineer of any plant where the total capacity of the equipment involved does not exceed 3,000 boiler horsepower, 500 engine horsepower or 300 tons refrigerating capacity. He may also act as operating engineer, under the supervision of a properly licensed chief engineer, in installations exceeding the above limits.

(j) An engineer holding an A or first grade license of the proper classification may act as chief engineer in any plant.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Full-time employee requirement added at (c).

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

12:90-3.10 Duties of licensed persons

(a) This section shall apply to the duties of persons licensed in accordance with this chapter.

(b) Licensed persons on watch shall give constant attention to high pressure boilers and refrigeration systems.

(c) Each licensed person shall remain on the premises and shall determine how long the operator can stay away from the equipment and not jeopardize the safe operation of a low pressure heating boiler.

(d) The length of time during which a licensed person can properly be away from the equipment of (c) above varies according to its nature, size and load conditions.

(e) The owner or management shall not require a licensed person to stay away from the equipment to the detriment of the safe operation of the equipment described in (b) and (c) above.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Requirement to remain on the premises added at (c).

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

12:90-3.11 Duties of others involved

(a) Each person involved with equipment within the scope of this chapter including among others engineers, contractors, suppliers, owners, or operators shall:

1. Be conversant with this chapter; and
2. Have all required certificates and licenses posted in a conspicuous place and available for inspection at all times.

(b) Manufacturer's data reports, specifications, drawings and calculations when required for boilers and unfired pressure vessels manufactured or used within the jurisdiction of this State shall be filed with the Office of Boiler and Pressure Vessel Compliance.

(c) Users of boilers, pressure vessels, refrigeration systems and other equipment subject to the inspection and licensing acts, shall be guided by their authorized inspectors relative to the jurisdiction of the Office of Boiler and Pressure Vessel Compliance for purposes of registration, certification, licensing, repairs and alterations.

(d) No person shall contract for or purchase new or used boilers or unfired pressure vessels for which does not comply with the applicable ASME Code except as provided for in N.J.A.C. 12:90-5.3 through 5.9. The applicable ASME Code shall be specified in such transactions.

(e) When writing the Office of Boiler and Pressure Vessel Compliance in reference to a boiler, unfired pressure vessel, refrigeration system or other equipment, the New Jersey State inspection registration number in the upper left corner of the registration certificate, the manufacturer's serial number, the ASME or National Board number and the name of the manufacturer shall be stated in the correspondence.

(f) When writing in reference to the ASME Code the edition, section, page and paragraph of the Code shall always be specified.

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

SUBCHAPTER 4. BOILERS

12:90-4.1 Scope of subchapter

(a) This subchapter shall apply to the design, construction, inspection, installation, repair and alteration of steam or hot water boilers, except as provided in (b) below.

(b) This subchapter shall not apply to:

1. Steam boilers having adequate relief devices set to discharge at a pressure not greater than 15 psig when such boilers serve dwellings of less than six family units or other dwellings with accommodations for less than 25 persons;

2. Hot water boilers having relief devices set to discharge at a pressure not greater than 160 psig and hot water boilers limited to temperatures not exceeding 250 degrees Fahrenheit when such boilers serve dwellings of less than six family units or other dwellings with accommodations for less than 25 persons;

3. Any steam or hot water boiler having less than 10 square feet of surface;

4. Any steam or hot water boiler having a heat input of less than 10 kilowatts or less than 40,000 BTU per hour;

5. Any steam or hot water boiler under the jurisdiction and control of the United States Government when actively regulated by a Federal agency; and

6. Any steam or hot water boiler used solely for the propulsion of a motor vehicle regulated by the Motor Vehicle Act, Title 39 of the Revised Statutes.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Requirements for dual purpose vessels added at (b).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Deleted (a)7, relating to boilers used solely for building service regulated by N.J.A.C. 5:23-3.20.

