

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-064

AN ORDER to repeal ILHR 41.36 (1), chapter ILHR 42 and chapters ILHR 41 to 42 Appendix A; to amend Comm 5.30 (4) (a), chapter ILHR 41 (title), ILHR 41.01, 41.02, 41.04 (intro.) and (29), 41.05 (1), 41.06, 41.16 (2) (a) and (e), 41.17 (4) and (5), 41.18 (2) and (3) (c), 41.23 (1), (2) (a) and (3) (b), 41.24, 41.28 (1), 41.29 (2) (intro.), 41.30 (title) and (1) (c), 41.31 (2), 41.34, 41.38 (1) and (2), 41.42, 41.43 (1) (a) and (d), (2) (a) and (d) and (3) (a) and (d), 41.45 (1) (intro.) and (3) (a), 41.46 (1) and (2), 41.48 and 41.55 (2); to repeal and recreate ILHR 41.10; and to create Comm 5.30 (4) (d), ILHR 41.15 (3) and 41.38 (4), and subchapters VI, VII and VIII of chapter ILHR 41, relating to boilers and pressure vessels.

Submitted by **DEPARTMENT OF COMMERCE**

03-31-99 RECEIVED BY LEGISLATIVE COUNCIL.

04-28-99 REPORT SENT TO AGENCY.

RNS:RJC:kjf;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-064

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Comm 5.30 (4) (a), the bracket should be around "Revisor inserts date" only. This comment also applies to s. ILHR 41.61 (2).

b. In s. ILHR 41.02 (1), the phrase "in the administrative rule" in the second sentence should be changed to "in this chapter."

c. Generally, whenever a title is amended, the notation "(title)" must be included in the introductory and treatment clauses of the rule and inserted before the amended title to notify the reader that the title has been amended. [See s. 1.05 (3) (a), Manual.] This practice should be followed throughout the rule. For example, see the treatment of s. ILHR 41.24.

d. SECTION 24 of the rule needs to be divided into two separate treatments. One treatment would amend s. ILHR 41.42 (1) and (2). Doing so would eliminate the need to reproduce the note that is not being amended. The second treatment would create s. ILHR 41.42 (3). Accordingly, the material in sub. (3) would not be underscored.

e. The title of s. ILHR 41.64 (1) is "DEFINITIONS." However, the material in that subsection does not follow the format for definitions in s. 1.01 (7), Manual. The defined term should be in quotation marks in par. (a) 1. and preceded by a phrase such as "In this section,". The material in par. (b) is substantive and should be deleted. Paragraph (c) should begin: "'Repair of a safety valve or safety relief valve" does not include"

f. The note to the revisor in SECTION 34 of the rule is unnecessary and should be deleted. Also, in the treatment clause of SECTION 34, "of chapter Comm 42" should be inserted before "is."

4. Adequacy of References to Related Statutes, Rules and Forms

a. The rule makes numerous changes to chs. ILHR 41 and 42. However, chs. ILHR 41 and 42 no longer exist. They have been renumbered chs. Comm 41 and 42. Accordingly, the entire rule should be reviewed and all of the references to chs. ILHR 41 and 42 should be revised.

b. The reference to chs. Ind 41 and 42 in the note to s. ILHR 41.63 (1) is not particularly helpful since those provisions no longer exist in any current copy of the Wisconsin Administrative Code.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. Comm 5.30 (4) (d), what does it mean to pass an "audit of the quality control manual"? Is this an exam on the contents of the manual? The rule should be clarified.

b. In s. ILHR 41.23 (1), the phrase "of the boiler or pressure vessel" should be inserted at the end of the new material after the word "user."

c. In s. ILHR 41.38 (2) and (3), "to the department" should be inserted after "report."

NOV 09 1999



201 West Washington Avenue
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018

Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

November 8, 1999

Senate Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Assembly Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 99-064

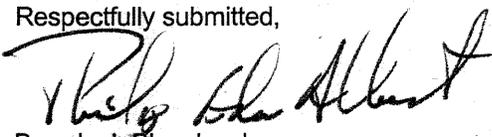
RULE NO.: Chapters Comm 41-42

RELATING TO: Boilers and Pressure Vessels

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,


for Brenda J. Blanchard
Secretary



201 West Washington Avenue
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018

Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

November 8, 1999

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Scott Jensen
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 99-064

RULE NO.: Chapters Comm 41-42

RELATING TO: Boilers and Pressure Vessels

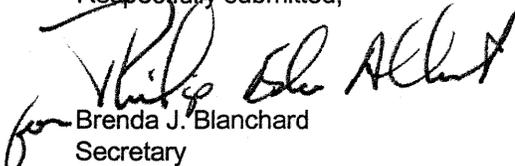
Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,


for Brenda J. Blanchard
Secretary

FISCAL ESTIMATE WORKSHEET
Detailed Estimate of Annual Fiscal Effect
DOA-2047(R02/97)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters ILHR 41-42

Amendment No.

Subject

Boilers and Pressure Vessels

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

None known.

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category	\$ 0	\$ -0
State Operations - Salaries and Fringes		
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)

Commerce/Ronald Acker 267-7907

Authorized Signature/Telephone No.

Ronald Acker

Date

3/29/99

FISCAL ESTIMATE
DOA-2048 (R02/97)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters ILHR 41-42
Amendment No. if Applicable

Subject

Boilers and Pressure Vessels

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- | | |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation | |

- Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
None

Assumptions Used in Arriving at Fiscal Estimate

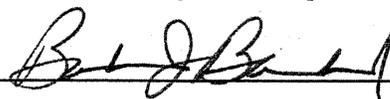
The Safety and Buildings Division is responsible for administering and enforcing chapters ILHR 41-42. The proposed rules do not contain any changes in the Division's fees charged for administering and enforcing chapters ILHR 41-42. Also, the proposed rules will not create any additional workload costs. Therefore, the proposed rules will not have any fiscal effect on the Division.

