

**LABOR SERVICES DIVISION[875]**

**Notice of Intended Action**

**Proposing rulemaking related to requests for extended inspection interval  
and providing an opportunity for public comment**

The Labor Commissioner hereby proposes to amend Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 89.14(11) as enacted by 2023 Iowa Acts, House File 461.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2023 Iowa Acts, House File 461.

*Purpose and Summary*

This proposed rulemaking implements House File 461 regarding extensions of internal boiler and pressure vessel internal inspections. The proposed subrule clarifies what qualifies for an extension and how to get approval for the extension. The subrule facilitates granting the extension along with safety assurances.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Inspections, Appeals, and Licensing for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Public Comment*

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on January 2, 2024. Comments should be directed to:

Mitchell Mahan  
Department of Inspections, Appeals, and Licensing  
6200 Park Avenue  
Des Moines, Iowa 50321  
Email: [mitchell.mahan@dia.iowa.gov](mailto:mitchell.mahan@dia.iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** subrule 90.6(10):

**90.6(10) Request for extended inspection interval.**

a. Owners of objects covered under Iowa Code section 89.3(4) "a" may apply for an extended internal inspection interval of up to seven years.

b. The application for an extended internal inspection interval shall include the following information submitted to the director:

- (1) The name and contact information of the requestor.
- (2) The state identification number of the object.
- (3) The interval requested with supporting reasons.
- (4) An affidavit affirming the following:

1. Compliance with the process safety management standard contained in 29 CFR §1910.119.
2. The object is included as process safety management process equipment in the owner's process safety management program.

3. The object meets the requirements contained in the National Board Inspection Code.

4. The object is fit for service based on the year of fabrication and the estimated service life of the object as determined by Part 2 of the National Board Inspection Code.

5. Practices have been implemented for managing consumable items and ancillary equipment of the object.

- (5) The following supporting records:

1. Inspection records of the boiler and ancillary equipment for the prior five years.
2. The most recent Report of Fitness for Service Assessment.
3. Every Form R-1 Report of Repair and Form R-2 Report of Alterations for the prior five years.
- (6) A request for an informal conference, if desired.

c. The director will consider, among other things, whether the object meets the requirements contained in the National Board Inspection Code, whether the object is fit for service based on the year of fabrication, the estimated service life of the object as determined by Part 2 of the National Board Inspection Code, and whether the owner has implemented practices for managing consumable items and ancillary equipment of the object.

d. The director may grant an extended inspection interval.

- (1) An extended inspection interval lasts until the next inspection, at which time the owner of the object may again apply for an extension.

- (2) The owner shall promptly report to the department's boiler and pressure vessel unit any unscheduled shutdowns, significant incidents, near misses, and any other occurrences that might reasonably require reinspection before the extended date. Should the occurrence reasonably require it, or if any such event is not reported within ten days of occurrence, the director may revoke the extended inspection interval.

e. If the director does not intend to grant the extension, the director will give the applicant a Notice of Intent to Deny Extended Inspection Interval, granting ten days for the applicant to provide additional reasons and evidence why the interval should be extended.