

4. Other pertinent data referenced by the above noted ASME Guidelines means information that would impact the normal safe operations of a plant.

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).
Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Rewrote (b); in (d) added a second sentence; and added (f).
Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Rewrote (c); in (d), deleted a reference to (c), substituted a reference to low pressure boiler plants for a reference to boiler plants, and changed N.J.A.C. reference; and in (f), changed N.J.A.C. reference in the introductory paragraph, and rewrote the first sentence in 3. Administrative change.
See: 31 N.J.R. 3626(b).

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;
2. Have all required certificates and licenses posted in a conspicuous place and available for inspection at all times; and
3. Ensure that all boiler and pressure vessels under the scope of N.J.S.A. 34:7-14 through 7-26 are registered with the Bureau of Boiler and Pressure Vessel Compliance and/or the National Board of Boiler and Pressure Vessel Inspectors.

(b) 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 Bureau of Boiler and Pressure Vessel Compliance for purposes of registration, certification, licensing, repairs and alterations.

(c) No person shall contract for or purchase new or used boilers or unfired pressure vessels which do not comply with the applicable ASME Code except as provided for in N.J.A.C. 12:90-5.3 through 5.10. The applicable ASME Code shall be specified in such transactions.

(d) When writing the Bureau of Boiler and Pressure Vessel Compliance in reference to a boiler, unfired pressure vessel, refrigeration plants 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 National Board number and the name of the manufacturer shall be stated in the correspondence.

(e) Following an occurrence to a boiler or pressure vessel, the owner or user shall promptly notify the Chief Inspector of the Bureau of Boiler and Pressure Vessel

Compliance by submitting a detailed report of the occurrence. In the event of a personal injury or any explosion, notice shall be given immediately to the Chief Inspector of the Bureau of Boiler and Pressure Vessel Compliance by telephone or by facsimile or by any other expeditious electronic notification method. The telephone number for these notices is (609) 984-0626. The telefacsimile number for these notices is (609) 984-1577. Neither the boiler or pressure vessel, nor parts thereof, shall be removed or disturbed before permission has been given by the Chief Inspector, except for the purpose of saving human life and limiting consequential damage.

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.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).
Inserted (a)3; and deleted former (b).
Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
Added (e).

12:90-3.12 Qualification of inspectors

(a) Except as provided in (c) below, all inspectors shall be issued a Certificate of Competency after satisfactorily passing an examination based on this chapter and the references provided in N.J.A.C. 12:90-9. This Certificate of Competency is valid only while the inspector is in the employ of the authorized inspection agency indicated on the Certificate of Competency.

(b) Any inspector who shall perform inspections under the requirements of N.J.A.C. 12:90-4.10 (and/or N.J.A.C. 12:90-5.14) shall receive a Certificate of Competency after submitting an application for a Certificate of Competency and meeting the following requirements:

1. An application for a New Jersey Certificate of Competency shall be completed in its entirety, signed and dated by the applicant, and the applicant's signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held and a statement of experiences. The application shall be accompanied by a \$25.00 application fee; and
2. A copy of the inspector's current National Board Commission card, if available, with a letter from the authorized inspection agency requesting the Certificate of Competency shall be submitted; and
3. A passing grade of at least 70 percent shall be obtained on a written examination administered by the Bureau of Boiler and Pressure Vessel Compliance.

(c) Any inspector whose duties shall be limited to shop inspections that require a New Jersey Certificate of Competency can apply for a "Shop Inspection" Certificate of Competency based solely on holding a valid Commission issued by the National Board of Boiler and Pressure Vessel

Inspectors. The application shall meet the following requirements:

1. An application for a New Jersey Certificate of Competency shall be completed, signed and dated by the applicant and this signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held and a statement of experiences. The application shall be accompanied by a \$25.00 application fee; and

2. A copy of the inspector's current National Board Commission card with a letter from the authorized inspection agency requesting the Certificate of Competency shall be submitted; if the inspector does not have a National Board Commission, a "Shop Inspection" Certificate of Competency can be issued upon notification from the National Board of Boiler and Pressure Vessel Inspectors that the applicant obtained a passing grade on the National Board examination, when such examination was taken in the State of New Jersey.

(d) Any inspector whose duties shall be limited to owner-user inspections under N.J.A.C. 12:90-5.12, 5.13 or 5.14 shall receive a Certificate of Competency after submitting an application for a Certificate of Competency and meeting the requirements under (d)1 through 3 below.