Long-Range Fiscal Implications

None known.

Agency/Prepared by: (Name & Phone No.)
Commerce/Ronald Acker 267-7907

Authorized Signature/Telephone No.



Date

3/29/99

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 99-064

RULE NO.: Chapters Comm 41-42

RELATING TO: Boilers and Pressure Vessels

Final regulatory flexibility analysis not required. (Statement of determination required.)

Section 101.17, Stats., authorizes the Department to promulgate rules prescribing minimum installation and operation standards for boilers and pressure vessels in public buildings and places of employment. The proposed rules of Clearinghouse Rule No. 99-064 are minimum requirements to meet the directive of the Statutes, and any exceptions from compliance for small businesses would be contrary to the Statutory objectives which are the basis for the rules.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

(Continued on reverse side)

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 99-064

RULE NO.: Chapters Comm 41-42

RELATING TO: Boilers and Pressure Vessels

Agency contact person for substantive questions.

Name: Joe Hertel

Title: Program Manager

Telephone No. 608/266-5649

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

7. Review rules for permit action deadline [s. 227.15(2)(h)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

RULE REPORT

Department of Commerce

Rule No.: Chapters Comm 41-42

Relating to: Boilers and Pressure Vessels

Agency contact person for substantive questions:

Name Joe Hertel

Title Program Manager

Telephone Number 608/266-5649

Agency contact person for internal processing:

Name Ronald Acker

Title Code Consultant

Telephone Number 608/267-7907

1. Agency statutory authority under which the agency intends to promulgate the rule(s).
Sections 101.02 (15)(h) to (j) and 101.17, Stats.
2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).
None known.
3. Citation of court decisions which are applicable to the proposed rule(s).
None known.

4. Description of the proposed rule(s).

The proposed rules consist of an update of chapters Comm 41-42. Chapters Comm 41-42 contain minimum safety standards for the design, construction, installation, operation, inspection, testing, maintenance, repair and alteration of boilers and pressure vessels installed in public buildings and at places of employment. The proposed rules update 3 currently adopted standards and add the adoption by reference of 2 new standards entitled Pressure Vessels for Human Occupancy and National Board Inspection Code. The adoption of the National Board Inspection Code for repairs and alterations will replace most of the requirements in the current chapter Comm 42, and the remaining requirements will be moved to chapter Comm 41. The proposed rules also include the phasing out of the state registration program for the repair and alteration of boilers and pressure vessels.

5. Reason for the proposed rule(s).

The proposed rules have been developed in order to bring the state boiler and pressure vessel code up to date with current technology and nationally recognized standards.



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapters Comm 41-42

Relating to: Boilers and Pressure Vessels

Clearinghouse Rule No.: 99-064

The Department of Commerce proposes an order to repeal Comm 41.36 (1), chapter Comm 42, and chapters Comm 41-42 Appendix A; to amend Comm 5.30 (4)(a), chapter Comm 41 (title), Comm 41.01, Comm 41.02, Comm 41.04 (intro.), Comm 41.04 (29), Comm 41.06, Comm 41.16 (2)(a) and (e), Comm 41.17 (4) and (5), Comm 41.18 (2) and (3)(c), Comm 41.23 (1), (2)(a) and (3)(b), Comm 41.24 (title) and 41.24, Comm 41.28 (1), Comm 41.29 (2)(intro.), Comm 41.30 (title) and (1)(c), Comm 41.31 (2), Comm 41.34, Comm 41.38, Comm 41.42, Comm 41.43 (1)(a) and (d), (2)(a) and (d), and (3)(a) and (d), Comm 41.45 (1)(intro.) and (3)(a), Comm 41.46 (1) and (2), Comm 41.48, and Comm 41.55 (2); to repeal and recreate Comm 41.05 and Comm 41.10; and to create Comm 5.30 (4)(d), Comm 41.15 (3), Comm 41.38 (4), Comm 41.42 (3), and Comm 41 subchapters VI, VII and VIII, relating to boilers and pressure vessels.

Analysis of Proposed Rules

Statutory authority: Sections 101.02 (15)(h) to (j), and 101.17, Stats.
Statutes interpreted: Sections 101.02 (15)(h) to (j), and 101.17, Stats.

The Division of Safety and Buildings within the Department of Commerce is responsible for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the construction, repair and maintenance of public buildings and places of employment. Chapters Comm 41-42 contain minimum safety standards for the design, construction, installation, operation, inspection, testing, maintenance, repair and alteration of boilers and pressure vessels installed in public buildings and at places of employment.

The proposed rules consist of an update of chapters Comm 41-42 in order to bring the state boiler and pressure vessel code up to date with current technology and nationally recognized standards. The following is a summary of the major changes being proposed in chapters Comm 41-42.

