Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.01 Board of Boiler Rules

Authority: Public Safety Article, §12-905, Annotated Code of Maryland

Notice of Proposed Action

[17-269-P]

The Commissioner of Labor and Industry proposes to amend Regulations **.01**, **.01-1**, **.01-2** .**08**, **.09**, **.14**, **.14-1**, **.15**, **.16**, **.16-1**, **.17**, **.27**, **.28**, **.28-1**, **.28-2**, **.28-3**, **.29**, **.34**, and **.35**, repeal existing Regulation **.19**, and adopt new Regulation **.19** under **COMAR 09.12.01 Board of Boiler Rules**. This action was considered by the Board of Boiler Rules pursuant to a meeting held on April 19, 2017, notice of which was given in 44:8 Md. R. 427 (April 14, 2017) in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend Maryland's existing boiler and pressure vessel regulations to align with industry practice and current industry consensus standards. These amendments clarify what is required to operate, inspect, and own a boiler or pressure vessel, including historical boilers. This proposal amends provisions related to inspections, hearings, installation/reinstallation, portable boilers, reporting requirements, quality assurance programs, safety appliance removal, and historic boilers.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mischelle Vanreusel, Regulatory and Grants Coordinator, Division of Labor and Industry, 1100 North Eutaw Street, Room 604, Baltimore, MD 21201, or call 410-767-2225, or email to mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through December 13, 2017. A public hearing has not been scheduled.

.01. Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "ASME Code" means the "ASME Boiler and Pressure Vessel Code" of the American Society of Mechanical Engineers with revisions, amendments, and interpretations adopted by the [Council of the Society and approved and adopted by the] Board of Boiler Rules.

[(2) "Antique boiler" means a boiler commercially fabricated more than 30 years before the inspection date, and operated primarily for demonstration, exhibition, or instructional purposes and not for profit.]

(2) "Antique boiler" means a boiler that is:

(a) Fabricated and stamped:

(i) In accordance with the ASME Code or another nationally recognized boiler construction standard; and

(ii) More than 30 years before the date of the inspection;

(b) Operated primarily for demonstration, exhibition, or instructional purposes and not for profit; or

(c) Constructed, inspected, and stamped in accordance with the ASME Code and registered with the National Board of Boiler and Pressure Vessels Inspectors to replace a historical boiler.

(3) (text unchanged)

[(3-1) "Authorized insurer" means a company licensed to insure and insuring boilers and pressure vessels in the State.]

(4) "Authorized Inspection Agency" means an entity that:

(a) Is accredited in accordance with the National Board of Boiler and Pressure Vessel Inspectors NB-369, Qualifications and Duties for Authorized Inspection Agencies Performing Inservice Inspection Activities and Qualifications for Inspectors of Boilers and Pressure Vessels;

(b) Is accredited in accordance with the National Board of Boiler and Pressure Vessel Inspectors NB-371, Accreditation of Owner-User Inspection Organizations (OUIO); or

(c) Meets the qualifications and definition of the National Board of Boiler and Pressure Vessel Inspectors NB-360, Criteria for Acceptance of Authorized Inspection Agencies for New Construction.

(5) "Authorized Insurer" means an authorized inspection agency licensed to insure boilers and pressure vessels in Maryland.

[(4)] *(6)* (text unchanged)

[(4-1)] *(7)* "Boiler external piping" means piping which:

(a) Begins where the boiler proper terminates at the:

(i) First circumferential joint for [welding] *welded* end connections;

(ii) Face of the first flange in bolted [hanged] *flanged* connections; or

(iii) First threaded joint [in that type of connection; and]*in threaded connections; and*

(b) Extends up to and including the valve or valves required by Section [1] *I* or Section [4] *IV* of the ASME [Boiler and Pressure Vessel]Code.

(8) "Certificate of Competency" means a certificate issued by the Chief Boiler Inspector indicating the suitability and fitness of an individual to inspect boilers and pressure vessels in Maryland.

[(5) "Certificate inspection" means an inspection as defined by Public Safety Article, §12-901(e), Annotated Code of Maryland, the report of which is used by the chief boiler inspector as justification for issuing, withholding, or revoking an inspection certificate.]

(9) "Certificate inspection" means an inspection the report of which is used by the Chief Boiler Inspector to determine whether to issue a certificate.

(10) "Certificate of inspection for repair or alteration" means the certificate inspection performed after a repair or alteration to determine suitability of the object for return to service.

[(5-1)] *(11)* — [(7)] *(13)* (text unchanged)

[(8) "Existing boiler" means a boiler in actual use, or installed and ready for use, before July 1, 1969, but does not include a secondhand boiler or boiler that is to be reset.]

(14)"Existing boiler or pressure vessel installation" means:

(a) A boiler constructed, installed, placed in operation, or contracted for before July 1, 1969, excluding antique boilers, historical boilers or model steam boilers; or

(b) A pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1974, excluding antique boilers, historical boilers or model steam boilers.

[(9) Existing Installation.

(a) "Existing installation" means a boiler constructed, installed, placed in operation, or contracted for before July 1, 1969, or a pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1974.

(b) "Existing installation" does not include antique boilers or model steam boilers.]

[(10)] *(15)* (text unchanged)

(16) "Follow up inspection" means an inspection performed after a boiler or pressure vessel has been determined to be nonconforming with applicable laws and regulations.

[(11) "Heating boiler" means a steam boiler operated at pressures not exceeding 15 PSIG, or a hot water heating boiler operated at pressures not exceeding 160 PSIG or temperatures not exceeding 250°F at or near the boiler outlet. "Heating boiler" includes a vessel used in connection with it as an expansion tank.]

(17) Heating Boiler.

(a) "Heating boiler" means:

(i) A steam boiler that operates at pressures not exceeding 15 PSIG; or

(ii) A hot water boiler operated at pressures not exceeding 160PSIG or temperatures not exceeding 250°F at or near the boiler outlet.

(b) "Heating boiler" includes a vessel used in connection with it as an expansion tank.

[(12)] *(18)* "High-pressure, high-temperature water boiler" means a water boiler [operating]*that operates* at [pressure]*pressures* exceeding 160 PSIG or temperatures exceeding 250°F at or near the boiler outlet.