1. An application for a New Jersey Certificate of Competency shall be completed, signed and dated by the inspector, and this signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held and a statement of experiences. The application shall be accompanied by a \$25.00 application fee.

2. A copy of the inspector's current National Board Commission card or API Pressure Vessel Inspector Certification with a letter from the owner/user inspection agency requesting the Certificate of Competency shall be submitted.

3. A passing grade of at least 70 percent shall be obtained on a written examination administered by the Bureau of Boiler and Pressure Vessel Compliance.

4. Persons who hold an API Pressure Vessel Inspector Certification by means of API-510, Appendix B, Section B.2.2 and who have not passed a written examination as described in API-510, Appendix B, Section B.1 shall be limited to conducting field inspection of unfired pressure vessels as owner-user inspectors under N.J.A.C. 12:90-5.14 and shall not be qualified to approve pressure vessel repairs or alterations under N.J.A.C. 12:90-5.12 or conduct shop inspections under N.J.A.C. 12:90-5.13.

(e) Persons having a National Board Commission or an API Certification shall be tested only on their knowledge of New Jersey boiler, pressure vessel and refrigeration rules set forth in this chapter, as applicable to the functions for which application is made.

New Rule, R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

12:90-3.13 Renewal of Certificates of Competency

(a) All Certificates of Competency shall be issued initially for a period of at least one year, expiring on December 1 of the following year.

(b) When applying for the renewal of a Certificate of Competency, the authorized inspection agency or owner/user inspection agency shall submit a renewal fee of \$10.00 for a one-year renewal or \$20.00 for a three-year renewal.

(c) Whenever a Certificate of Competency has not been renewed within three years of its expiration, the inspector shall be required to apply for a new Certificate of Competency, as set forth in N.J.A.C. 12:90-3.12.

(d) When transferring a Certificate of Competency from one authorized inspection agency to another authorized inspection agency, a \$10.00 transfer fee shall be submitted. The expiration date of the Certificate of Competency shall be retained.

(e) A Certificate of Competency may be revoked or suspended by the Commissioner upon receiving evidence of incompetence, negligence, intoxication while on duty, drug use or other reason establishing that the inspector is unfit to hold a Certificate of Competency, after notice is given to the inspector and a hearing afforded him or her before one or more members of the Examining Board. In case revocation or suspension is imposed, the inspector may appeal the determination in accordance with N.J.A.C. 12:90-9. The Commissioner may authorize the suspension of a Certificate of Competency in the interest of health and safety pending the outcome of the appeal.

New Rule, R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

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, including, without limitation, model steam boilers, except as provided in (b) below.

(b) This subchapter shall not apply to:

(b) Steam or hot water boilers subject to the inspection of (a) above shall include those listed in (b)1, (b)2 and (b)3 below, except as provided in (c) below:

1. Steam or hot water boilers having 10 or more square feet of heating surface;
2. Steam or hot water boilers having a heat input of 10 kilowatts or more; or
3. Steam or hot water boilers having a heat input of 40,000 BTU per hour or more.

(c) Steam or hot water boilers serving dwellings of less than six family units or other dwellings with accommodations for less than 25 persons need not comply with the annual internal and external inspection of (a) above.

(d) In addition to the annual internal and external inspection of (a) above, there may be an external inspection, if found necessary. This external inspection shall be made as near to the expiration of six months after the annual inspection date as practicable.

(e) Inspection shall be made more frequently if conditions warrant.

(f) The boiler to be inspected shall be open, clean, cool and ready for the inspector.

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

12:90-4.11 Ultrasonic testing

(a) The commissioner may accept ultrasonic test reports as a form of internal inspection for the purpose of compliance with N.J.S.A. 34:7-14 under certain specific instances upon receipt of application.

(b) Ultrasonic testing shall be considered under the following circumstances:

1. When it is operationally impractical to take the boiler out of service during the 12-month period;
2. If the user has a regularly scheduled, fulltime "in service" inspection program;
3. Ultrasonic inspection, in-lieu-of the annual out-of-service and open internal and external inspection, shall be accepted only when it is made within a 12-month period following the internal and external inspection or for a continuous processing operation when it is made within a 12-month period of the previous OB & PVC approved boiler inspection extension. The maximum period between out-of-service and open internal and external inspections shall not exceed 5 years;
4. The insurer or the authorized inspection agency indicates acceptance of the ultrasonic testing; and

5. A history of the boiler including such items as operational characteristics, results of inspections, corrosion rates and ultrasonic procedures shall be required.