1. Updating currently adopted standards and adding the adoption by reference of 2 new standards. The ASME Boiler and Pressure Vessel Code, the Power Piping Code (ANSI/ASME B31.1), and the Pressure Vessel Inspection Code (API 510) are being updated to the current editions. The Pressure Vessels for Human Occupancy standard (ANSI/ASME PVHO-1) and the National Board Inspection Code (ANSI/NB-23) are being added as adopted standards. [Comm 41.10]
2. Adding a new requirement for the certified inspector's employer to report to the department when inspection service is started or discontinued on a boiler or pressure vessel. [Comm 41.15 (3)]
3. Adding a new requirement for obtaining concurrence of the certified inspector before an owner's request for an extension between inspections would be granted. [Comm 41.17 (5)]
4. Adding a new requirement for boilers installed prior to 1957 to have at least one pressure control or one temperature control. [Comm 41.29 (2)(intro.)]
5. Adding a new rule requiring pressure vessels for human occupancy to be constructed and installed in accordance with the ANSI/ASME PVHO-1 standard. [Comm 41.42 (3)]

6. Revising the rule that currently prohibits the use of slip-on flanges exceeding 4 inches nominal pipe size on power piping. [Comm 41.46 (1)]

7. Eliminating most of the chapter Comm 42 requirements, and requiring repairs and alterations to be completed in accordance with the National Board Inspection Code (ANSI/NB-23). The remaining requirements from chapter Comm 42 are being moved into subchapters in chapter Comm 41, and chapter Comm 42 is being repealed. [Treatment SECTIONS 30 to 33]

8. Phasing out of the repair registration issued by the department. No new state repair registrations will be issued, and current holders of the repair registration may continue to repair boilers and pressure vessels under that registration but may renew that registration only once. Renewal of the registration will be contingent upon passing an audit of the holder's quality control manual and program. [Comm 41.61 and Comm 5.30 (4)(d)]

The proposed rules have been developed with the assistance of the Boiler and Pressure Vessel Code Advisory Council. The members of that citizen advisory council are as follows:

<u>Name</u>	<u>Representing</u>
William H. Andrae	Boiler and Pressure Vessel Repairers Association
Larry Hamm	Wisconsin Association of Power Engineers
Rick Heeren	Mechanical Contractors Association of Wisconsin
Daniel Hegyi	American Insurance Association
Matt Keenan	Wisconsin Boiler Inspectors Association
Douglas McLeish	Wisconsin Manufacturers and Commerce
John Nepscha	Wisconsin Utilities Association
Paul E. Prill	Wisconsin Pipe Trades Association
Randy Pucek	City of Milwaukee
Ernest J. Spring	Wisconsin Department of Administration
Raymond P. Swanson	Uniform Boiler & Pressure Vessel Laws Society

SECTION 1. Comm 5.30 (4)(a) is amended to read:

Comm 5.30 (4) (a) ~~A~~ After the effective date of these rules [Revisor inserts date], a person may renew his or her registration as a boiler repairer one time only.

SECTION 2. Comm 5.30 (4)(d) is created to read:

Comm 5.30 (4) (d) The renewal of a boiler repairer registration shall be contingent upon the applicant successfully completing a department audit of the quality control manual and program required under sub. (3) (b).

[Note to Revisor: In Comm 5.30 (1) Note, the reference to ILHR 42.02 should be changed to Comm 41.61.]

SECTION 3. Chapter Comm 41 (title) is amended to read:

Chapter Comm 41
ADMINISTRATION, INSPECTION AND GENERAL INSTALLATION REQUIREMENTS
BOILERS AND PRESSURE VESSELS

SECTION 4. Comm 41.01 and 41.02 are amended to read:

Comm 41.01 Purpose. Pursuant to s. 101.17, Stats., the purpose of ~~chs. Comm 41 and 42~~ this chapter is to protect the health, safety and welfare of the public and employes by establishing minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of boilers and pressure vessels installed in all public buildings and places of employment.

Comm 41.02 Scope. (1) BOILERS AND PRESSURE VESSELS. The provisions of ~~chs. Comm 41 and 42~~ this chapter apply to boilers and piping components associated with boilers, and to pressure vessels and power piping, in use at places of employment and in public buildings. The provisions of ~~these chapters~~ this chapter are not retroactive unless specifically stated in ~~the administrative rule~~ this chapter. Where different sections of ~~these chapters~~ this chapter specify different requirements, the most restrictive requirement shall govern.

Note: Section 101.01 (11), Stats., provides that the phrase "place of employment" ~~means and~~ includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or ~~his~~ employes for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer ~~unrelated~~ residents who are not related to the operator or administrator.

(2) OTHER VESSELS. The provisions of ~~chs Comm 41 and 42~~ this chapter apply to vessels used for the storage and transportation of flammable liquids, liquefied petroleum gas, liquefied natural gas, compressed natural gas, anhydrous ammonia and refrigerants, unless these vessels are covered by other Wisconsin administrative codes or federal codes.

SECTION 5. Comm 41.04 (intro.) is amended to read:

Comm 41.04 Definitions. The definitions contained in this section shall be applicable throughout ~~chs. Comm 41 and 42~~ this chapter.

SECTION 6. Comm 41.04 (29) is amended to read:

Comm 41.04 (29) "Power piping" means any steam piping system beyond the scope of ASME code section I and having ~~an operating~~ a maximum allowable working pressure in excess of 15 psig, any hot water piping system beyond the scope of ASME code section I and subject to temperatures in excess of 250° F, or any piping system using an organic thermal fluid as a heat transfer media and subject to temperatures in excess of 250° F.

SECTION 7. Comm 41.05 is repealed and recreated to read:

Comm 41.05 Petition for variance. The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: Form SBD-9890 is available at no charge from the department at the Safety and Buildings Division, P.O. Box 2509, Madison WI 53701, telephone 608/266-1818.

SECTION 8. Comm 41.06 is amended to read:

Comm 41.06 Penalties. Penalties for violations of ~~chs. Comm 41 and 42~~ this chapter shall be assessed in accordance with s. 101.02, Stats.

SECTION 9. Comm 41.10 is repealed and recreated to read:

Comm 41.10 Adoption of standards by reference. (1) CONSENT TO INCORPORATE. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards listed in sub. (2).