[(13) "Hot water supply boiler" means a boiler furnishing hot water for use external to itself at pressures not greater than 160 PSIG or temperatures not exceeding 250°F at or near the boiler outlet.]

(19) "Historical boiler" means a boiler that is:

(a) Riveted and/or welded construction;

(b) Not under the jurisdiction of the Federal Railroad Administration;

(c) Not used for profit; and

(d) An antique boiler, steam tractor, traction engine, hobby steam boiler, or portable steam boiler that is preserved, restored, and maintained for demonstration, viewing, or educational purposes.

(21) "Hobby steam boiler" means a model steam boiler.

(22) "Hot water heating boiler" means a heating boiler furnishing hot water circulated to return to itself.

(23) "Hot water supply boiler" means a heating boiler furnishing hot water for use external to itself.

(24) "Individually fabricated" means constructed, inspected, and stamped in accordance with the ASME Code, or other standard accepted by the Chief Boiler Inspector.

[(14)] *(25)*— [(14-1)] *(26)* (text unchanged)

[(15)] *(27)* "Internal inspection" means an examination as complete as [is reasonable under the circumstances,]*possible* of the internal and external surfaces of a boiler or pressure vessel conducted while it is not in operation, and with all manhole plates, [handhole] *hand hole* plates, and other coverings of inspection openings removed.

[(15-1) "Kitchen equipment boiler" means a boiler directly fired with gas, oil, or electricity, located in a kitchen, and used for cooking or related purposes.]

(28) "Kitchen" means an area used for the preparation or processing of food for human consumption.

(29) "Kitchen equipment boiler" means a boiler located in a kitchen, and used for cooking or related purposes.

[(16)] *(30)* (text unchanged)

(31) "Maryland inspection report form" means the form submitted by an inspector and available on the Department's website.

(32) "Miniature boiler" means a boiler when none of the following limitations are exceeded:

(a) 16 inches inside diameter of shell;

(b) 20 square feet heating surface, except for an electric boiler;

(c) 5 cubic feet gross volume, exclusive of casing and insulation; and

(d) 100 psig maximum allowable working pressure.

[(17) "Major repair" means a repair affecting the strength of a boiler or pressure vessel.]

(33) "Model steam boiler" means a boiler that is individually fabricated for non-commercial use and that is used primarily for demonstration, exhibition, or educational purposes, and not used for profit.

[(18) "Maximum allowable working pressure" means the calculated boiler pressure, based on the code formulas, which may be equal to or higher, but not less than, the maximum operating pressure.]

(34) "Maximum allowable operating pressure" means the maximum pressure at which a boiler or pressure vessel is permitted to operate as determined by an inspector after an inspection and which is equal to or less than the maximum allowable working pressure.

[(19) "Maximum operating pressure" means the highest pressure at which a boiler is approved to operate, as shown on the inspection certificate.]

(35) "Maximum allowable working pressure" means the maximum pressure at which a boiler or pressure vessel is designed to operate as determined by the manufacturer in accordance with the construction code.

[(20) "Miniature boiler" means a boiler that is directly fired with gas, oil, electricity, or any other fossil fuel when none of the following limitations are exceeded:

(a) 16 inches inside diameter of shell;

(b) 20 square feet heating surface;

(c) 5 cubic feet gross volume, exclusive of casing and insulation; and

(d) 100 PSIG maximum allowable working pressure.

(21) "Model steam boiler" means a boiler that is individually fabricated for noncommercial use, and is used primarily for demonstration, exhibition, or educational purposes, and not for profit.]

[(22)] *(36)* "Modular boiler system" means a series of boiler units specifically designed to be used singularly or together in sequential operation.

[(23)] *(37)* "National Board" means the National Board of Boiler and Pressure Vessel Inspectors.

[(24) "New boiler or pressure vessel installation" means a boiler or pressure vessel constructed, installed, placed in operation, or contracted for after January 1, 1974.]

(38) "NBIC" means the National Board Inspection Code.

(39) "New boiler or pressure vessel installation" means:

(a) A boiler constructed, installed, placed in operation, or contracted for after July 1, 1969; or

(b) A pressure vessel constructed, installed, placed in operation, or contracted for after January 1, 1974.

[(25)] *(40)* "Nonstandard boiler or pressure vessel" means a boiler or pressure vessel that does not bear the stamp of*:* [Maryland or of another state or political subdivision which has adopted a standard of construction equivalent to that required by the Board of Boiler Rules, or the stamp of ASME or the National Board.]

(a) Maryland;

(b) Another jurisdiction which has adopted a standard of construction equivalent to that required by the Board of Boiler Rules;

(c) The ASME; or

(d) The National Board.

[(26)] *(41)* (text unchanged)

[(26-1) "Person" means an installer, owner, or operator of a boiler or pressure vessel, a repair organization, or a company licensed to insure boilers and pressure vessels in the State.

(26-2) "Owner-user company" means a company operating pressure vessels in the State which are regularly inspected and rated by an established inspection service under the supervision of one or more engineers whose qualifications are satisfactory to the Board and in accordance with this chapter.]

(42) "Owner-user inspection service" means an owner of a boiler or pressure vessel in Maryland, who maintains a regularly established inspection department whose inspection procedures meet the applicable requirements of the National Board of Boiler and Pressure Vessel Inspectors and are acceptable to the Board.

(43) "Person" means an installer, owner, or operator of a boiler or pressure vessel, a repair organization, or a company licensed to insure or inspect boilers and pressure vessels in the State.

(44) "Portable boiler or pressure vessel" means a boiler or pressure vessel that is not historical but meets the following requirements:

(a) Is set on a frame, platform or trailer; and

(b) Is designed to be moved to different locations for use.

(45) "Portable steam boiler" means a historical boiler that is:

(a) Not self-propelled;

(b) Set on a frame, platform, or trailer; and

(c) Designed to be moved to different locations for use.

[(27) "Portable boiler" means an internally fired boiler which is primarily intended for temporary location, and whose construction and usage permit it to be readily moved from one location to another.]

[(28)] *(46)*— [(29)] *(47)* (text unchanged)

[(30) "Reinstalled boiler or pressure vessel" means a boiler or pressure vessel removed from its original setting and reinstalled at the same location or at a new location, without change of ownership.

(31) "Secondhand boiler or pressure vessel" means a boiler or pressure vessel that has changed both location and ownership since the last certificate inspection.