6. The owner/user shall have a documented in-service inspection, operation and maintenance program. At the discretion of the OB & PVC, this program shall be subject to field audit prior to approval of the boiler inspection extension.

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

12:90-4.12 Fee and visit charge for shop inspection

(a) The fee for a shop inspection shall be the higher of either (a)1 or 2 below:

1. A fee of \$25.00 for each boiler inspected; or
2. A daily visit charge of \$160.00 for any shop inspection of four hours or less and \$300.00 for any shop inspection exceeding four hours.

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

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 pay inspector's travel expenses added at (d).
Amended by R.1991 d.609, effective December 16, 1991.
See: 23 N.J.R. 2948(a), 23 N.J.R. 3815(a).
Revised (a)-(c).

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

12:90-4.13 Fee for field inspection

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

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

(c) The fee for a State field inspection for each annual internal-external inspection, which shall include a hydrostatic test if found necessary, shall be paid to the inspector as follows:

- | | |
|--------------------------------------|---------|
| 1. Ten and not over 60 square feet | \$25.00 |
| 2. 60 and not over 1,000 square feet | 35.00 |
| 3. 1,000 square feet and over | 50.00 |

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

(e) In addition to the annual internal-external inspection, there may be an external inspection for which the owner or user shall pay to the State inspector a fee of \$25.00, in addition to the travel expense, at the time of the field inspection.

Administrative Correction to (c) and (e): Change in fees.
 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 (a).

12:90-4.14 Registration of boilers

(a) Boilers shall be registered with the Bureau of Boiler and Pressure Vessel Compliance, and a State boiler inspection certificate shall be issued.

(b) Every boiler approved for use in the State shall be assigned a registration number, which shall be located in the upper left-hand corner of the boiler certificate.

1. This number shall also be attached to the front of the boiler in such a manner as to be plainly visible.

(c) The State boiler inspection certificate shall be properly framed and posted in the boiler room, engine room, engineer's office, or plant office and be readily available for examination.

(d) Damaged, altered, defaced or lost certificates must be replaced by request through the Bureau of Boiler and Pressure Vessel Compliance for replacement. The fee for replacement shall be \$8.00.

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

Inspection certificate requirements added at (a) and (d).

12:90-4.15 (Reserved)

New Rule, R.1996 d.588, effective December 16, 1996.
 See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).
 Repealed by R.1999 d.304, effective September 7, 1999.
 See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
 Section was "Qualification of inspectors".

12:90-4.16 (Reserved)

New Rule, R.1996 d.588, effective December 16, 1996.
 See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).
 Amended by R.1999 d.304, effective September 7, 1999.
 See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
 Section was "Renewal of Certificate of Competencies".

SUBCHAPTER 5. UNFIRED PRESSURE VESSELS

12:90-5.1 Scope of subchapter

(a) This subchapter shall apply to the design, construction, inspection, installation, repair and alteration of unfired pressure vessels, except as provided in (b) below.

(b) This subchapter shall not apply to:

1. Unfired pressure vessels having an internal or external operating pressure not exceeding 15 psig;
2. Unfired pressure vessels having an inside diameter not exceeding six inches;

3. Unfired pressure vessels used as a hot water supply tank heated by steam or any other indirect means when such unfired pressure vessels serve dwellings of less than six family units or other dwellings with accommodations for less than 25 persons when none of the following limitations on the unfired pressure vessel are exceeded:

- i. A heat input of 200,000 BTU per hour;
- ii. A water temperature of 200 degrees Fahrenheit;
- iii. A nominal water capacity of 120 gallons.

4. Any unfired pressure vessel under the jurisdiction and control of the United States Government when actively regulated by a Federal agency;

5. Any unfired pressure vessel used solely for the propulsion of a motor vehicle regulated by the Motor Vehicle Act, Title 39 of the Revised Statutes;

6. Any unfired pressure vessel that does not exceed a design pressure of 300 psi and a design temperature of 210 degrees Fahrenheit containing water with air under pressure, the compression of which serves only as a cushion; and

7. Piping components from the first threaded, welded or flanged fitting.

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); vessel design specifications added at (c)6.
 Amended by R.1996 d.588, effective December 16, 1996.
 See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

12:90-5.2 Compliance with referenced standards

(a) Unfired pressure vessels shall be constructed, installed, maintained, repaired and inspected in accordance with the standards referenced in (b) and (c) below.