Note: Copies of the listed standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies for personal use may be obtained, at a cost, from the organizations listed.

(2) **STANDARDS.** The following standards are hereby incorporated by reference into this chapter:

(a) American Society of Mechanical Engineers (ASME), Order Department, P.O. Box 2300, Fairfield, NJ 07007-2300, telephone 800/843-2763 Ext. 555.

1. ASME Boiler and Pressure Vessel Code, 1998 edition, Section I – Power Boilers, Section II – Material Specifications, Section III – Nuclear Power Plant Components, Section IV – Heating Boilers, Section V – Nondestructive Examination, Section VIII – Pressure Vessels, Section IX – Welding and Brazing Qualifications, Section X – Fiber-Reinforced Plastic Pressure Vessels, Section XI – In-service Inspection of Nuclear Power Plant Components.

2. Power Piping, ANSI/ASME B31.1 – 1998.

3. Pressure Vessels for Human Occupancy, ANSI/ASME PVHO-1-1997.

(b) National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183, telephone 614/888-8320. National Board Inspection Code, ANSI/NB-23, 1998 edition.

(c) American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005, telephone 202/682-8375. Pressure Vessel Inspection Code, API 510, 8th edition, June 1997 with Addendum 1, December 1998.

SECTION 10. Comm 41.15 (3) is created to read:

Comm 41.15 (3) REPORTING CHANGES. The certified inspector's employer shall report to the department not later than 30 calendar days after inspection service is started or discontinued on a boiler or pressure vessel. The reason for discontinuing the service shall be given on the report. If the boiler or pressure vessel is installed in a city of the first class that provides boiler and pressure vessel inspections, the report shall also be provided to the city.

SECTION 11. Comm 41.16 (2)(a) and (e) are amended to read:

Comm 41.16 (2) (a) Except as provided in par. (b), all power piping systems not covered by ASME code section I and required to be constructed in accordance with ~~the ANSI standard for power piping as listed in Table 41.10~~ ANSI/ASME B31.1, shall receive an initial inspection by a certified inspector.

(e) Prefabricated piping that is part of a power piping system shall be inspected by a certified inspector at the fabrication shop. The shop fabricator shall provide a copy of the ~~authorized~~ certified inspector's report to the installer at the job site verifying that the prefabricated piping complies with ~~the ANSI standard for power piping adopted under s. Comm 41.10~~ ANSI/ASME B31.1.

SECTION 12. Comm 41.17 (4) and (5) are amended to read:

Comm 41.17 (4) INSPECTION OF SAFETY VALVES AND SAFETY RELIEF VALVES. The certified inspectors shall satisfy themselves that safety valves and safety relief valves have been operated or tested at least once every 12 months.

(5) EXTENSION OF PERIOD BETWEEN INSPECTIONS. If operating conditions require, an extension of periods not to exceed 6 months between inspections of boilers, pressure vessels, safety valves and safety relief valves may be approved by the department upon a written request from the owner or user for an extension. Concurrence with the owner's or user's request for an extension shall be obtained from the certified inspector in writing to the department.

SECTION 13. Comm 41.18 (2) and (3)(c) are amended to read:

Comm 41.18 (2) EXCEPTIONS. In individual cases, the boilers and pressure vessels exempted in sub. (1) shall be subject to inspection by or on order of the department upon the complaint of any person or upon the initiative of the department when there is reasonable cause to suspect that the construction, installation, maintenance or operation of the vessel is not in keeping with the general purpose and intent of ~~chs. Comm 41 and 42~~ this chapter.

(3) (c) The ~~inspection agency of record~~ certified inspector has verified in writing to the department that the maintenance and treatment programs are adequate for the boiler.

SECTION 14. Comm 41.23 (1), (2)(a) and (3)(b) are amended to read:

Comm 41.23 (1) REPORT PROCESSING TIME. Reports of periodic internal or external inspections of boilers and pressure vessels shall be sent to the department within 30 calendar days from the date of inspection. A copy of the report shall also be provided to the owner or user of the boiler or pressure vessel.

(2) INSPECTION REPORT FORMS. (a) Required periodic inspections shall be reported to the department on forms SBD-7678 and SBD-7679 or other approved forms.

Note: Form SBD-7678 is used for reporting inspections of pressure vessels, and form SBD-7679 is used for reporting inspections of boilers. ~~See Appendix A for copies of these forms.~~ Copies of the forms are available at no charge from the Safety and Buildings Division, P.O. Box 2509, Madison, WI 53701-2509, telephone 608/266-1818.

(3) (b) When violations of ~~chs. Comm 41 and 42~~ this chapter or unsafe conditions involving the safety of the vessel are found.

SECTION 15. Comm 41.24 (title) and 41.24 are amended to read:

Comm 41.24 (title) ~~Certificate of operation~~ Permit to operate. (1) RESPONSIBILITY.

(a) The owner or user of the boiler or pressure vessel shall be responsible for obtaining and maintaining a valid ~~certificate of operation~~ permit to operate.

(b) The ~~certificate of operation~~ permit to operate shall be posted on the premises by the owner or user of the boiler or pressure vessel.

~~Note: See Appendix A for a copy of the certificate of operation.~~

(2) ISSUANCE. After each initial or periodic inspection for boilers and pressure vessels found to be in compliance with ~~chs. Comm 41 and 42 this chapter~~, a ~~certificate of operation~~ permit to operate shall be issued by the department to the owner or user of the boiler or pressure vessel. The department shall issue the ~~certificate~~ permit within ~~15~~ 30 business days of determination of compliance.

