**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**658 MAINE FUEL BOARD**

**CHAPTER 7 MODIFICATION OF STANDARDS**

**Summary**: This Chapter allows the Board to authorize modifications to installations under unusual circumstances and provides the Board with the discretion to alter installation standards after appropriate technical consideration.

**7.1 General**

Where the circumstances or conditions of any particular installation are so unusual as to render the strict application of a standard imposed by the Board’s rules impractical, the Board may permit such modifications as will provide a substantially equivalent degree of safety and be consistent with good engineering practice.

**7.2 Procedure**

Application for permission to deviate from installation standards imposed by the Board’s rules must be made in writing to the Board and must document why compliance with a prescribed standard is technically impractical and how the proposed modification would provide an equivalent degree of safety. The Board may request any additional information it deems necessary to assure that the modification provides an equivalent degree of safety. Any modification allowed applies solely to the specific installation described in the application and no other.

**7.3 Initial Review by Senior Fuel Inspector; Appeal to Board**

The senior fuel inspector may grant the application in whole or in part or may deny the application. The senior fuel inspector’s disposition of the application must be provided to the applicant in writing and must include written notice of the applicant’s opportunity to appeal the disposition to the Board in writing within 30 days of the applicant’s receipt of the disposition. The appeal must include an explanation of the reason for the appeal and a statement of the relief sought by the applicant. An appeal is deemed to be made on the date of its receipt by the Board. Untimely appeals will not be considered.

**7.4 Appeal Hearing**

An evidentiary hearing on the application will be held by the Board unless the applicant and the senior fuel inspector are able to resolve satisfactorily the matter. The appeal will be heard de novo and will be governed by the provisions of the *Maine Administrative Procedure Act* applicable to adjudicatory proceedings. The applicant has the burden of proof at hearing.

STATUTORY Authority: 32 M.R.S. § 18123(2)

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