(b) The applicable sections of the ASME Boiler and Pressure Vessel Code—1995 edition and all subsequent editions and addenda are adopted as safety standards under this subchapter and shall apply according to the provisions listed below.

1. Section II, Material Specifications;
2. Section III, Nuclear Power Plant Components;
3. Section VIII, Unfired Pressure Vessels;
4. Section IX, Welding and Brazing Qualifications;
5. Section X, Fiberglass-Reinforced Plastic Pressure Vessels;
6. Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components Division 1;
7. All Code Cases, Interpretations and Addenda for each section, except as provided in (g) below.

(d) The Bureau of Boiler and Pressure Vessel Compliance shall be furnished, upon request, such copies of design, material specification calculations and allied data as available or needed. The Bureau of Boiler and Pressure Vessel Compliance shall retain its prerogative of supervision over user-inspection, joint inspection and reinspection as it may deem necessary.

(e) When approved, Class IV unfired pressure vessels shall be constructed and stamped in accordance with the user-inspection provisions of the ASME Code.

12:90-5.11 Design criteria

(a) Machines having internal pressure containing parts incidental to the prime purpose of the machine may be exempt from the ASME Code, if the design criteria of the machine results in the strength of the pressure containment portion exceeding that which would be required if designed in accordance with the ASME Code.

(b) Impervious graphite materials may be used in the fabrication of heat exchangers under the New Jersey Approved classification pending acceptance of this material under the ASME Code.

(c) Manufacturers desiring to fabricate vessels utilizing impervious graphite materials shall be required to substantiate the design of such vessels and the composition of the graphite material under the New Jersey Approved classification.

Amended by R.1990 d.24, effective January 16, 1990.
Sec: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
"Special" changed to "approved".

12:90-5.12 Welded repairs and alterations to unfired pressure vessels

(a) Welded repairs and alterations to unfired pressure vessels shall comply with:

1. The original construction standard; or
2. The construction standard referenced in N.J.A.C. 12:90-5.2(b) provided that requirement is not less stringent than the original construction standard; and
3. The National Board Inspection Code—1995 edition and all subsequent editions and addenda, or API-510—1995 edition and all subsequent editions and addenda, as applicable.

(b) Welded repairs to unfired pressure vessels shall be performed by an entity possessing a National Board repair authorization, or a New Jersey repair authorization.

(c) A record of welded repairs shall be filed with the Bureau of Boiler and Pressure Vessel Compliance when requested.

(d) Alterations to unfired pressure vessels shall be performed by a National Board Alteration Certificate Holder, or by a New Jersey authorized repair entity when that entity is also an owner-user entity (registered owner-user inspection agency) as defined in API-510.

(e) An alteration report and a copy of the original manufacturer's data report shall be filed with the National Board of Boiler and Pressure Vessel Inspectors, or the Bureau of Boiler and Pressure Vessel Compliance if the unfired pressure vessel is not registered with the National Board. The fees for registration shall be in accordance with N.J.A.C. 12:90-5.15(d). If the alteration is performed in accordance with API-510, filing under this subsection is not required; however, the owner-user shall maintain the alteration report for the life of the vessel.

(f) All plans for welded repairs and alterations to pressure vessels shall be approved prior to the start of work by a National Board-commissioned inspector with a valid New Jersey Certificate of Competency who is employed by an authorized inspection agency or the State of New Jersey. Approval may also be given by an owner-user inspector holding a valid New Jersey Certificate of Competency and a National Board owner-user commission or an API certification, subject to the limitation stated in N.J.A.C. 12:90-3.12(d)4.

Amended by R.1990 d.24, effective January 16, 1990.
Sec: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Incorporation of NBIC updated.
Amended by R.1994 d.599, effective December 5, 1994.
Sec: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).
Amended by R.1996 d.588, effective December 16, 1996.
Sec: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

In (a)3, updated Code edition; in (b) deleted reference to ASME Code symbol stamp requirements; in (d), added reference to owner-user entities; in (e), added API-510 alteration filing exception; and added (f).

Amended by R.1999 d.304, effective September 7, 1999.
Sec: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (f), added "; subject to the limitation stated in N.J.A.C. 5:11-3.12(d)4" at the end.

12:90-5.13 Shop inspection of unfired pressure vessels

(a) Shop inspection of unfired pressure vessels shall be required, except as provided in (b) below.