(3) (title) ALLOWABLE PRESSURE INFORMATION. The ~~certificate of operation~~ permit to operate shall give the maximum allowable working pressure as determined using the regulations of ~~chs. Comm 41 and 42 this chapter~~, the certified inspector's name and telephone number, and the expiration date.

(4) EXPIRATION. The ~~certificate of operation~~ permit to operate shall be valid until the next required periodic inspection.

SECTION 16. Comm 41.28 (1) is amended to read:

Comm 41.28 (1) MAXIMUM ALLOWABLE WORKING PRESSURE. No boiler or pressure vessel may be operated at a pressure in excess of the maximum allowable working pressure stated on its current ~~certificate of operation~~ permit to operate.

SECTION 17. Comm 41.29 (2)(intro.) is amended to read:

Comm 41.29 (2) (intro.) PRESSURE AND TEMPERATURE CONTROLS. Boilers installed prior to January 1, 1957, shall have at least one pressure control for steam boilers or one temperature control for hot water boilers or organic fluid heat transfer systems. Compliance with the following requirements is optional for boilers installed prior to January 1, 1957:

SECTION 18. Comm 41.30 (title) and (1)(c) are amended to read:

Comm 41.30 (title) Low-water cutoff, and water feeder and fusible plug. (1) (c) Boilers which are manually fired and have a residual heat source shall have a fusible plug installed which will extinguish the fire in the event of low water. Fire doors shall be provided with secure latches on manually fired boilers having fusible plugs.

SECTION 19. Comm 41.31 (2) is amended to read:

Comm 41.31 (2) PIPING AND FITTINGS. The blowoff piping and fittings between the boiler and the blowoff tank shall comply with ~~the ANSI standard listed in Table 41.10~~ ANSI/ASME B31.1 or the code in effect at the time of construction.

SECTION 20. Comm 41.34 is amended to read:

Comm 41.34 Portable boilers. (1) (title) ~~CERTIFICATE PERMIT REQUIRED.~~ The owner or user of a portable boiler located in Wisconsin or brought into Wisconsin for use, shall possess a ~~certificate of operation~~ permit to operate issued by the department prior to use.

(2) BOILER REQUIREMENTS. The ~~certificate of operation~~ permit to operate shall be issued only after all of the following requirements are met:

(a) The boiler ~~is of ASME construction;~~ complies with s. Comm 41.42.

(b) The boiler is installed according to the applicable requirements of ~~chs. Comm 41 and 42;~~ and this chapter.

(c) An internal or external inspection of the boiler has been made which is acceptable to the department.

SECTION 21. Comm 41.36 (1) is repealed.

SECTION 22. Comm 41.38 is amended to read:

Comm 41.38 Reporting accidents, repairs and alterations. (1) ACCIDENTS. Whenever a boiler or pressure vessel fails and causes injury to any person, the owner or user shall report in writing the facts involved to the department within the following 24 hours. The owner or user may not remove or disturb the boiler or pressure vessel or any of its parts nor permit any such removal or disturbance prior to receiving authorization from the department, except for the purpose of saving human life or further property damage.

(2) REPAIRS AND ALTERATIONS. The owner or user shall report to the department any repairs or alterations of a boiler or pressure vessel as required in ~~ch. Comm 42~~ subch. VI.

(3) FUEL CONVERSIONS. The owner or user shall report to the department conversions of boilers to other fuels.

SECTION 23. Comm 41.38 (4) is created to read:

Comm 41.38 (4) HEAT INPUT. The owner or user shall report to the department any modification that increases the heat input capacity of the boiler.

SECTION 24. Comm 41.42 is amended to read:

Comm 41.42 ASME code vessels. (1) ASME CODE COMPLIANCE. Except as provided in ss. Comm 41.43, 41.44 and 41.45, boilers and pressure vessels shall be constructed and installed in accordance with the ASME ~~standards adopted under s. Comm 41.10~~ code. Boilers and pressure vessels designed to other national or international standards may be approved if the design has been accepted by a nationally recognized independent third party.

Note: The department will recognize the applicable case interpretations of the ASME boiler and pressure vessel code as being acceptable.

(2) (title) FILING REGISTERING WITH NATIONAL BOARD. Boilers and pressure vessels constructed and installed in accordance with the ASME ~~standards adopted in s. Comm 41.10~~ code shall have the manufacturer's data report filed registered with the National Board and shall bear a National Board number. Copies of the registration shall be provided to the department when requested.

SECTION 24M. Comm 41.42 (3) is created to read:

Comm 41.42 (3) HUMAN OCCUPANCY. Pressure vessels for human occupancy shall be constructed and installed in accordance with ANSI/ASME PVHO-1.

SECTION 25. Comm 41.43 (1)(a) and (d), (2)(a) and (d), and (3)(a) and (d) are amended to read:

Comm 41.43 (1) (a) When the method of designing or constructing the boiler or pressure vessel is not covered by the ASME ~~codes listed in s. Comm 41.10~~ code, the department may approve the installation provided adequate proof of comparable safety of the design or construction is shown.

(d) All other applicable requirements of the ASME code ~~listed in s. Comm 41.10~~ shall be met.

(2) (a) When the boiler or pressure vessel is to be built by an owner for the owner's use, the department may waive the stamping required by the ASME ~~codes listed in s. Comm 41.10~~ code.

(d) All other applicable requirements of the ASME code ~~listed in s. Comm 41.10~~ shall be met.

(3) (a) When a small number of boilers or pressure vessels is to be built by a manufacturer, the department may waive the stamping required by the ASME ~~codes listed in s. Comm 41.10~~ code.

(d) All other applicable requirements of the ASME code ~~listed in s. Comm 41.10~~ shall be met.