(32) "Standard boiler or pressure vessel" means a boiler or pressure vessel that bears the stamp of Maryland or of another state that has adopted a standard of construction equivalent to that required by the Board of Boiler Rules, or the stamps of both ASME and the National Board, or that is of equivalent safe construction acceptable to the Board.]

(48) "Standard boiler or pressure vessel" means a boiler or pressure vessel that:

(a) Bears the stamp of Maryland;

(b) Bears the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by the Board of Boiler Rules;

(c) Bears the stamps of both ASME and the National Board; or

(d) Is of equivalent safe construction acceptable to the Board.

(49) "Used boiler or pressure vessel" means a boiler or pressure vessel which has been removed from its original setting and reinstalled at the same or different location.

[(33)] *(50)* "Water heater" means a closed vessel [in which water is heated by the combustion of fuels, electricity, or any other source and withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa gage), and shall include the apparatus by which heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210°F (99°C).] *with openings through which water may flow and includes:*

(a) An apparatus by which heat is generated;

(b) Controls necessary to prevent pressures greater than 160 psig and water temperatures greater than 210 degrees F; and

(c) Potable water that is withdrawn for external use.

[(34)] *(51)* (text unchanged)

.01-1 Incorporation by Reference.

A. The following documents are incorporated by reference to the extent that they are referenced in this chapter:

(1) (text unchanged)

(2) National Board Inspection Code — A Manual for Boiler and Pressure Vessel Inspectors:

(a)—(g) (text unchanged)

(h) 2011 Edition[, as amended].

B. (text unchanged)

C. Controls and Safety Devices for Automatically Fired Boilers (CSD-1) (American Society of Mechanical Engineers).

(1) (text unchanged)

(2) The following are exempt from the requirements of ASME CSD-1:

(a) (text unchanged)

(b) Miniature boilers, except as required in Regulation .37 of this chapter; [and]

(c) Kitchen equipment boilers, except as required in Regulation .38 of this chapter[.]*; and*

(d) Historical boilers.

.01-2 Compliance.

In the event of a conflict between a regulation [set forth in Regulations .02—.38 of this chapter and a code referenced in Regulation .01-1 of this chapter, a person shall comply with the provision in the referenced code.] *in this chapter and a code section incorporated by reference, the provisions of this chapter control.*

.08 Hazardous Condition.

A. A special inspector [employed by an insurance company] who finds a hazardous condition affecting the safety of a boiler or pressure vessel shall notify the chief boiler inspector in accordance with Regulation .28 of this chapter.

B. If a special inspector [employed by an insurance company] determines that a boiler or pressure vessel is unsafe for operation:

(1)—(2) (text unchanged)

C. If, upon inspection, the chief boiler inspector or a deputy boiler inspector declares a boiler or pressure vessel unsafe:

(1) (text unchanged)

(2) Use or operation of the condemned boiler or pressure vessel shall subject the [user or operator]*owner* to the penalties provided by Public Safety Article, §12-915, Annotated Code of Maryland.

.09 Hearings.

[A. This regulation supplements the requirements of the Administrative Procedure Act, Contested Cases, Title 10, Subtitle 2, State Government Article, Annotated Code of Maryland.

B. Definitions. In this regulation, the following terms have the meanings indicated.

(1) "Agency" means the Division of Labor and Industry.

(2) "Presenter of evidence" means the Assistant Attorney General assigned to present charges and evidence on behalf of the agency.

C. Notice of Hearing.

(1) Notice of a hearing shall be served on all parties at least 15 days before the hearing.

(2) The notice shall:

(a) State the time, place, and nature of the hearing;

(b) State the authority of the agency to hold the hearing;

(c) Cite the specific section of each pertinent statute and regulation, including procedural regulations; and

(d) State concisely and simply the facts asserted, or if the facts cannot be stated in detail when the notice is given, the issues involved.

D. Manner of Service.

(1) The notice of hearing shall be served on each party other than the agency by:

(a) Certified mail, return receipt requested; or

(b) Personal delivery, provided the person serving the document certifies to the manner and date of service.

(2) Unless otherwise required by law or regulation, a party may be served with a document other than a notice of hearing by:

(a) Personal delivery, provided the person serving the document certifies to the manner and date of service; or

(b) First class mail sent to the last known address of the party.

(3) If a party neglects, refuses, or avoids receiving or accepting notice of a hearing, the hearing may proceed on a satisfactory showing that the party:

(a) Had actual knowledge of the hearing at least 3 days before the scheduled hearing date; or

(b) Does not intend to participate in the hearing.]

A. A hearing shall be held in accordance with the requirements of the Administrative Procedure Act, Title 10, Subtitle 2, State Government Article, Annotated Code of Maryland.

B. The Commissioner delegates the authority to issue a proposed decision on a citation or penalty to the Office of Administrative Hearings.

C. A proposed decision of the Office of Administrative Hearings becomes a final order of the Commissioner 20 days after the date it is issued, unless:

(1) The person found to have violated Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland, or a regulation or order issued to carry out this law, requests a review; or

(2) The Commissioner orders review.

D. Review of Proceedings Before the Commissioner.

(1) A request for review by a person found to have violated Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland, or a regulation or order issued to carry out this law, shall:

(a) Be in writing;

(b) Contain a concise statement identifying each portion of the determination for which a review is requested;

(c) Be filed with the Commissioner within 20 days after the date the determination is issued; and

(d) Be mailed by the requesting party to all other parties to the proceeding.

(2) Affected parties have the opportunity to present argument to the Commissioner based on the record before the Office of Administrative Hearings.

(3) Order of the Commissioner.

(a) After review of the proceedings, with or without a hearing, the Commissioner shall:

(i) Issue an order based on findings of fact; and

(ii) Mail copies of the order to all affected parties.

(b) The Commissioner's order shall affirm, modify, or vacate the citation or proposed penalty, or direct other appropriate relief.

E. Hearings *Before the Board of Boiler Rules.*

(1)—(2) (text unchanged)

(3) Presiding Officer.

(a) At a hearing before the Board [of Boiler Rules], the chairman of the Board or, in the chairman's absence, the chairman's designee, shall be the presiding officer.

[(b) At a hearing on a citation or penalty, the presiding officer shall be the Commissioner or an individual designated by the Commissioner.

