

BEFORE THE ARKANSAS BOILER ADVISORY BOARD

IN RE: SHAW STONE & WEBSTER, INC.

VARIANCE ORDER

This matter came for hearing before the Boiler Safety Advisory Board on September 20, 2007. Shaw Stone & Webster, Inc., the Petitioner, has requested a variance from the regulations of the Arkansas Department of Labor, Boiler Inspection Division (ADL) with respect to the J. W. Turk Jr. Power Plant being constructed in Fulton, Arkansas, owned by American Electric Power. Shaw Stone & Webster, Inc. is the designer and constructor. The ADL referred the matter to the Boiler Safety Board for advice and recommendation. Present on behalf of the ADL were Gary Myrick, Chief Boiler Inspector, and Denise Oxley, Chief Legal Counsel. Present on behalf of Shaw Stone & Webster, Inc was Stephen Schaller, Senior Piping Engineer.

FINDINGS OF FACT:

1. The ADL has established minimum standards for the construction of power piping, specifically ASME B31.1 (2004). Boiler Division Regulation 010.01-012(A)(July 1, 2006).
2. The Petitioner seeks a variance to use the latest addenda of the American Society of Mechanical Engineers' B31.1 Code, ASME B31.1a (2005). The latest addenda to the ASME B31.1 Code is less stringent than the 2004 in that it allows higher stress values. The request also is for the use of Seamless 9Cr-2W in Boiler External Piping as set out in B31 Case 183 as this case was approved on April 26, 2007.

CONCLUSIONS OF LAW:

1. The ADL is authorized to establish regulations and standards for the installation of pressure piping. Ark. Code Ann. § 20-23-301(a)(4). The statute specifically provides that

“The regulations and standards shall not exceed those set out in the American Society of Mechanical Engineers Code for pressure piping, Power Piping code, B31.1.” *Id.*

2. The ADL is authorized to grant a variance from minimum standards pursuant to Boiler Division Regulation 010.01-013, in cases of undue hardship provided equivalent safety is secured.

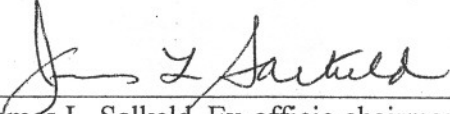
3. In the present case, the board concludes that it would place an undue hardship on the Petitioner to require compliance with an older version of the ASME Code, given the specific statutory mandate regarding the B31.1 Code.

4. The board concludes that safety will not be compromised.

RECOMMENDATIONS:

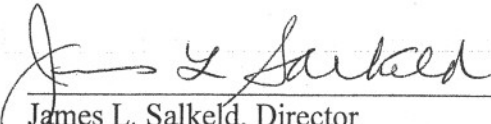
1. The board recommends that the variance be granted.

BOILER ADVISORY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Ex-officio chairman

The recommendations of the Arkansas Boiler Advisory Board are hereby accepted. This decision being made on September 20, 2007 is issued now for that date.

IT IS SO ORDERED.


James L. Salkeld, Director
Arkansas Department of Labor

Approved as to form:

Denise P. Oxley, 84-117
Chief Legal Counsel