SECTION 26. Comm 41.45 (1)(intro.) and (3)(a) are amended to read:

Comm 41.45 (1) EXEMPTED VESSELS. The following vessels are not required to be constructed and installed in accordance with the ASME ~~codes listed in Table 41.10~~ code:

(3) (a) Except as provided in par. (b), the vessels listed in sub. (1) shall meet the pressure relief device requirements of the ASME ~~codes listed in Table 41.10~~ code.

SECTION 27. Comm 41.46 (1) and (2) are amended to read:

Comm 41.46 (1) GENERAL. Power piping shall be installed in accordance with ~~the ANSI standard for power piping, including addenda, listed in Table 41.10~~ ANSI/ASME B31.1. The use of slip-on flanges ~~exceeding 4 inches nominal pipe size shall not be permitted on power piping shall be limited in applications to no higher than Class 300 primary pressure service rating.~~ Slip-on flanges shall be installed with double fillet welds in accordance with ANSI/ASME B31.1.

(2) **BOILER EXTERNAL PIPING.** Boiler external piping within the scope of section I of the ASME code shall be installed in accordance with ~~the ANSI standard for power piping, including addenda, listed in Table 41.10~~ ANSI/ASME B31.1.

SECTION 28. Comm 41.48 is amended to read:

Comm 41.48 Organic fluid heat transfer systems. Boilers and coil type heaters which utilize organic thermal fluids as a heat transfer media shall be designed, constructed and installed in accordance with the ASME ~~standards adopted under s. Comm 41.10~~ code. Piping for organic thermal fluids used as a heat transfer media and subject to temperatures in excess of 250° F shall be installed in accordance with ~~the ANSI standard for power piping adopted under s. Comm 41.10~~ ANSI/ASME B31.1.

SECTION 29. Comm 41.55 (2) is amended to read:

Comm 41.55 (2) STATEMENT OF INSPECTION SERVICE CONTRACT. The owner or user shall file a statement with the department indicating possession of an arrangement with a certified inspector to provide inspection services under section XI of the ASME code. The statement shall include the name and address of the ~~current authorized inspection agency~~ certified inspector.

SECTION 30. Chapter Comm 41 subchapter VI is created to read:

SUBCHAPTER VI REPAIRS AND ALTERATIONS

Comm 41.60 General requirements. Welded repairs or alterations to any boiler or pressure vessel or their fittings, settings or appurtenances shall be completed in accordance with the requirements of ANSI/NB-23.

Comm 41.61 General rules for repairs and alterations. (1) AUTHORIZATION. Except as provided in sub. (2), repairs and alterations to boilers and pressure vessels shall be performed by an

organization in possession of a valid National Board repair "R" certificate of authorization for the intended scope of work.

(2) EXCEPTION. A person or entity that holds a valid registration issued by the department to perform boiler or pressure vessel repairs on the effective date of these rules [Revisor inserts date] may continue to repair boilers or pressure vessels under that registration and may renew that registration one time only.

Note: See ch. Comm 5 for renewal requirements.

Comm 41.62 Reports. (1) NATIONAL BOARD PROGRAM. Anyone performing repairs or alterations under the National Board "R" stamp program shall register the repairs and alterations with the National Board on the appropriate "R" forms.

Note: See s. Comm 41.10 for the National Board address.

(2) WISCONSIN PROGRAM. Anyone performing repairs under the Wisconsin boiler repairer program shall register the repairs with the department on form SBD-190.

Note: Copies of form SBD-190 are available at no charge from the Safety and Buildings Division, P.O. Box 2509, Madison, WI 53701-2509, telephone 608/266-1818.

Comm 41.63 Riveted repairs. (1) GENERAL. When riveted patches are used, they shall be designed and applied using methods acceptable to the department.

Note: Information regarding the use of riveted patches is available from the department and may be found in Wisconsin Administrative Code chapters Ind 41-42, Boiler and Pressure Vessel Code, Register, May 1974, No. 221.

(2) MATERIALS FOR RIVETED PATCHES. Patch material shall meet the applicable requirements of ANSI/NB-23.

(3) PRESSURE TEST. The certified inspector may require a pressure test, as specified in ANSI/NB-23, after completion of a riveted repair.

Comm 41.64 Safety and safety relief valve repairs. (1) DEFINITIONS. In this section:

(a) "Repair of a safety valve or safety relief valve" means the replacement, re-machining or cleaning of any critical part; lapping of seat and disc or any other operation which may affect the flow passage, capacity, function or pressure retaining integrity; and disassembly, re-assembly and adjustments which affect the safety valve or safety relief valve function.

(b) "Repair of a safety valve or safety relief valve" does not include the initial adjustments of a new safety valve or safety relief valve on a boiler or pressure vessel if made by the manufacturer or assembler of the valve.

(2) BROKEN SEALS. Safety valves and safety relief valves on which the seals have been broken shall be subject to the requirements for repairs.

(3) **AUTHORIZED REPAIRS.** Repairs to safety valves and safety relief valves shall be performed by an organization in possession of one or more of the following:

- (a) ASME V, HV or UV code symbol stamp.
- (b) National Board VR stamp covering the work to be performed.

(4) **NAMEPLATES.** (a) When a safety valve or safety relief valve is repaired, a metal repair nameplate stamped with the information required by par. (b) shall be welded or otherwise permanently attached to the valve either above, adjacent to or below the original stamping. On small valves, a metal tag showing the repair nameplate information may be securely attached to the repaired valve.