(c)] *(b)* A presiding officer may:

(i)—(vi) (text unchanged)

(4) (text unchanged)

(5) Hearing Procedure.

(a)—(b) (text unchanged)

(c) The following exhibits shall be introduced:

[(i) If the presiding officer is a designee, a copy of the letter designating the individual to preside at the hearing;

(ii)] *(i)* A copy of the petition, complaint, or other matter involved in the hearing; and

[(iii)] *(ii)* A copy of the notice of hearing.

[(d) Order of Testimony.

(i)] *(d) In a hearing on an application for variance, the applicant shall proceed first and present evidence to demonstrate either that the subject regulation is unreasonable or that it imposes an undue burden on the applicant, and that equivalent safety can be maintained. The presenter of evidence shall then present information obtained as a result of the agency's investigation of the application.*

[(ii) In all other hearings, the presenter of evidence shall proceed first and present evidence obtained as a result of the agency inspection.]

(e) (text unchanged)

(f) [At a hearing before the Board of Boiler Rules, any]*Any* member of the Board may examine a witness.

(g) The [presiding officer] *Board* may permit or require a party to file a written memorandum, which may include proposed findings of fact and conclusions of law.

F. The [presiding officer] *Board* shall:

(1)—(2) (text unchanged)

G. (text unchanged)

.14 Inspection Intervals.

A.—B. (text unchanged)

C. [Boilers and] *A boiler or* pressure [vessels] *vessel* that [are] *is* part of an amusement attraction, as defined by Business Regulation Article, §3-101(b), Annotated Code of Maryland, shall receive a certificate inspection annually.

D. A historical boiler shall be inspected at intervals specified in Regulation .34 of this chapter.

.14-1 Inspection.

A.—F. (text unchanged)

G. An inspector is authorized to:

(1) Conduct inspections in accordance with [Section 176 of the Boiler and Pressure Vessel Safety Act] *Public Safety Article, §12-909, Annotated Code of Maryland* ; and

(2) Review and verify records required by [the Boiler and Pressure Vessel Safety Act] *Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland,* and by Codes referenced in Regulation .01-1 of this chapter.

.15 Inspection Certificate.

A. (text unchanged)

B. An inspection certificate becomes invalid:

(1) On its expiration date; *or*

(2) When the boiler or pressure vessel for which it was issued ceases to be*:*[insured by a duly authorized insurance company; or]*:*

(a) Insured by an authorized insurer; or

(b) Owned by an owner-user inspection service.

[(3) When the pressure vessel for which it was issued ceases to be operated by a duly authorized company.]

.16 Inspector.

A.—B. (text unchanged)

C. Application Procedure for Certificate of Competency.

(1) An applicant shall apply to take an examination:

(a) On the form furnished by the [Commissioner of Labor and Industry]*Chief Boiler Inspector*; and

(b) (text unchanged)

(2) The applicant shall provide:

(a)—(d) (text unchanged)

(e) [A] *Upon approval of the application by the Chief Boiler Inspector, a* $50 examination fee, payable [by check] to the Division of Labor and Industry.

(3) An individual applying for a Certificate of Competency as a special inspector on the basis of a commission issued by the National Board of Boiler and Pressure Vessel Inspectors shall submit an application:

(a) On the form furnished by the [Commissioner of Labor and Industry] *Chief Boiler Inspector*; and

(b) (text unchanged)

(4) (text unchanged)

D. (text unchanged)

E. The chief boiler inspector shall issue a Certificate of Competency to an applicant who:

(1) (text unchanged)

(2) Is a full-time employee of an authorized inspection agency [as defined by the National Board].

F. Special Inspector Commission Application Procedure.

(1) An authorized [insurer or, an owner-user company employing an individual] *inspection agency or an owner-user inspection service employing an individual* applying for a special inspector commission shall:

(a) Submit a completed application form to the chief boiler inspector, setting forth the following:

(i)—(iii) (text unchanged)

(iv) The dates of the applicant's employment with each employer; *and*

(v) The position the applicant held with each employer.[; and]

[(vi) The $50 examination fee, payable by check to the Division of Labor and Industry;]

(b) (text unchanged)

(2) (text unchanged)

(3) Upon approval of the special inspector commission by the chief boiler inspector, the authorized [insurer] *inspection agency* or owner-user [company] *inspection service* shall pay a $50 special inspector commission fee, payable [by check] to the Division of Labor and Industry.

G. Unless the authorized [insurer]*inspection agency* or owner-user [company] *inspection service* complies with the renewal provisions of §H of this regulation, a special inspector commission expires:

(1) (text unchanged)

(2) [On the second March 1 after the initial issuance of the special inspector commission; or] *On March 1 of the next odd number year after the initial issuance of the special inspector commission; or*

(3) [On the second March 1 after renewal of the special inspector commission.] *On March 1 of the next odd number year after renewal of the special inspector commission.*

H. To renew a special inspector commission, the authorized [insurer] *inspection agency* or the owner-user [company] *inspection service* employing the special inspector shall, at least 30 days before the special inspector commission is scheduled to expire, provide documentation that:

(1)—(2) (text unchanged)

(3) The special inspector remains in the employ of the authorized [insurer] *inspection agency* or the owner-user [company] *inspection service.*

I.—J. (text unchanged)

.16-1 Authorized Inspection Agency Insurance Requirements.

A. [Except for authorized insurers, the authorized inspection agency shall provide the Commissioner with a certified copy of an

insurance policy covering liability related to the authorized inspection agency's special inspectors performing inspections on boilers and pressure vessel units in Maryland.] *An authorized inspection agency shall have general liability insurance and professional liability insurance to cover its inspection activities.*

B. [The insurance policy] *An insurance policy required by this section* shall be issued by an insurance company authorized to do business in Maryland.

C. (text unchanged)

D. The authorized inspection agency shall notify the Commissioner of any [material insurance policy] alterations or cancellations within 5 business days [of receiving the alteration or cancellation].

.17 Installation.

A. [Notice of Installation.] *A new or used boiler, pressure vessel, or piping installation or reinstallation shall be installed in accordance with this chapter.*

B. Notice of Installation.

(1) At least 30 days before installing *or reinstalling* a boiler or pressure vessel, the installer shall file with the chief boiler inspector written notice of the installation.

