



STATE OF TENNESSEE  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
DIVISION OF BOILER AND ELEVATOR INSPECTION

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June 4, 2007

Tennessee Board of Boiler Rules  
Tennessee Department of Labor & WFD  
710 James Roberston Pky.  
Nashville, TN 37243

**Assigned: BC07-21**

Submitted by: Martin Toth, TN Chief Boiler Inspector

**Statement of Need:** The Tennessee Boiler Inspection Division requests the Board of Boiler Rules to allow an exception to the permit inspection fee (special inspection fee) issued in 0800-3-3-.03(6) and listed in 0800-3-3-.09(10); for the replacement of registered boilers and lethal service unfired pressure vessels in the State of Tennessee.

**Background:** When the rule for the application for permission to install a boiler or pressure vessel (lethal service) was enacted by the Tennessee Board of Boiler Rules, there was a fee range established based on the number of days notice the applicant (i.e., owner, user, or installer) gave the Boiler Inspection Division prior to installation. The higher fee for less notice (e.g., \$250 for 1 – 10 days notice) was intended to encourage the applicant to apply in a timely manner prior to installation.

This timely notification helps the Boiler Inspection Division to operate in a more efficient manner, while keeping the cost of doing business at a minimum. The higher fee was not planned to penalize those applicants who are intending to replace a boiler or unfired pressure vessel (lethal service) due to failure, unplanned outage, or incidence beyond their control.

**Inquiry:** May the permit inspection fee (special inspection fee) for replacement boilers of unfired pressure vessel (lethal service) be set at a rate lower than that issued in 0800-3-3-.03(6) and listed in 0800-3-3-.09(10)?

**Proposed Reply:** It is the opinion of the Board that it was not the intent to penalize those applicants placed in a hardship due to a failure, unplanned outage, or incidence beyond their control. Provided all the following conditions are met, the applicant (i.e., owner, user, or installer) shall be billed a maximum of fifty dollars (\$50) for any replacement permit inspection with a notice between 1 -30 days. For notices greater than 30 days, the replacement permit inspection fee will be thirty-five dollars (\$35):

**(1)** The boiler or pressure vessel (lethal service) being replaced must be registered with the Tennessee Boiler Inspection Division.

**(2)** The vessel being replaced must have a current certificate of inspection with the Tennessee Boiler Inspection Division.

**(3)** If the installation is classified as an “Emergency Installation”, the applicant must follow and submit the Application for Permission to Install” per the requirements of Rule 0800-3-3-.03(6)(h); and indicate on the application both “Emergency Installation” and the Tennessee Number of the boiler or lethal service unfired pressure vessel being replaced.

**(4)** The applicant is required to contact the Deputy Inspector indicated on the approved permit application prior to the replacement boiler or lethal service unfired pressure vessel being place into operation. Excluding those installations approved as “Emergency Installations”, which may be temporarily operated until such time that the Deputy Inspector is contacted to perform the initial inspection.

**(5)** Any permitted replacement boiler or lethal service unfired pressure vessel found to be in operation without prior authorization, or any Emergency Installation found in operation where the Deputy Inspector has not been contacted for an inspection, will be subject to a permit inspection fee (special inspection fee) of one-hundred dollars (\$100) for a half day inspection, and two-hundred dollars (\$200) for a full day, as indicated in Rule 0800-3-3-.09(10).

Thank you for your consideration.

Sincerely,



Martin R. Toth  
Chief Boiler Inspector  
State of Tennessee