(b) The information on the valve nameplate shall include the name of the repair organization, the symbol stamp and symbol stamp number, and the date of repair. If the set pressure has been changed, the new set pressure and capacity shall be indicated and the original nameplate or stamping shall be modified by marking out, although leaving legible, the prior set pressure and capacity. The new capacity shall be based on that for which the valve was originally certified. Only the current repair nameplate need be attached to the valve with the original or duplicate nameplate.

SECTION 31. Chapter Comm 41 subchapter VII is created to read:

SUBCHAPTER VII SECONDHAND VESSELS

Comm 41.70 Application. Sections Comm 41.70 to 41.76 apply to secondhand boilers and secondhand pressure vessels.

Comm 41.71 Existing vessels. Secondhand boilers and secondhand pressure vessels, originally installed in Wisconsin and not constructed and stamped according to some edition of the ASME code, may be reinstalled if the maximum allowable working pressure is recalculated with a factor of safety of 6.

Note 1: The pressure calculation formula for shells is as follows:

$$P = (T.S. \times t \times E) / (R \times F.S.)$$

where P = maximum allowable working pressure, pounds per square inch
T.S. = tensile strength of shell plate, pounds per square inch
t = minimum thickness of shell plates, inches
E = efficiency of longitudinal joint
R = inside radius of the outside course of the shell, inches
F.S. = factor of safety

Note 2: The pressure calculation formula for flat heads and flat surfaces is as follows:

$$P = (T.S. \times t^2) / (0.5 \times d^2 \times F.S.)$$

where P = maximum allowable working pressure, pounds per square inch
T.S. = tensile strength of shell plate, pounds per square inch
t = thickness of plate, inches

d = diameter of head or shortest unsupported span of head or maximum pitch between stays, inches
F.S. = factor of safety

Comm 41.72 Vessels from out-of-state. Secondhand boilers and secondhand pressure vessels, from out-of-state, shall be constructed and stamped according to some edition of the ASME code. A copy of the manufacturer's data report shall be furnished to the department for each vessel indicating that it was manufactured originally to the requirements of an earlier edition of the applicable ASME code. If a vessel has been repaired or altered since its fabrication, a copy of the manufacturer's data report, welded repair report or alteration report shall be furnished to the department.

Comm 41.73 Lap seam boilers. Secondhand boilers which have lap seam construction and which are larger than 36 inches in diameter shall be limited to a maximum allowable working pressure of not more than 15 pounds per square inch.

Comm 41.74 Prohibited boilers. The installation of secondhand boilers which have the longitudinal joint exposed to the intense heat of the furnace is prohibited. The locomotive or inside butt strap may not be considered as strengthening or changing the original type of boiler joint.

Comm 41.75 Inspection and testing. (1) **HYDROSTATIC PRESSURE TEST.** Every secondhand vessel shall be inspected and given a hydrostatic pressure test at one and one-half times the maximum allowable working pressure at its new point of installation location before it is placed in operation. The test shall be witnessed by a certified inspector.

(2) **ALTERNATIVE TESTS.** When the certified inspector determines that a hydrostatic test at one and one-half times the maximum allowable working pressure is not possible or desirable, the certified inspector may accept alternative means to determine if the vessel is safe for its intended use.

Note: Where water is used in a hydrostatic test, the temperature of the water should not be less than 70° F and the maximum temperature during inspection should not exceed 120° F. If a test is conducted at 1-1/2 times the maximum allowable working pressure (MAWP) and the owner specifies a temperature higher than 120° F, the pressure should be reduced to the MAWP and the temperature should be reduced to 120° F for the close examination.

(3) **EXEMPT VESSELS.** Boilers and pressure vessels used for portable or emergency use shall be exempt from secondhand vessel test requirements.

Comm 41.76 Installation. Except for vessels exempted in s. Comm 41.18, all secondhand vessels when reinstalled, shall comply with the ASME code in regard to fittings, appliances, valves, connections, settings and supports. These vessels shall also comply with the installation and permit to operate requirements in this chapter.

SECTION 32. Chapter Comm 41 subchapter VIII is created to read:

SUBCHAPTER VIII
PRESSURE VESSELS IN PETROLEUM REFINERIES

Comm 41.80 General requirements. Pressure vessels in petroleum refineries shall comply with the standards specified in API 510.

SECTION 33. Chapter Comm 42 is repealed.

SECTION 34. Appendix A of chapter Comm 42 is repealed.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 99-064		Hearing Location: Madison	
Rule Number: Chapters Comm 41-42		Hearing Date: April 27, 1999	
Relating to: Boilers and Pressure Vessels			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	Lee J. Doran National Board of Boiler and Pressure Vessel Inspectors Columbus, Ohio	There are several reasons why it would be to Wisconsin's benefit to adopt the National Board Inspection Code (NBIC) instead of writing a code for repairs and alterations. The NBIC is recognized internationally, and repairs and alterations to pressure retaining equipment to NBIC requirements are recognized across jurisdictional lines. The NBIC is an ANSI document, and it is continuously under revision due to advancements in technology. Repairs and alterations to the NBIC ensures there will be third party inspections performed by a commissioned National Board inspector. Documents are registered with the National Board and always available, even if ownership changes.	Comments noted.

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 99-064		Hearing Location: Wausau	
Rule Number: Chapters Comm 41-42		Hearing Date: May 6, 1999	
Relating to: Boilers and Pressure Vessels			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		No comments/recommendations were presented.	

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 99-064		Hearing Location: Waukesha	
Rule Number: Chapters Comm 41-42		Hearing Date: May 7, 1999	
Relating to: Boilers and Pressure Vessels			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		No comments/recommendations were presented.	