(2) (text unchanged)

(a) Installer's name, *company name,* contact person, address, telephone number, [and] fax number*, and email address*;

(b) [Site name, address, and telephone number;] *Owner's name, company name, contact person, street address, telephone numbers, fax number, and email address;*

(c) [Type of boiler or pressure vessel and National Board registration number;] *User's name, company name, contact person, street address, telephone numbers, fax number, and email address;*

(d) [Manufacturer and serial number; and] *Name of the location where the boiler or pressure vessel is installed, company name, contact person, street address, telephone numbers, fax number, and email address;*

(e) [Tentative date of installation.] *Type and use of boiler or pressure vessel;*

(f) If a boiler, the type of fuel;

(g) If a pressure vessel, the pressurized fluid;

(h) The minimum required safety valve capacity;

(i) If the boiler or pressure vessel is greater than 30 boiler horsepower input or 1,000,000 Btu/hr minimum required safety valve capacity, and operates at greater than 15 psig, the name and Maryland license number of the stationary engineer responsible for the boiler or pressure vessel;

(j) Manufacturer, date of manufacture, National Board number, and manufacturer's serial number;

(k) Construction code and section and stamp;

(l) Name and contact information of the authorized inspection agency for the installation;

(m) Planned date of installation, and planned date of startup; and

(n) Whether a waiver of the 30 day notice requirement under subsection c of this section is requested, with a detailed explanation.

[B.] *C.* Waiver of 30-day Notice Requirement.

(1) If emergency or unusual circumstances are established by the installer, the chief boiler inspector shall waive the 30-day notice requirement [of §A of this regulation].

(2) To obtain a waiver, the installer shall file a written waiver request with the [chief boiler inspector:] *Chief Boiler Inspector as soon as the emergency or unusual circumstances arise; and give a detailed explanation of the emergency or unusual circumstances.*

[(a) As soon as the emergency or unusual circumstances arise; and

(b) Containing a detailed explanation of the emergency or unusual circumstances.

(3) If the Commissioner grants a waiver under this section, the Commissioner shall also advise the installer of when the notice is due.

C. A new boiler, pressure vessel, or piping installation, including a reinstalled or secondhand boiler or pressure vessel, shall be installed in accordance with this chapter.

D. An owner installing used equipment shall furnish complete data acceptable to the chief boiler inspector.]

(3) If the Chief Boiler Inspector grants a waiver under this section, the Chief Boiler Inspector shall also advise the installer of when the notice is due.

D. Except for an existing boiler or pressure vessel being reinstalled, or as otherwise provided by this regulation, a boiler or pressure vessel may not be installed unless:

(1) The boiler or pressure vessel has been constructed, inspected and stamped in accordance with the ASME Code and registered with the National Board;

(2) The boiler or pressure vessel has been:

(a) Constructed, inspected and stamped in accordance with the ASME Code;

(b) Inspected and the inspector recommends acceptance; and

(c) The Chief Boiler Inspector accepts the inspector's recommendation; or

(3) The boiler or pressure vessel has been constructed equal to or greater than Maryland standards and:

(a) The person intending to construct or install the boiler or pressure vessel:

(i) Applies to the Chief Boiler Inspector for approval prior to installation; and

(ii) Together with the application files the manufacturer's data report covering construction of the boiler or pressure vessel;

(b) An inspector inspects the boiler or pressure vessel during construction and approves the design, materials, fabrication, welding, welding specification, welder's qualifications, processes and workmanship; and

(c) The Chief Boiler Inspector approves the boiler or pressure vessel and its installation.

[E. Before beginning construction of a boiler or pressure vessel which is of special design, or which will not bear the stamp of ASME and the National Board:

(1) Details of the proposed construction shall be submitted to the chief boiler inspector; and

(2) The chief boiler inspector's approval shall be obtained.]

E. Reinstallation

(1) A used boiler or pressure vessel not moved to another state for use, or repair, or alteration may be reinstalled if the:

(a) Owner applies to the Chief Boiler Inspector for permission;

(b) Owner submits documents required by the Chief Boiler Inspector; and

(c) Chief Boiler Inspector approves the reinstallation.

(2) A used standard boiler or pressure vessel, if moved outside the state for use, repair, or alteration, may be reinstalled if the:

(a) Owner applies to the Chief Boiler Inspector for permission;

(b) Owner submits documents required by the Chief Boiler Inspector; and

(c) Chief Boiler Inspector approves the reinstallation.

(3) A used nonstandard boiler or pressure vessel, if moved outside the State for use, repair or alteration, may be reinstalled in Maryland if the:

(a) Owner applies to the Chief Boiler Inspector and the Board for permission;

(b) Owner submits documents required by the Chief Boiler Inspector and the Board; and

(c) The Board of Boiler Rules approves the reinstallation.

[F. A nonstandard boiler or pressure vessel may not be shipped into Maryland for operation without permission of the Board of Boiler Rules.

G. Except for an antique boiler, an existing boiler or pressure vessel being reinstalled, or as otherwise provided by this regulation, a boiler or pressure vessel may not be installed unless it:

(1) Has been constructed, inspected, and stamped in accordance with the ASME Code and registered with the National Board;

(2) Has been constructed, inspected, and stamped in accordance with the ASME Code, and:

(a) A deputy boiler inspector or special inspector recommends its installation based on a satisfactory inspection which may, at the inspector's discretion, include nondestructive tests, and

(b) The chief boiler inspector approves the installation; or

(3) Is constructed equivalent to Maryland standards, provided that:

(a) The person intending to install the boiler or pressure vessel:

(i) Applies to the chief boiler inspector, before beginning construction, for approval of the installation, and

(ii) Together with the application, files the manufacturer's data report covering construction of the boiler or pressure vessel, and

(b) The chief boiler inspector approves the application.

H. Reinstallation.

(1) A standard or ASME boiler or pressure vessel located in Maryland, but moved to another state for temporary use or repair, may not be reinstalled in Maryland unless the:

(a) Owner applies to the chief boiler inspector for permission; and

(b) Chief boiler inspector approves the reinstallation.

(2) A nonstandard boiler or pressure vessel now in use in Maryland, if moved outside the State, may not be returned to Maryland and reinstalled without the permission of the Board of Boiler Rules.