12:90-4.2 Compliance with referenced standards

(a) Construction and installation of boilers used solely for building service are regulated by the New Jersey Uniform Construction Code, N.J.A.C. 5:23-3.20, Mechanical Sub-code. All boilers shall be maintained, altered, repaired and inspected in accordance with the standards referenced in (b) and (c) below. Except for boilers used solely for building service which are regulated by the New Jersey Uniform Construction Code, N.J.A.C. 5:23-3.20, Mechanical Sub-code, all boilers shall be constructed and installed in accordance with the standards referenced in (b) and (c) below.

(b) The applicable sections of the ASME Boiler and Pressure Vessel Code—current edition with addenda are adopted as safety standards under this subchapter and shall apply according to the provisions listed below.

1. Section I, Power Boilers;
2. Section II, Material Specifications;
3. Section III, Nuclear Power Plant Components;
4. Section IV, Heating Boilers;
5. Section VI, Recommended Rules for Care and Operation of Heating Boilers;
6. Section VII, Recommended Rules for Care of Power Boilers;

7. Section IX, Welding and Brazing Qualifications;

8. Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components—Division 1;

9. Case Interpretation and Addenda of each section listed above, except as provided in (g) below.

(c) The National Board Inspection Code—1995 edition and all subsequent editions and addenda is adopted as the safety standard under this subchapter and shall apply according to the provisions thereof.

(d) Each person engaged in the design, construction, fabrication, installation, repair and alteration of boilers shall protect the public by complying with the standards prescribed in (b) and (c) above.

(e) Only standards relating to public safety (that is, substantive rules) are adopted by any incorporation by reference as prescribed in (b) and (c) above.

(f) Where any conflict occurs between the standards prescribed in (b) and (c) above and these rules, these rules shall prevail.

(g) All Sections of the ASME Code referenced in (b) above shall become mandatory six months after approval by the ASME Council as do published addenda and Code Cases unless specific exception is taken by the Office of Boiler and Pressure Vessel Compliance administratively subject to confirmation by the Board.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Incorporations updated at (b) and (c).

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

In (a), amended to include all types of boilers and added exception; in (c) updated Code edition.

12:90-4.3 Classification of boilers

Boilers shall be classified as low pressure or high pressure boilers.

12:90-4.4 High pressure boilers

High pressure boilers shall comply with Section I, Power Boilers of the ASME Code.

12:90-4.5 Low pressure boilers

(a) Low pressure boilers shall comply with Section IV, Heating Boilers of the ASME Code.

(b) Existing low pressure boilers installed prior to the effective date of the standards referenced in (a) above may remain in use while the Office of Boiler and Pressure Vessel Compliance is in receipt of favorable and current inspection reports.

12:90-6.2 Compliance with referenced standards

(a) Refrigeration systems shall be constructed, installed, maintained, repaired and inspected in accordance with standards referenced in (b) below.

(b) The standards referenced in Article 13, Mechanical Refrigeration of the BOCA Basic National Mechanical Code-1984 are adopted as safety standards under this subchapter and shall apply according to the provisions thereof.

(c) Each person engaged directly with refrigeration systems shall protect the public by complying with the standards prescribed in (b) above.

(d) Only standards relating to public safety (i.e. substantive rules) are adopted by any incorporation by reference as prescribed in (b) above.

(e) Where any conflict occurs between the standards prescribed in (b) above and these rules, these rules shall prevail.

12:90-6.3 Relief devices

(a) A relief device of proper size shall be installed on the compressor discharge line, located between the compressor outlet port and the discharge shut-off valve. This relief device may discharge into the suction side.

(b) A relief device shall also be installed to relieve from the vapor space of the liquid receiver, condenser, and other pressure vessels in the system.

(c) Relief devices shall discharge to the atmosphere at a safe point and through a diffuser, except as provided in (a) above and (d) below.

(d) Where discharge to the atmosphere is impracticable or hazardous to the immediate neighborhood, the relief device may discharge into a receptacle through which the refrigerant can be disposed of in a safe manner.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Stylistic change.

12:90-6.4 Inspection of refrigeration systems

(a) Refrigeration systems shall be inspected annually by an authorized State or insurance company inspector.

(b) It shall be the responsibility of the operator and the inspector to carefully check for indications of irregular, faulty or hazardous conditions.