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 99-064		Hearing Location: Mailed in comments	
Rule Number: Chapters Comm 41-42		Hearing Date: N/A	
Relating to: Boilers and Pressure Vessels			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
2	Kim E. Aslaksen Becker Boiler Company St. Francis, WI	<p>1. Will RC-2031 ROUTINE REPAIRS be adopted as a matter of practice allowing the 4 categories listed in the 1998 edition of ANSI/NB-23?</p> <p>2. As in RC-1070 INSPECTOR, will repairs be approved and inspected by <u>any one</u> of the following? A Jurisdictional Authorized Inspection Agency; The Authorized Inspection Agency of the "R" certificate holder making the repair or alteration; The Authorized Inspection Agency which insures the pressure retaining item; The owner-user inspection organization.</p> <p>3. Will certificate holders be required to file Form R-1 when the repair has been completed as a "Routine Repair"? If yes, with who?</p>	<p>1. Yes.</p> <p>2. Yes, per RC-1070.</p> <p>3. Yes, with the National Board. Proposed Comm 41.62 has been revised to clarify the reporting requirements.</p>
3	Lee J. Doran National Board of Boiler and Pressure Vessel Inspectors Columbus, Ohio	<p>1. ILHR 41.42 Proposed change: "All new boilers, pressure vessels or other pressure retaining items installed and operated in this jurisdiction unless otherwise exempted, shall be designed and constructed in accordance with a nationally recognized code of construction accepted by the National Board and this jurisdiction. All new pressure retaining items installed in this jurisdiction shall be registered in accordance with NB-264 "Criteria for Registration" as listed in accordance with NB-265 "Criteria for Listing Items not Registered" with the National Board. Copies of registration or listing documents shall be provided to the department when requested." The intent of ILHR 41.42 is to ensure that boilers, pressure vessels or other pressure retaining items installed and operated in the jurisdiction meet minimum construction standards for safety regardless of the code of construction, provided that code has been accepted by the National Board and the jurisdiction and that equipment has been registered or listed with the National Board. The proposed language clearly provides that intent.</p>	<p>1. Agree in part. The intent of the code is to ensure that boilers and pressure vessels installed and operated in the state meet minimum construction standards for safety. However, in accordance with chapter 227, Stats., the minimum standards must be specified by rule. Additionally, when the standards are adopted by reference, the rule must specify the edition of the standards. The proposed rule has been revised by changing "filed" to "registered" and by requiring the registration to be provided to the Department when requested.</p>

DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE

Clearinghouse Rule No.: 99-064		Hearing Location: Mailed in comments	
Rule Number: Chapters Comm 41-42		Hearing Date: N/A	
Relating to: Boilers and Pressure Vessels			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response

3	Lee J. Doran (continued)	<p>2. ILHR 41.61 Proposed change: "General rules for repairs and alterations. (1) Authorization. Except as provided in sub. (2), repairs and alterations to boilers and pressure vessels shall be performed by an organization in possession of a valid National Board "R" certificate of authorization for the intended scope of work or a valid ASME certificate of authorization containing provisions for welded repairs." Alterations was inadvertently omitted. National Board certificates of authorization are issued for repairs only or for repairs and alterations. The ASME certificates of authorization do not contain provisions for welded repairs; they are for new construction only.</p>	<p>2. Agree. The proposed rule has been changed.</p>
4	Monica Vik Northern States Power Co. and Ronald H. Schmidt WUA Power Generation Committee	<p>1. The "1998" references for the adopted standards should be changed to "current edition". Any construction should be done to the current ASME code. The latest edition of the NBIC must be used or risk loss of repair program acceptance. To ensure the state stays current with technology and nationally recognized standards, the current edition of such codes and standards should be referenced in lieu of a particular code edition.</p> <p>2. Since the proposed rules are being brought up to nationally recognized standards, "certified inspector" should be changed to "authorized inspector". Authorized inspector qualifications should meet ASME and NB requirements.</p> <p>3. The repair registration should not be phased out, but left as an option in ILHR 41.61(2). This registration is a spin-off of the National Board Owner-User R-Symbol Stamp by streamlining the NB requirements in limited applications and accepting customized welded repair programs. The customized program allows an owner to make efficient and cost effective use of available resources. There are additional costs in obtaining the NB R-stamp or obtaining welding services from a shop that has an R-stamp. As long as welding procedures and welder qualification requirements are in accordance with ASME section IX and the state accepted repair registration quality manual, the health and safety of the public will be served in the most reasonable and cost effective manner.</p>	<p>1. Disagree. In accordance with section 227.21, Stats., the rule must specify the edition of the standard adopted by reference.</p> <p>2. Agree in part. The code uses and defines "certified inspector". The chapter Comm 5 qualification requirements for the certified inspector include meeting ASME and NB requirements.</p> <p>3. Disagree. The proposed rule allows sufficient time for conversion from the Wisconsin repair registration to the National Board R-stamp. Without reference to a national standard such as the R-stamp, the Department would revise the code to require reviews and audits of the Wisconsin registration to be the same as the R-stamp program.</p>

DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE

Clearinghouse Rule No.: 99-064		Hearing Location: Mailed in comments	
Rule Number: Chapters Comm 41-42		Hearing Date: N/A	
Relating to: Boilers and Pressure Vessels			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
5	Ronald H. Schmidt WUA Power Generation Committee	In response to the Department supplying additional information on the justification for adopting the R-stamp program, the WUA reviewed its position relative to the eventual elimination of the repair registration program. The WUA Power Generation Committee has removed their opposition to the phase-out of the owner repair program, and accepts the transition plan to the National Board R-stamp program with the understanding that the new rules will allow a one-time renewal of the current registration.	Comment noted.

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