(b) Unfired pressure vessels in which steam is not generated, and which do not exceed the following volume and pressure limits, may be exempted from shop inspections by qualified inspectors; provided, that they comply in all other respects with this subchapter:

1. Five cubic feet in volume and 250 psig design pressure;
2. One and one-half cubic feet in volume and 600 psig design pressure.

(c) Such vessels shall be of simple, single wall chamber construction.

(d) Vessels exempted from ASME Code inspection by this section shall be stamped with the "UM" symbol, or as otherwise provided for construction other than Class I pressure vessel.

(e) Shell and tube heat exchangers, jacketed vessels and other type vessels which may be subject to differential pressures shall be shop inspected by an authorized inspector.

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.

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

Added (f).

Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Deleted a former (f).

12:90-5.14 Field inspection of unfired pressure vessels

(a) Pressure vessels and unfired boilers that are under the supervision of a registered owner-user inspection agency shall be inspected at intervals required by the National Board Inspection Code or API-510, as applicable.

1. Each owner-user inspection organization shall:

i. Retain on file at the location where equipment is inspected a true record or copy of the report of each inspection which identifies the National Board Commission number or the API-certification number of the inspector who made the inspection; and

ii. Maintain inspection records which will include a list of pressure vessels covered by N.J.S.A. 34:7-14, showing the National Board Commission number or the API-certification number of the inspector who made the inspection and such abbreviated description as may be necessary for identification, date of the last inspection of each unit, and the approximate date for the next inspection. Such inspection records shall be readily available for examination by the Office of Boiler and Pressure Vessel Compliance or authorized representative during business hours.

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

Former N.J.A.C. 5:11-5.14, "Fee and visit charge for shop inspection", recodified to 5:11-5.15.

12:90-5.15 Fee and visit charge for shop inspection

(a) The fee for a shop inspection shall be either:

1. A daily visit charge of \$160.00 for any shop inspection of four hours or less which is made for the purpose of monitoring the quality control process during fabrication of a pressure vessel. This daily visit charge shall be \$300.00 if the shop inspection exceeds four hours. Audits and joint reviews will be charged by the day/half day rate; or

2. A fee of \$25.00 for each pressure vessel when the purpose of the visit is to inspect specific vessels.

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

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

Payment for travel expenses of inspector added.
Amended by R.1991 d.609, effective December 16, 1991.
See: 23 N.J.R. 2948(a), 23 N.J.R. 3815(a).

Revised (a)-(c).

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

Recodified from N.J.A.C. 5:11-5.14 and amended by R.1996 d.588, effective December 16, 1996.

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

Former N.J.A.C. 5:11-5.15, "Registration of unfired pressure vessels and fees", recodified to 5:11-5.16.

12:90-5.16 Registration of unfired pressure vessels and fees

(a) Unfired pressure vessels shall be registered with the Bureau of Boiler and Pressure Vessel Compliance.

(b) Unfired pressure vessels registered with the National Board need not be registered with the Bureau of Boiler and Pressure Vessel Compliance if the owner has been provided with a legible copy of the original National Board registered manufacturers' data report and retains it on file for the life of the unit.

(c) No original registration or registration fee shall be required for vessels inspected by State inspectors, since registration is made by the State inspector.

(d) In instances other than (b) or (c) above, the data reports of the manufacturer, in duplicate, with a registration fee of \$2.00 for each unfired pressure vessel, shall be forwarded to the Bureau of Boiler and Pressure Vessel Compliance for registration.

1. When registered, one copy of the manufacturer's data report shall be returned to the user of the unfired pressure vessel.

2. If reports are not filed, the unfired pressure vessel shall be subject to State inspection and State inspection fees shall be assessed.

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

Recodified from N.J.A.C. 5:11-5.15 by R.1996 d.588, effective December 16, 1996.

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

12:90-5.17 Qualification of inspectors

All inspectors as listed in this subchapter shall obtain a Certificate of Competency as outlined in N.J.A.C. 12:90-3.12(a) through (d) as applicable.

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

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
 Changed N.J.A.C. reference.

12:90-5.18 Registration of owner-user inspection agencies

(a) All owner-user agencies wishing to conduct field inspection of unfired pressure vessels, pressure relief valve inspection and repair, or welded repairs or alterations shall be registered with the Bureau of Boiler and Pressure Vessel Compliance.