(c) This inspection shall include the liquid receiver, condenser, all safety valves and their discharge points, gauges, controls and all other items which might be considered potentially critical.

(d) The inspector shall check the license of the operator and the State registration certificate and make note of these items in the inspection report.

(e) Damaged, altered, defaced or lost certificates must be replaced by request through the Office of Boiler and Pressure Vessel Compliance. The fee for replacement shall be \$7.50.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Certificate replacement requirements added at (e).

12:90-6.5 Fee for field inspection

(a) An insurance company making an annual inspection of refrigerating systems shall pay a \$10.00 fee to the State, payable by and collected from the user by the inspector at the time of field inspection for each system.

(b) The owner or user may request field inspection by the State.

(c) The fee for an annual field inspection by the State, based on the refrigeration capacity of the system, shall be paid to the State inspector as follows:

1. Over three and under 25 tons	\$35.00
2. 25 tons and over, but less than 300 tons	50.00
3. 300 tons and over	70.00

(d) In addition to the field inspection fee, the travel expenses of the State inspector shall be paid at the time of inspection.

Administrative Correction to (a) and (c): fee changes.
See: 23 N.J.R. 2512(b).

SUBCHAPTER 7. LICENSING OF OPERATING ENGINEERS AND FIREMEN

12:90-7.1 Scope of subchapter

This subchapter shall apply to the procedures required to obtain a license as an operating engineer or fireman.

12:90-7.2 Application for licenses

(a) The application shall be typewritten or neatly and legibly printed in ink. Only one application may be submitted at a time.

(b) All applications shall be carefully completed and notarized.

(c) The statements of the applicant shall indicate the actual experience as specified in the eligibility provisions of N.J.A.C. 12:90-7.4 through 7.13. Only pertinent, applicable, lawful and full-time experience shall be listed. This

experience shall have been completed within seven years of the filing of application.

(d) Incomplete or improper applications shall not be accepted.

(e) An application for a license shall be made on forms provided by the Office of Boiler and Pressure Compliance. Only one classification or change of grade may be requested per application.

(f) The statements on the first or original application shall be endorsed by two engineers each holding a valid blue seal or higher New Jersey license, except as provided in (g) below. These endorsements shall verify the applicant's statement.

(g) Substitution for the signatures of the endorsers of (f) above may be the holder of:

1. A marine engineer's license with the holder's experience documented by trip discharges;
2. Another State or city license with the holder's experience documented with a letter from the employer identifying operational experience and equipment;
3. A United States service or Merchant Marine discharge establishing the required engineering experience; or
4. Written statements from two former employers or the present employer signed by responsible endorsers and showing required engineering experience.

(h) The endorsements of (f) above shall not be required for low pressure licenses or special licenses.

(i) No license shall be granted to a person less than 18 years of age.

(j) All correspondence relative to licenses or applications shall be addressed to the Office of Boiler and Pressure Vessel Compliance.

(k) The Office of Boiler and Pressure Vessel Compliance shall be notified of any change of residence. When writing, the license number shall be specified.

(l) The fee for examination for an original license shall be \$25.00, and the fee for a raise of grade or additional classification shall be \$20.00.

(m) The fee shall accompany the application.

(n) No annual renewal fee shall be charged for additional classifications on any license.

(o) The fee for application for a license shall be a check or money order made payable to the order of the Commissioner of Labor, Office of Boilers and Pressure Vessels trust account.

(p) No liability shall be assumed by the Office of Boiler and Pressure Compliance for loss in the transmission of the fee.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Restriction to one application added at (a) and (e).
Administrative Correction to (l): Fee changes.

See: 23 N.J.R. 2512(b).

Amended by R.1991 d.609, effective December 16, 1991.

See: 23 N.J.R. 2948(a), 23 N.J.R. 3815(a).

Revised (o).

12:90-7.3 Classification of licenses for operators

(a) The letters A, B and C shall be used to identify the grade of the license.

(b) "A" or gold seal shall designate a first-grade license; "B" or red seal, a second-grade license; and "C" or blue seal, a third-grade license.

(c) A black seal shall identify a boiler operator.