(3) Before a used or secondhand boiler or pressure vessel may be reinstalled in Maryland:

(a) It shall be inspected by an inspector:

(i) Qualified by examination equal to that required by law or regulation, or

(ii) Who holds a commission from the National Board of Boiler and Pressure Vessel Inspectors; and

(b) The owner of the boiler or pressure vessel shall:

(i) File with the chief boiler inspector the data submitted by the inspector, and

(ii) Obtain the chief boiler inspector's approval.]

(4) (text unchanged)

[I. After a boiler or pressure vessel is installed, an inspector shall conduct an internal inspection.]

.19 Portable Boilers and Pressure Vessels.

A. The installer and owner of a portable boiler or pressure vessel shall comply with all requirements of this chapter.

B. While a portable boiler or pressure vessel is being moved, it shall not be operated.

C. A portable boiler or pressure vessel shall receive an internal and external certificate inspection:

(1) Annually; and

(2) After it has been moved to a different location and installed before use.

.27 Repair.

A. All repairs and alterations of boilers and pressure vessels shall conform to the requirements of the [National Board Inspection Code] *NBIC*.

B. (text unchanged)

C. The person certifying that the repair or alteration is complete and in accordance with the NBIC shall be a special inspector, deputy boiler, or Chief Boiler Inspector.

.28 Reporting Requirements.

A. Accident or Explosion Report.

(1) After an accident or explosion the owner or operator shall notify the chief boiler inspector within[:] *24 hours by email and by telephone.*

[(a) 24 hours by telephone; and

(b) 48 hours in writing.]

(2) Notification under §A(1) of this regulation shall contain the following information regarding the accident or explosion:

(a) Name, address, [and] telephone number*, and other contact information* of the individual reporting the incident;

(b)—(e) (text unchanged)

(f) Manufacturer*, year of manufacture,* and serial number;

(g) (text unchanged)

(h) Injuries*,* including fatalities; and

(i) (text unchanged)

(3) [An] *A special* inspector, immediately upon receiving a report of an accident or explosion, shall notify the chief boiler inspector.

(4) (text unchanged)

B. [A manufacturer shall file with the chief boiler inspector, through the National Board, a manufacturer's data report for each of its boilers and pressure vessels to be operated in Maryland.] *An inspector shall file a report of a hazardous condition that affects the safe operation of a boiler or pressure vessel with the Chief Boiler Inspector within 24 hours by email.*

C. [Certificate Inspections.] *An authorized insurer shall file a report with the Chief Boiler Inspector by email within 24 hours if the insurance policy is cancelled, not renewed, or suspended due to an unsafe condition.*

[(1) An authorized insurer employing a special inspector shall submit to the chief boiler inspector a report of each certificate inspection within 30 days of the inspection date.

(2) The certificate inspection report shall include at least the following information:

(a) Inspecting authorized insurer;

(b) Name and address of the owner of the boiler or pressure vessel;

(c) Location and address of the boiler or pressure vessel;

(d) Date of the inspection;

(e) Name and address of the entity using the boiler or pressure vessel;

(f) Maryland registration number and National Board registration number;

(g) Manufacturer and serial number;

(h) Year the boiler or pressure vessel was built;

(i) Maximum allowable working pressure;

(j) Pressure at the time of inspection; and

(k) Any violations.

(3) Reports shall be filed in an electronic format that is acceptable to the chief boiler inspector. The chief boiler inspector

shall notify authorized insurers of the acceptable electronic formats. If a report is not submitted electronically, the report shall be submitted on the National Board form NB-6 and NB-7, and is subject to a filing fee as provided in Public Safety Article, §12-910(a)(3), Annotated Code of Maryland.

(4) The failure to submit a complete report that includes all of the information set forth in §C(2) of this regulation and in the format set forth in §C(3) of this regulation:

(a) Shall result in the rejection of the report by the chief boiler inspector; and

(b) May result in the imposition of penalties as provided in Regulation .36 of this chapter.

D. An authorized insurer shall notify the chief boiler inspector within 30 days of each boiler or pressure vessel for which an insurance policy is issued, cancelled, not renewed, or suspended because of unsafe conditions.]

D. An authorized insurer shall file a report with the Chief Boiler Inspector by email within 24 hours where the insurance coverage is denied as a result of an inspector's first inspection.

[E. If an authorized insurer refuses insurance based on a special inspector's first inspection of a boiler, pressure vessel, or appurtenance that is a new risk, the authorized insurer shall immediately:

(1) Notify the chief boiler inspector; and

(2) Submit a report on the defects.

F. A special inspector who finds a hazardous condition affecting the safety of a boiler or pressure vessel shall notify the chief boiler inspector:

(1) Within 24 hours; and

(2) On National Board form NB-6 or NB-7.

G. Repair and Alteration Reports.

(1) A person performing repairs or alterations on a boiler or pressure vessel shall provide the chief boiler inspector and the owner with a written report of each repair within 30 days of the completion of the repair or alteration.

(2) The report required under §G(1) of this regulation shall include the following information about the boiler or pressure vessel:

(a) Name and address of the company performing the repair or alteration;

(b) Owner and location, including the address of the boiler or pressure vessel;

(c) Maryland registration number and National Board registration number;

(d) Manufacturer and serial number;

(e) Description of the repair or alteration; and

(f) Completion of certificate of compliance and certificate inspection.]

E. Inspection Report.

(1) Within 30 days of the inspection date, an authorized inspection agency shall submit to the Chief Boiler Inspector:

(a) A report of each certificate inspection; and

(b) A report of each inspection of a boiler or pressure vessel that did not have a valid certificate at the time of the inspection.