(b) Entities wishing to register as owner-user inspection agencies shall file a Letter of Intent of Certification with the Bureau of Boiler and Pressure Vessel Compliance. This letter shall include a plan and schedule for certification.

(c) Entities who have filed a Letter of Intent of Certification may continue their existing pressure vessel and/or pressure relief valve inspection programs as long as they are actively and in good faith pursuing certification by the Bureau of Boiler and Pressure Vessel Compliance as an owner-user inspection agency.

(d) Owner-user inspection agencies may request registration to conduct field inspection of unfired pressure vessels, inspection and repair of pressure relief valves, or welded repairs and alterations individually or in any combination of these functions.

(e) All owner-user inspection agencies seeking registration with the Bureau of Boiler and Pressure Vessel Compliance shall be audited by the Bureau of Boiler and Pressure Vessel Compliance. Upon successful completion of this initial audit, the owner-user inspection agency shall be registered with the Bureau of Boiler Pressure Vessel Compliance and shall be audited triennially thereafter. This triennial audit may be conducted on an annual basis when a triennial audit evidences deficiencies. The fee for each audit shall be as provided in N.J.A.C. 12:90-5.15(a)2.

(f) The initial and triennial audits conducted under (e) above shall encompass only those functions appropriate for registration to conduct field inspection of unfired pressure vessels, inspection and repair of pressure relief valves, or welded repairs and alteration, for those owner-user inspection agencies who do not wish to register under all three functions.

New Rule, R.1999 d.304, effective September 7, 1999.
 See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

SUBCHAPTER 6. REFRIGERATION SYSTEMS

12:90-6.1 Scope of subchapter

(a) This subchapter shall apply to the design, construction, inspection, installation, repair and alteration of refrigeration systems, except as provided in (b) below.

(b) This subchapter shall not apply to:

1. Systems using refrigerants of flammable, highly toxic or toxic nature of three tons or less of refrigerating capacity;
2. Systems using refrigerants of flammable, highly toxic or toxic nature requiring six driving horsepower or less;
3. Systems using refrigerants of nonflammable and nontoxic nature of 18 tons refrigerating capacity or less;
4. Systems using refrigerants of nonflammable and nontoxic nature requiring 36 driving horsepower or less; and
5. Systems using refrigerants of a nontoxic and nonflammable nature of 15 psig or less, regardless of capacity.

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

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

Exclusion added at (b)5.

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (b), inserted references to highly toxic refrigerants in 1 and 2.

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) ASHRAE 15 is adopted as the safety standard under this subchapter and shall apply according to the provisions thereof. ASHRAE 34 is adopted for refrigerant safety classifications.

(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.

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Rewrote (b).

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 Bureau 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. PRESSURE RELIEF VALVES

12:90-7.1 Scope of subchapter

This subchapter shall apply to entities wishing to disassemble, inspect or repair pressure relief valves for use on boilers, pressure vessels or refrigeration equipment.

12:90-7.2 Requirements for certification

In order to disassemble, inspect or repair pressure relief valves in the State, or for use in the State, the entity performing the function shall either have a National Board Certificate of Authorization for use of the Valve Repair ("VR") stamp or be a New Jersey registered owner-user inspection agency as set forth in N.J.A.C. 12:90-5.18.

SUBCHAPTER 8. LICENSING OF OPERATING ENGINEERS AND BOILER OPERATORS

12:90-8.1 Scope of subchapter

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

12:90-8.2 Applications for licenses

(a) The application shall be typewritten or neatly and legibly printed in ink.

(b) All applications shall be carefully completed, signed by the applicant and notarized.

(c) The statements of the applicant shall indicate the actual experience as specified in the eligibility provisions of N.J.A.C. 12:90-8.4 through 8.13. Only pertinent, applicable, and full-time experience shall be listed. This experience shall have been completed within seven years of the filing of application.

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

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

(f) An operating engineer with the appropriate classification who worked with the applicant shall endorse the statements on all applications. For those facilities not requiring operation by a third grade engineer or higher classification, endorsement is acceptable from senior management who are directly responsible for the safe operation of the equipment listed on the application, except as provided in (g) below. Endorsement by the engineer or senior management shall attest to the applicant's statement of experience.

(g) Substitution for the endorsement 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 one or more former or present employer signed by management responsible for the equipment located at its facility. The statement should provide information that is detailed and specific for determining eligibility. At a minimum, it shall contain years of experience of the applicant and describe the type of equipment operated, including manufacturer, capacity, heat input rating and safety valve setting(s).

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

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

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

(k) 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. The fee shall be in the form of a check or money order made payable to the Treasurer, State of New Jersey and shall accompany the application.

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

(m) No liability shall be assumed by the Bureau 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).
Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).
Rewrote (f); deleted former (h); in (k), added a second sentence; and deleted former (m) and (o).
Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
In (c), changed N.J.A.C. reference; rewrote (f); and in (g), added 4.

12:90-8.3 Classification of licenses for operators

- (a) The letters A, B and C shall be used to identify the engineer's grade of the license. An "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.
- (b) A black seal shall identify a boiler operator.
- (c) The license stamped on its face, "in-charge" shall identify a boiler operator in charge.
- (d) Boiler operator and firemen classifications shall be identical.
- (e) The numbers listed in Table 7.3(e) shall be used to identify the equipment indicated.

Table 7.3(e)

Arabic Number	Equipment
1	steam stationary boiler and steam prime mover
2	refrigeration plants
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

- (f) Licenses for operators shall be classified as follows:
1. Special limited applications;
 2. Low pressure boiler;
 3. Operator in charge of high pressure boiler;
 4. 1A, 1B, or 1C steam stationary boiler and steam prime mover;
 5. 2A, 2B, or 2C refrigeration plants;
 6. 3A, 3B, or 3C nuclear boiler and prime mover;
 7. 7C long boom crane;
 8. 8A, 8B, or 8C steam portable boiler and steam prime mover; and
 9. 9A or 9B steam locomotive crane.

Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).
In (a), added a second sentence; deleted former (b); and rewrote (g).
Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
In (a), inserted "engineer's" following "identify the".

12:90-8.4 Eligibility for boiler operator's license (black seal)

To be eligible for a boiler operator's black seal 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. The Bureau of Boiler and Pressure Vessel Compliance may request a copy of the boiler operator's log for the examiner's review during approval of the application.

Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).
Added a second sentence.

12:90-8.5 Eligibility for low pressure boiler operator's license (black seal)

(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. 12:90-8.4; or
2. Have had intensive training for 30 full working days in a program established by the responsible management representative and approved by the Bureau of Boiler and Pressure Vessel Compliance within five days of starting 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 management representative responsible for the daily operation of the boiler plant. Any training commenced prior to the approval by the Bureau of Boiler and Pressure Vessel Compliance, with the exception of that encompassed within the five day approval period, shall not be credited toward the 30 days intensive training program.

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.
Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).
Rewrote (a)2; and deleted former (b).
Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
In (a)1, changed N.J.A.C. reference.

12:90-8.6 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. 12:90-8.4; or
2. Have had intensive training for six weeks in a program established by the Chief Engineer and approved by the Bureau of Boiler and Pressure Vessel Compliance, within five days of starting 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. Any training commenced prior to the approval by the Bureau of Boiler and Pressure Vessel Compliance, with the exception of that encompassed within the five day approval period, shall not be credited toward the six week intensive training program.

(b) If the applicant has had six months experience as a licensed low pressure boiler operator, the three months required in N.J.A.C. 12:90-7.4 may be reduced to 30 days.

(c) To be eligible for a special license up to 100 horsepower, an applicant requires 30 days experience with such equipment.

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.
Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).
In (a)2, added a third sentence.
Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
In (a)1, changed N.J.A.C. reference.

12:90-8.7 Eligibility for third grade steam engineer's license (blue seal)

(a) To be eligible for a third grade steam engineer's (1-C or 8-C) examination, the applicant shall have a boiler operator in-charge high pressure license and shall have had at least six months subsequent experience either 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 500 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).
Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

12:90-8.8 Eligibility for third grade refrigeration engineer's license (blue seal)

(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, highly toxic or toxic refrigeration plant;
2. Three months experience as an operator of a flammable, highly toxic or toxic refrigeration plant;
3. Three months experience as an assistant to the operator of a flammable, highly toxic 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;

In (d), substituted a reference to boiler operator special licenses for a reference to Fireman Special licenses, changed N.J.A.C. reference; in (e), substituted a reference to classifications for a reference to classes of engineering; and in (f), rewrote the second sentence in the introductory paragraph, and added 1.

12:90-8.16 Re-examination

(a) An applicant who has failed an examination 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 be re-examined within three months, provided a fee of \$10.00 is received within 60 days of the second failure.

(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).

Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

12:90-8.17 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 of \$50.00 may be imposed for violation of this section.

Amended by R.1997 d.537, effective January 5, 1998.
See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

12:90-8.18 Suspension or revocation of license

(a) Any license may be suspended or revoked by the Commissioner 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 person named as the license holder.

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

(d) A license shall be automatically canceled on the last day of the month in which it expires. Any persons performing the duties of a licensee and holding an expired license shall be subject to a maximum penalty of \$500.00. The

supervisor and/or employer may be subject to a similar penalty.

(e) Any person using fraudulent means to obtain a license shall be subject to prosecution and/or a penalty of \$500.00. 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 by one or more members of the Examining Board in accordance with N.J.S.A. 34:7-3. Failure to appear for a hearing when requested shall cause the license to be suspended indefinitely. If the licensee disagrees with the decision, he or she may appeal to the Commissioner pursuant to the requirements of N.J.A.C. 12:90-9.

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.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Rewrote (d) and (f).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (f), changed N.J.A.C. reference.

12:90-8.19 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) An application for renewal of a license expired more than three years shall be treated as an original application. All records pertaining to a license may be destroyed if it has not been renewed for a period of three years and one day after the expiration date.

(e) An altered, defaced or otherwise mutilated license shall be replaced only after review by the Bureau 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).
 Amended by R.1997 d.537, effective January 5, 1998.
 See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).
 In (d), added a second sentence.

12:90-8.20 Employment of unlicensed person in emergency

(a) Employers shall immediately request permission from the Bureau 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 to a maximum of one year under (a) above provided that a written extension request is received by the Bureau 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 Bureau 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 additional time is required after the period granted in (b) above has expired, requests may be considered on a case-by-case basis, and only when documentation has been provided outlining why additional time is required.

(e) If an unlicensed person in (b)4 above who has filed an application with the Bureau 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. A penalty may be imposed of not less than \$50.00 nor more than \$500.00 per day for each day in violation as provided in N.J.S.A. 34:7-6.

(f) The employer shall notify the Bureau of Boiler and Pressure Vessel Compliance when a licensed person is employed, giving the name, address, and license, 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).
 Amended by R.1997 d.537, effective January 5, 1998.
 See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).
 Inserted (d); and in (e), added a second sentence.

SUBCHAPTER 9. VIOLATIONS AND PENALTIES

12:90-9.1 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 Bureau 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.

12:90-9.2 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).

12:90-9.3 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.

12:90-9.4 Enforcement

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

12:90-9.5 Appeals

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

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 National Mechanical Code, 1993 edition and all subsequent editions and addenda, specifically including the revisions identified in the Conference Report of Final Action on 1994 Proposed Changes to the BOCA National Codes.

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

9. ANSI/ASHRAE 15, Safety Code for Mechanical Refrigeration, 1994 edition and all subsequent editions and addenda.

10. ANSI/ASHRAE 34, Designation and Safety Classification of Refrigerants, 1997 edition and all subsequent editions and addenda.

SUBCHAPTER 10. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

12:90-10.1 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

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).
 Amended by R.1999 d.304, effective September 7, 1999.
 See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
 In (a), rewrote 2, and added 9 and 10.

12:90-10.2 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 Public Safety and Occupational Safety and Health between the hours of 9:00 A.M. and 4:00 P.M. on regular working days:

New Jersey Department of Labor
 Division of Public Safety and Occupational Safety
 and Health
 225 East State Street
 Trenton, New Jersey

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

12:90-10.3 Availability of documents from issuing organizations

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 meanings, and are the organizations issuing the standards and publications listed in N.J.A.C. 12:90-10.1.

API—American Petroleum Institute
 Order Desk
 1220 1 Street, Northwest
 Washington, D.C. 20005
 ASHRAE—American Society of Heating, Refrigerating, and Air-Conditioning Engineers
 Publication Sales
 1791 Tullie Circle NE
 Atlanta, GA 30329
 Phone Number: (404) 636-8400
 Fax Number: (404) 321-5478
 E-mail: orders@ashrae.org
 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:
 Bureau of Boiler and Pressure Vessel Compliance
 PO Box 392
 Trenton, New Jersey 08625-0392
 New Jersey Uniform Construction Code—Bureau of Code Services
 New Jersey Department of Community Affairs
 Division of Codes and Standards
 PO Box 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).
 Amended by R.1999 d.304, effective September 7, 1999.
 See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Changed N.J.A.C. reference in the introductory paragraph, and inserted ASHRAE address and phone numbers.