(d) The license stamped on its face, "in-charge" shall identify a boiler operator in charge.

(e) Boiler operator and firemen classifications shall be identical.

(f) The numbers listed in Table 7.3(f) shall be used to identify the equipment indicated.

Table 7.3(f)

Arabic Number	Equipment
1	steam stationary boiler and steam prime mover
2	refrigeration system
3	nuclear boiler and prime mover
7	hoisting machine and long boom crane
8	steam portable boiler and steam prime mover
9	steam locomotive crane

(g) Licenses for operators shall be classified as follows:

1. Special limited applications;
2. Low pressure boiler;
3. Operator in charge of low pressure boiler;
4. Operator in charge of high pressure boiler;
5. 1A, 1B, or 1C steam stationary boiler and steam prime mover;
6. 2A, 2B, or 2C refrigeration system;
7. 3A, 3B, or 3C nuclear boiler and prime mover;
8. 7C long boom crane;
9. 8A, 8B, or 8C steam portable boiler and steam prime mover; and
10. 9A or 9B steam locomotive crane.

12:90-7.4 Eligibility for boiler operator's license

To be eligible for a boiler operator's license, the applicant shall have had at least three months experience as a helper, apprentice or assistant to a licensed operator of equipment requiring such license.

12:90-7.5 Eligibility for low pressure boiler operator's license

(a) To be eligible for a low pressure boiler operator's examination, the applicant shall:

1. Be able to comply with N.J.A.C. 12:90-7.4, or
2. Have had intensive training for 30 full working days in a program established by the Chief Engineer and approved by the Office of Boiler and Pressure Vessel Compliance, prior to the start of the training period. A log shall be established with the licensed operator doing the training, which shall be one-on-one, and the trainee shall have written verification of such training from the chief engineer.

(b) A licensed fireman may be eligible for examination for an "in-charge" license after three months actual service in the operation of boilers requiring such license.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Training requirements revised at (a)2.

12:90-7.6 Eligibility for high pressure boiler operator's license

(a) To be eligible for a high pressure boiler operator in charge examination, the applicant shall:

1. Be able to comply with N.J.A.C. 12:90-7.4, or
2. Have had intensive training for six weeks in a program established by the Chief Engineer and approved by the Office of Boiler and Pressure Vessel Compliance, prior to the start of the training period. A log shall be established with the licensed operator doing the training, which shall be one-on-one, and the trainee shall have written verification of such training from the chief engineer.

(b) If the applicant has had six months experience as a licensed low pressure fireman, the six week period referenced in (a) above may be reduced to 30 calendar days.

(c) For special license up to 100 horsepower, an applicant with 30 days experience may be eligible.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Training requirements revised at (a)2.

12:90-7.7 Eligibility for third grade steam engineer's license

(a) To be eligible for a third grade steam engineer's (1-C or 8-C) examination, the applicant shall have a fireman in-

charge high pressure license and shall have had at least six months subsequent experience in the operation of equipment requiring supervision by a third grade engineer, or as an assistant in the operation of equipment requiring a third grade license for shift operation.

(b) Experience obtained outside the State of New Jersey may be considered if the applicant has served at least two years as a boiler operator of high pressure boilers of over 1,000 horsepower.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Experience requirements revised at (b).

12:90-7.8 Eligibility for third grade refrigeration engineer's license

(a) To be eligible for a third grade refrigeration engineer's (2-C) examination, the applicant shall have had at least:

1. Six months experience as an assistant to an operator of a flammable or toxic refrigeration system; or
2. Three months experience as an operator of a flammable or toxic refrigeration system; or
3. Three months experience as an assistant to the operator of a flammable or toxic refrigeration system, provided the applicant has been given intensive training for the period by the licensed operator, and the chief engineer verifies such training and experience by letter; or
4. Six months experience as an operator of a nontoxic refrigeration unit of at least 250 tons capacity and three months experience as an assistant to the licensed operator of flammable or toxic refrigeration system; or
5. Six months experience as an operator of a nontoxic refrigeration unit of at least 250 tons capacity operating above 15 psig, and satisfactory proof of completion of sufficient education in the operation of a flammable or toxic refrigeration system in an educational program approved by the Division of Vocational Education of the New Jersey Department of Education.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
"System" changed to "unit".
Amended by R.1996 d.588, effective December 16, 1996.
See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).
In (a)5, added reference to operating above specified psig.