(2) The inspection report shall include at least the following information:

(a) Date of the inspection;

(b) Maryland registration number;

(c) Owner's identification number;

(d) Manufacturer, year of manufacture, National Board registration number, manufacturer's serial number;

(e) Year of installation;

(f) Location and address of the boiler or pressure vessel;

(g) Name and address of the owner of the boiler or pressure vessel;

(h) Name and address of the primary contact of the boiler or pressure vessel;

(i) Name and address of the person to whom a certificate should be sent;

(j) Name and address of the person to whom an invoice should be sent;

(k) Specific location in the plant;

(l) Type and use of the boiler or pressure vessel;

(m) Whether a variance has been granted and if so, the terms of the variance;

(n) ASME symbol stamped on the boiler or pressure vessel;

(o) If a boiler, the fuel, the fuel train code, and the firing method;

(p) If a pressure vessel, the pressurized fluid;

(q) The stamped maximum allowable working pressure and the maximum allowable operating pressure and the set pressure of the pressure relief device;

(r) The minimum required capacity of the pressure relief device, and the total installed pressure relief capacity;

(s) The status of the boiler or pressure vessel;

(t) The inspection type;

(u) Whether a certificate is posted;

(v) Whether the pressure gage was tested;

(w) Whether the inspector recommends that a certificate be issued;

(x) Whether a hydrostatic pressure test was performed, and if so, at what pressure;

(y) Complete nameplate information or a photograph or rubbing of the nameplate;

(z) A statement of the condition of the boiler or pressure vessel, in general and specifically as needed, including violations;

(aa) If violations were noted, the recommended corrective action to take;

(bb) The name of the owner or owner's representative to whom the report was explained, with contact information;

(cc)The name of the authorized inspection agency; and

(dd) The name of the inspector, the inspector's National Board commission number, and the inspector's Maryland commission number.

(3) An inspection of a historical boiler shall be reported on:

(a) National Board Form C-1; and

(b) A Maryland inspection report form.

(4) Method of Filing an Inspection Report

(a) A report shall be submitted electronically in the format required by the Chief Boiler Inspector, unless to do so would create an undue burden.

(b) If a report is not submitted electronically in the format required by the Chief Boiler Inspector it shall be:

(i) Submitted on the Maryland inspection report form; and

(ii) Subject to a filing fee, payable by the authorized inspection agency.

F. An authorized insurer shall file a report of insurance change with the Chief Boiler Inspector within 30 days after an insurance policy is issued, cancelled, not renewed, or suspended for any reason.

G. An authorized insurer shall file a manufacturer's data report with the Chief Boiler Inspector through the National Board for each of its boilers and pressure vessels to be operated in Maryland.

H. Repair and Alteration Reports.

(1)A person performing repairs or alterations on a boiler or pressure vessel shall provide the Chief Boiler Inspector and the owner with a written report of each repair or alteration within 30 days of the completion of the repair or alteration.

(2) The repair or alteration report shall include at least the following:

(a) Name and address of the company performing the repair or alteration;

(b) Owner and location, including the address of the boiler or pressure vessel;

(c) Maryland registration number and National Board registration number;

(d) Manufacturer and serial number;

(e) Description of the repair or alteration; and

(f) Completion of certificate of compliance and certificate inspection.

I. Inventory Report.

(1) Within 3 days of the first day of each month, each authorized insurer shall submit to the Chief Boiler Inspector an inventory report of each boiler and pressure vessel that it insures.

(2) Within 3 days of the first day of each month, each owner-user inspection service shall submit to the Chief Boiler Inspector an inventory report of each boiler and pressure vessel it owns.

(3) The inventory report shall contain at least the following information about each boiler and pressure vessel:

(a) Maryland registration number;

(b) Name of the manufacturer, year of manufacture, and National Board number;

(c) Manufacturer's serial number;

(d) Owner's identifying number;

(e) Type of boiler or pressure vessel;

(f) Location and address of the boiler or pressure vessel; and

(g) Name and address of the owner of the boiler or pressure vessel.

(4) Method of Filing an Inventory Report

(a) An inventory report shall be submitted electronically in the format required by the Chief Boiler Inspector, unless to do so would create an undue burden.

(b) If an inventory report is not submitted electronically in the format required by the Chief Boiler Inspector it shall be subject to a filing fee, payable by the authorized inspection agency.

.28-1 Record Keeping.

[A.] An owner or user of a boiler or pressure vessel shall maintain a legible copy of inspection, maintenance, repair, and alteration records[.

B. The records shall be maintained;]*:*

[(1)] *A.*—[(2)] *B.*(text unchanged)

.28-2 Database Report of Boilers and Pressure Vessels.

A. (text unchanged)

B. An owner-user [company] *inspection service* shall develop a database report of the boilers and pressure vessels it owns.

C.—E. (text unchanged)

F. Filing Reports.

(1) Database reports shall be filed by an authorized insurer or owner-user [company] *inspection service* in an electronic format that is acceptable to the chief boiler inspector.

(2) The chief boiler inspector shall notify authorized insurers and owner-user [companies] *inspection services* of the acceptable electronic formats.

(3) Database reports not submitted electronically by an authorized insurer or owner-user [company] *inspection service* shall be submitted on the form provided by the chief boiler inspector.

(4) (text unchanged)

.28-3 Quality Assurance Program.

[A. An authorized insurer shall develop a quality assurance program that defines its operational procedures. The program shall include the following:

(1) Components of an inspection;

(2) Procedures to ensure quality inspections and standards for the oversight of inspectors;

(3) Procedures to provide for timely inspections;

(4) Procedures to provide for timely notification to the chief boiler inspector of all insurance policies that are issued, cancelled, or not renewed;

(5) List of inspectors authorized to conduct inspections in Maryland;

(6) Name and telephone number of supervisor(s) of Maryland inspectors; and

(7) Procedures to monitor the timely submission of reports required under the Boiler Law and Regulations.

B. Filing of Quality Assurance Program.

(1) The quality assurance program shall be submitted to the chief boiler inspector by September 1, 2001.

(2) After September 1, 2001, the quality assurance program and annual updates to the quality assurance program shall be submitted to the chief boiler inspector by January 15 of each calendar year.

C. Filing Program.

(1) The quality assurance program shall be filed in an electronic format that is acceptable to the chief boiler inspector.

(2) The chief boiler inspector shall notify authorized insurers of the acceptable electronic formats.

(3) If a quality assurance program is not submitted electronically, the program shall be submitted on a form approved by the chief boiler inspector.]

Each authorized inspection agency shall make available for review by the Chief Boiler Inspector, the quality assurance program documents that were submitted to the National Board for accreditation as an authorized inspection agency.

.29 Safety Appliance Removal.

A. When a boiler or pressure vessel is [in operation] *operating*, a person may not remove, *modify, alter,* or repair a safety appliance required by these regulations.

B. [If] *When a boiler or pressure vessel is not operating and* a safety appliance is removed for *modification, alteration, or* repair [from a boiler or pressure vessel during an outage,] the appliance shall be reinstalled in proper working order before the boiler or pressure vessel resumes operation.