12:90-7.9 Eligibility for nuclear engineer's license

To be eligible for nuclear engineer's (3-C) examination, the applicant shall hold certification from the United States Nuclear Regulatory Commission qualifying him to operate nuclear power equipment.

12:90-7.10 Eligibility for long boom crane operator's license

(a) To be eligible for a hoisting machine long boom crane operator's (7-C) examination, the applicant shall have had at least six months experience as an operator of cranes.

(b) At least three months of the experience of (a) above shall be documented as being cranes with boom length of over 99 feet.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Specification of crane length added at (b).

12:90-7.11 Eligibility for second grade engineer's license

To be eligible for a second grade engineer's examination, the applicant shall have a third grade license and shall have had at least one year's subsequent practical experience in the operation of equipment requiring supervision by a second grade or first grade engineer.

12:90-7.12 Eligibility for first grade engineer's license

(a) To be eligible for a first grade engineer's examination in any classification, the applicant shall have:

1. A second grade license and subsequently served one year as chief engineer in a plant requiring supervision by a second grade engineer; or
2. A second grade license with two years subsequent practical experience as an operating engineer in a plant requiring supervision by a first grade engineer; or
3. Experience of an equivalent amount for grade or classification from some other jurisdiction.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Stylistic changes.

12:90-7.13 Other eligibility considerations

(a) An applicant for original license, change of classification or raise of grade may show in writing, as a substitute for a minor portion of the experience listed in N.J.A.C. 12:90-7.4 through 7.12, non-operating experience, such as servicing, maintenance, repair or installation of equipment; or satisfactory proof of completion of sufficient formal education or academic study embracing such equipment.

(b) When an applicant's operating engineer experience and training warrants, the Office of Boiler and Pressure Vessel Compliance may determine the classification and grade of license most suitable.

(c) The Office of Boiler and Pressure Vessel Compliance may consider an applicant's experience of an equivalent amount for grade or classification from some other jurisdiction.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Equivalent provisions added at (c).

12:90-7.14 Examinations

(a) Examinations shall be held on the first Wednesday of each month at Trenton, and at various other times and places throughout the State when warranted, and shall be conducted by an examiner.

(b) Applicants shall be notified when and where to appear for the examination.

(c) Failure to appear for the examination shall be considered sufficient cause to void the application, unless a satisfactory explanation is given for failing to appear.

(d) Failure to appear for the examination or to obtain a passing grade shall not entitle the applicant to a refund of any fee.

(e) Examinations for an engineer's license shall be conducted in a written form and shall consist of as many questions and be of such nature as the office of Boiler and Pressure Vessel Compliance shall consider appropriate for the license desired.

(f) Examinations for a fireman's license shall consist of such questions as the Office of Boiler and Pressure Vessel Compliance shall consider proper and shall pertain to the safe operation of steam and hot water boilers, appliances, auxiliaries and such other equipment covered by the licensing act.

(g) An applicant for up to and including a C grade license may, upon prior request, be examined through a reader or interpreter accompanying the applicant provided the reader or interpreter is acceptable to the Office of Boiler and Pressure Vessel Compliance.

(h) Questions used in the examination shall not be copied by any applicant or retained by the applicant after examination, or taken from the presence of the authorized agent of the Office of Boiler and Pressure Vessel Compliance during the examination. Violation of this subsection shall be sufficient cause to disqualify the applicant.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Stylistic changes.

12:90-7.15 Granting of license

(a) A license shall be granted and designated Grade A when an average of 80 percent or more is attained on a Grade A examination.

(b) A license shall be granted and designated Grade B when an average of 70 percent or more is attained on a Grade B examination.

(c) A license shall be granted and designated Grade C when an average of 70 percent or more is attained on a Grade C examination.

(d) All other licenses specified in N.J.A.C. 12:90-3 shall have a minimum passing grade of 65 percent, with the exception of the Fireman Special license as specified in N.J.A.C. 12:90-3.4(c) which shall be issued on a passing grade of 60 percent.

(e) A license issued after examination covering one or more classifications shall be valid in any plant where the class of engineering is within the scope of the license issued.

(f) Licenses merely bearing the impression of the seal of the Department of Labor shall be issued as special licenses and are limited to the operation of equipment specified on the face thereof. Special licenses may be issued to operators of non-conventional boilers, such as, but not limited to, electric or conventional high pressure boilers of over six to 100 horsepower.

(g) Duplicate licenses for part-time employment may be issued at the discretion of the Commissioner.

1. The fee for a duplicate license is \$3.00 for one year.
2. A request by the licensee for a duplicate license shall be accompanied by a letter from the company desiring to employ the licensee.
3. The duplicate license shall specify the plant where it is to be used and may be transferred when approved following written request.
4. A Chief Engineer may not request a duplicate part-time license for secondary location employment.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Restrictions on Chief Engineer added at (g)4.
Amended by R.1996 d.588 effective December 16, 1996.
See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

In (c), changed license threshold from 60 to 70 percent; rewrote (d); and in (f), deleted reference to coil and waste boilers and license transfers.

12:90-7.16 Re-examination

(a) The applicant may not be re-examined for a period of at least three months, but may be allowed one re-examination without additional charge, within six months of the original examination. If again unsuccessful, the applicant may request an additional examination, provided that the request is accompanied by a fee of \$10.00.

(b) Upon failing the examination for the third time, an applicant who wishes to retake the examination shall wait three months prior to reapplication, at which time a new application form shall be fully completed.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Reapplication requirements added at (b).

Administrative Correction to (a): Fee changes.
See: 23 N.J.R. 2512(b).

12:90-7.17 Posting of license

(a) All licenses shall be framed and properly posted adjacent to the equipment involved, in the engineer's office or in the plant office, whichever is suitable.

(b) The license shall be available for examination.

(c) A penalty may be imposed for violation of this section.

12:90-7.18 Suspension or revocation of license

(a) Any license may be suspended or revoked for incompetence, negligence, intoxication, or drug abuse while on duty, or for any other valid reason establishing that the licensee is unfit to hold a license.

(b) Any license or identification card shall be surrendered and immediately revoked if, for any purpose, it is loaned, abandoned or allowed to pass from the personal control of the owner.

(c) All licenses shall expire unless renewed on or before the anniversary month of the original license. Changing of grade or addition of classification shall not change this anniversary date.

(d) A license shall be automatically cancelled on the date of its expiration. Any persons performing the duties of a licensee and holding an expired license shall be subject to the penalty provisions under N.J.S.A. 34:7-6, as is his supervisor and employer.

(e) Any person using fraudulent means to obtain a license shall be subject to prosecution. Any license acquired through such means shall be invalid.

(f) A licensee whose license is suspended or revoked has the right to request a hearing conducted in accordance with N.J.S.A. 34:7-3.

Amended by R.1994 d.599, effective December 5, 1994.
See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

12:90-7.19 Renewal of license

(a) When applying for the renewal of a license it shall be necessary to return only the signed identification card with a fee of \$10.00 for a one year renewal or \$20.00 for a three year renewal.

(b) A license may be renewed within 60 days prior to the date of its expiration.

(c) An application for a renewal of an expired license shall be approved provided:

1. A fee of \$15.00 is enclosed for one year or \$30.00 for a three year renewal;

2. The application is made within three years of the expiration date of the expired license; and

3. All penalties lawfully imposed on the applicant under N.J.S.A. 34:7-6 have been paid.

(d) Application for renewal of a license expired more than three years shall be treated as an original application. All records of the previous license may be destroyed.

(e) An altered, defaced or otherwise mutilated license shall be replaced only after review by the Office of Boiler and Pressure Vessel Compliance. Photostats, photographs or reproduction of a license shall have no status and shall not be recognized. A fee of \$5.00 shall be submitted for a replacement license.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Fee requirement for replacement added at (e).
Administrative Correction to (a) and (c)1: Fee changes.
See: 23 N.J.R. 2312(b).

12:90-7.20 Employment of unlicensed person in emergency

(a) Employers shall immediately request permission from the Office of Boiler and Pressure Vessel Compliance, in writing, if for any reason of emergency it becomes necessary to employ an unlicensed person temporarily for a period not to exceed 15 days explaining fully the circumstances.

(b) The Commissioner may extend the time period under (a) above provided that a written extension request is received by the Office of Boiler and Pressure Vessel Compliance prior to the expiration of the 15 day period in (a) above. Such request shall contain:

1. The reason for the emergency condition;
2. A date certain when a licensed person will be employed;
3. The method used and efforts made in searching for a licensed person;
4. The name of the unlicensed person currently employed and if the unlicensed person has made an application for examination with the Office of Boiler and Pressure Vessel Compliance; and
5. Such other information as the Commissioner shall direct.

(c) Late requests for extension are subject to penalties which must be satisfied prior to permission being granted.

(d) If an unlicensed person in (b)4 above who has filed an application with the Office of Boiler and Pressure Vessel Compliance fails to appear for an examination as notified or a licensed person is not hired within the extension period set by the Commissioner, the Commissioner may at his or her discretion refer a licensed person from an employment agency or other appropriate source to the employer.

(e) The Office of Boiler and Pressure Vessel Compliance shall again be notified when a licensed person is employed, giving the name, address, and license classification, grade and number of such employee.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Requirements for requests to employ unlicensed persons added at (b) and (c).
Amended by R.1994 d.599, effective December 5, 1994.
See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

SUBCHAPTER 8. VIOLATIONS AND PENALTIES

Source and Effective Date

R.1996 d.588, effective December 16, 1996.
See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Subchapter Historical Note

Subchapter 8, Standards and Publications Referred to in this Chapter, was recodified to N.J.A.C. 12:90-9, and Subchapter 8, Violations and Penalties, was adopted as new rules by R.1996 d.588, effective December 16, 1996. See: Source and Effective Date.

12:90-8.1 Violations

(a) This subchapter shall apply to:

1. Findings of violations of N.J.S.A. 34:7-1 et seq., the Act on Licensing of Operating Engineers and Firemen and N.J.S.A. 34:7-14 et seq., the Act on Inspection of Boilers, Pressure Vessels and Refrigeration Systems;
2. Actions affecting licenses issued pursuant to N.J.S.A. 34:7-3; and
3. Orders to discontinue use of an unfit vessel pursuant to N.J.S.A. 34:7-21.

(b) Any person aggrieved by a determination involving a license revocation or suspension under N.J.A.C. 12:90-4.16(e) shall be notified of a right to request a rehearing within 15 calendar days of the date of receipt of the determination.

(c) Any person aggrieved by a finding of violation and/or assessment of penalty made pursuant to N.J.S.A. 34:7-1 et seq., shall be notified of the right to appeal the determination to the Commissioner within 15 calendar days of receipt of the determination.

(d) Any person aggrieved by an order issued by the Office of Boiler and Pressure Vessel Compliance to discontinue use of an unfit vessel notified pursuant to N.J.S.A. 34:7-21 shall be notified of a right to appeal the determination to the Commissioner within 15 calendar days to the date of receipt of the order.

(e) An appeal must be in writing and received within 15 calendar days following the receipt of the notice or determination. All appeals shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. An appellant may be represented by an attorney. If an appeal is not made, the notice shall become the Final Order of the Commissioner upon the expiration of the 15 calendar day period following receipt of the notice or determination.

12:90-8.2 Settlements

Recipients of a notice or determination may request the initiation of a settlement conference at the time that an appeal is filed. If a party requests a settlement conference, or the Department determines that an informal settlement conference would be useful, a settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the request or appeal. See N.J.A.C. 1:1-8.1(b).

12:90-8.3 Final agency decisions

If a settlement is not obtained at the settlement conference, or a settlement conference is not conducted, the appeal shall be transmitted to the Office of Administrative Law (OAL) pursuant to the Administrative Procedure Act. The Commissioner shall issue a Final Order upon the conclusion of such proceeding.

12:90-8.4 Enforcement

The Final Order may be enforced with costs in a summary proceeding commenced by the Commissioner.

12:90-8.5 Appeals

Appeals from the final decision of the Commissioner shall be made to the Appellate Division of the New Jersey Superior Court.

SUBCHAPTER 9. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

Subchapter Historical Note

Subchapter 9, Standards and Publications Referred to in this Chapter, was recodified from N.J.A.C. 12:90-8, by R.1996 d.588, effective December 16, 1996. See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

12:90-9.1 Documents referred to by reference

(a) The full title and edition of each of the standards and publications referred to in this chapter are as follows:

1. ASME—1995 edition and all subsequent editions and addenda, Boiler and Pressure Vessel Code

Section I, Power Boilers

Section II, Material Specifications

Part A—Ferrous Material Specifications

Part B—Nonferrous Material Specifications

Part C—Specifications for Welding Rods, Electrodes and Filler Metals

Part D—Properties

Section III, Nuclear Power Plant Components

Subsection NCA—General Requirements for Division 1 and Division 2

Division 1—Subsection NB—Class 1 Components

Division 1—Subsection NC—Class 2 Components

Division 1—Subsection ND—Class 3 Components

Division 1—Subsection NE—Class MC Components

Division 1—Subsection NF—Component Supports

Division 1—Subsection NG—Core Support Structures

Division 1—Appendices

Division 2—Code for Concrete Reactor Vessels and Containments

Section IV, Heating Boilers

Section V, Nondestructive Examination

Section VI, Recommended Rules for the Care and Operation of Heating Boilers

Section VII, Recommended Guidelines for the Care of Power Boilers

Section VIII, Pressure Vessels

Division 1

Division 2—Alternative Rules

Section IX, Welding and Brazing Qualifications

Section X, Fiber-Reinforced Plastic Pressure Vessels

Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components—Division I

All Code Cases, Interpretations and Addenda

2. BOCA—Basic National Mechanical Code, 1995 edition and all subsequent editions and addenda

3. NBIC—National Board Inspection Code 1995 edition and all subsequent editions and addenda

4. N.J.S.A. 34:7-1 et seq., Operating Engineers and Firemen Licensing Act.

5. N.J.S.A. 34:7-14 et seq., Boiler, Pressure Vessel and Refrigeration Act.

6. New Jersey Uniform Construction Code, N.J.A.C. 5:23-3.20, Mechanical Subcode.

7. API-510, Pressure Vessel Inspection Code 1995 edition and all subsequent editions and addenda

8. ASME CSD-1, Controls and Safety Devices for Automatically Fired Boilers

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Standards and publications citations updated.

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

12:90-9.2 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Workplace Standards between the hours of 9:00 A.M. and 4:00 P.M. on regular working days:

New Jersey Department of Labor
Division of Workplace Standards
Trenton, New Jersey
(609) 292-2921

Amended by R.1996 d.588 effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

12:90-9.3 Availability of documents from issuing organization

Copies of the standards and publications referred to in this chapter may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning, and are the organizations issuing the standards and publications listed in N.J.A.C. 12:90-9.1.

API—American Petroleum Institute

Order Desk

1220 1 Street, Northwest

Washington, D.C. 20005

ASME—American Society of Mechanical Engineers United Engineering Center

345 East 47th Street

New York, New York 10017

BOCA—Building Officials and Code Administrators International

4051 West Flossmoor Road

Country Club Hills, Illinois 60477

NBBPVI—National Board of Boiler and Pressure Vessel Inspectors

1055 Crupper Avenue

Columbus, Ohio 43229

N.J.S.A.—New Jersey Statutes Annotated

Copies available from:

Office of Boiler and Pressure Vessel Compliance

New Jersey Department of Labor

CN 392

Trenton, New Jersey 08625-0392

New Jersey Uniform Construction Code—Bureau of Technical Services

New Jersey Department of Community Affairs

Division of Housing and Development

CN 816

Trenton, New Jersey 08625-0816

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).