C. A safety valve may not be loaded to maintain a working pressure greater than the [pressure stated on the inspection certificate] *maximum allowable operating pressure*.

.34 [Antique Boilers] *Historic Boilers.*

A. —J. (proposed for repeal)

A. Except as provided for in this regulation, a historical boiler shall be installed, inspected, operated, repaired, or altered in accordance with the NBIC.

B. Inspection.

(1) An initial inspection shall be conducted:

(a) To determine baseline criteria needed for the operating life of the boiler;

(b) In accordance with the requirements outlined in the NBIC;

(c) On any boiler not previously inspected in Maryland; and

(d) On any boiler which has not received a certificate inspection in Maryland in the previous 2 years.

(2) Except as provided in this subsection, a historical boiler shall be inspected at the inspection intervals of the NBIC:

(a) An internal inspection shall be conducted annually;

(b) An external inspection shall be conducted annually;

(c) After a repair or alteration, a historical boiler shall be inspected before operation; and

(d) If an inspection detects a condition warranting further investigation, an inspector may require further investigation.

(3) Before an inspection, an owner shall, upon request, provide the inspector with:

(a) Stress calculations in accordance with this regulation;

(b) The calculated factor of safety;

(c) Requested maximum allowable operating pressure;

(d) The two most recent ultrasonic thickness examination maps; and

(e) Any other documentation required by the NBIC.

(4) During an inspection, an inspector may:

(a) Examine all documents pertaining to the qualifications of the operator; and

(b) Assess an operator's demonstrated understanding of the operational requirements of the historical boiler.

C. Hydrostatic Pressure Test.

(1) A historical boiler shall be hydrostatically tested to a pressure of not less than the maximum allowable operating pressure but no more than 1-1/4 times the maximum allowable operating pressure.

(2) After a repair or alteration, a historical boiler shall be tested hydrostatically to a pressure of not less than 1¼ times the maximum allowable operating pressure but no more than 1½ times the maximum allowable operating pressure.

(3) An owner shall supply the necessary test equipment required by the inspector for the hydrostatic test including:

(a) Water source, pump, pressure lines, and calibrated test gauge; and

(b) Plugs, gags, or caps to replace safety valves or other appurtenances if needed to prevent damage from the required test pressure.

D. Maximum Allowable Operating Pressure.

(1) The maximum allowable operating pressure shall be determined by the inspector in accordance with the NBIC and ASME Code.

(2) The maximum allowable operating pressure for objects containing wrought iron will be determined by considering the following:

(a) For pressures up to 250 psi a temperature allowance is not required; and

(b) For pressures above 250 psi the allowable stress values shall comply with the requirements of the ASME Code, Section I, Part PG-23.

(3) The maximum allowable operating pressure for objects containing materials other than carbon steel or wrought iron shall be determined in accordance with the ASME Code.

E. Training.

(1) A person who operates a historical boiler shall retain a written record of their training.

(2) Upon request, a person who operates a historical boiler shall provide the Chief Boiler Inspector with a copy of their training record.

F. Historical boilers with a certificate of inspection issued by another jurisdiction may operate in Maryland under the following circumstances:

(1) An owner of a historical boiler may request that the Chief Boiler Inspector recognize a certificate of inspection issued by another jurisdiction;

(2) In evaluating a request for recognition of a certification of inspection by the other jurisdiction, the Chief Boiler Inspector may conduct an inspection of a historical boiler to verify:

(a) Compliance with the NBIC; and

(b) Satisfaction of safety requirements that are equal to or greater than Maryland's requirements;

(3) If the Chief Boiler Inspector conducts an inspection to evaluate a historical boiler with a certificate of inspection from the other jurisdiction, the Chief Boiler Inspector shall examine the following:

(a) Verification and validation of the certificate of inspection from the other jurisdiction;

(b) Examination of all documents required by this regulation and by the NBIC;

(c) Examination of all documents pertaining to the qualifications of the operator;

(d) Demonstrated understanding of the operational requirements by the operator of the historical boiler; and

(e) Other tests at the discretion of the inspector including but not limited to:

(i) An external inspection;

(ii) A determination of the maximum allowable operating pressure in Maryland; and

(iii) Operation at the maximum allowable operating pressure in Maryland; and

(4) If the Chief Boiler Inspector determines that a historical boiler with a certificate of inspection issued by another jurisdiction is in compliance with safety requirements that are equal to or greater than Maryland, the Chief Boiler Inspector shall issue a certificate of inspection.

G. A historical portable steam boiler shall not be operated at a pressure greater than:

(1) 15 psig when being moved at a speed of 5 miles per hour or less; and

(2) zero psig when being moved at a speed greater than 5 miles per hour.

.35 Citations.

A.—F. (text unchanged)

G. The Commissioner, or the Commissioner's designee, shall give notice of a hearing and hold the hearing under §E of this regulation in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, as supplemented by [the hearing provisions] *Regulation .09* of this chapter.

[H. The Commissioner's determination becomes final 15 workdays after the date it is issued.

I. If a hearing is conducted by the Commissioner's designee as permitted in §J of this regulation, the determination of the Commissioner's designee becomes the final order of the Commissioner 15 workdays after the date it is issued, unless:

(1) The person found to have violated Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland, or a regulation or order issued to carry out this law, requests a review; or

(2) The Commissioner orders review.

J. Review of proceedings before the Commissioner.

(1) A request for review by a person found to have violated Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland, or a regulation or order issued to carry out this law, shall:

(a) Be in writing;

(b) Contain a concise statement identifying each portion of the determination for which a review is requested;

(c) Be filed with the Commissioner within 15 workdays after the date the determination is issued; and

(d) Be mailed by the requesting party to all other parties to the proceeding.

(2) Affected parties have the opportunity to present argument to the Commissioner based on the record before the Commissioner's designee.

(3) Order of the Commissioner.

(a) After review of the proceeding with or without a hearing, the Commissioner shall:

(i) Issue an order based on findings of fact; and

(ii) Mail copies of the order to all affected parties.

(b) The Commissioner's order shall:

(i) Affirm, modify, or vacate the citation or proposed penalty, or direct other appropriate relief; and

(ii) Become final 15 workdays after the date it is issued.]

[K.] *H.* (text unchanged)

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry