

Chapter ILHR 41

SCOPE, GENERAL RULES,  
NEW AND EXISTING INSTALLATIONS

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Note: Chapters Ind 41 and 42 as they existed on April 30, 1961 were repealed and new chapters Ind 41 and 42 were created effective May 1, 1961. Chapter Ind 41 was renumbered to ch. ILHR 41 effective March 1, 1984.

### Part I Scope and Definitions

**ILHR 41.01 Scope.** (1) The provisions of chs. ILHR 41 and 42 shall apply to boilers and piping components associated with boilers, pressure vessels and power piping in use at places of employment and in public buildings. The provisions of these chapters are not retroactive unless specifically stated in the administrative rule.

Note: Section 101.01 (2), 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), Stats., 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 a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1), Stats., which serves 20 or fewer unrelated residents, except for the purposes of s. 101.11, Stats.

(2) The provisions of chs. ILHR 41 and 42 shall apply to vessels used for the storage and transportation of flammable liquids, liquefied petroleum gas, anhydrous ammonia, and refrigerants unless these vessels are covered by other Wisconsin administrative codes or federal codes.

History: Cr. Register, April 1961, No. 64, eff. 5-1-74; r. and recr., Register, May, 1974, No. 221, eff. 6-1-74; am. (1), Register, May, 1978, No. 269, eff. 6-1-78; am. Register, June, 1980, No. 294, eff. 7-1-80; am. (1), Register, February, 1984, No. 333, eff. 3-1-84.

**ILHR 41.015 Petition for variance.** (1) **PROCEDURE.** The department will consider and may grant a variance to any administrative rule upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in the petition for variance to promote the protection of the health, safety and welfare of the employes or the public. Violation of those conditions under which the variance is granted constitutes a violation of these rules.

(2) **PETITION PROCESSING TIME.** Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and  
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fees required to complete the review. The department shall process priority petitions within 10 business days.

Note 1: Copies of the petition for variance form (SB-8) are available at no charge from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

Note 2: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department's procedures for hearing petitions.

Note 3: See ch. Ind 69 for fee requirements.

History: Cr. Register, February, 1984, No. 388, eff. 3-1-84; am. Register, October, 1984, No. 346, eff. 11-1-84; renum. to be (1) and cr. (2), Register, July, 1985, No. 355, eff. 8-1-85.

**ILHR 41.016 Penalties.** Penalties for violations of these rules shall be assessed in accordance with s. 101.02, Stats.

Note 1: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employe, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employe, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note 2: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employe thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 41.02 Definitions.** The definitions of this section shall be applicable throughout this code.

(1) **ASME BOILER AND PRESSURE VESSEL CODES** are those published by the American society of mechanical engineers and will hereinafter be referred to as ASME.

(1a) **ALTERATION.** Alteration means a change in a boiler or pressure vessel that substantially alters the original design requiring consideration of the effect of the change on the original design. It is not intended that the addition of nozzles smaller than an unreinforced opening size be considered an alteration. (Also see "repair.")

(2) **BOILER.** A closed vessel intended for use in heating water or for the application of heat to generate steam or other vapor to be used externally to itself.

(a) **Low pressure boiler.** A boiler on which the safety valves are set at pressures not exceeding 15 psig.

(b) **Miniature boiler.** A miniature boiler is a power boiler or high temperature water boiler which does not exceed any of the following limits:

1. 16 inches inside diameter of shell;
2. 20 square feet heating surface (not applicable to electric boilers);
3. 5 cubic feet gross volume exclusive of casing and insulation;
4. 100 psi maximum allowable working pressure.

(c) **Portable boiler.** An internally fired boiler primarily intended for temporary location and whose construction and usage is obviously of a portable nature.

(d) *Power boiler.* A power boiler is a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(e) *High temperature water boiler.* A high temperature water boiler is a water boiler intended for operation at pressures in excess of 160 psig or temperatures in excess of 250° F.

(2m) **BOILER EXTERNAL PIPING.** Boiler external piping means piping within the scope of ASME code section I and which requires ASME code stamping as specified in section I.

(3) **CERTIFICATE OF COMPETENCY.** A certificate issued to a boiler or pressure vessel inspector by the department.

(4) **CONDEMNED.** A boiler or pressure vessel declared to be unsafe and has an applied stamping designating its condemnation.

(5) **DEPARTMENT.** Means the department of industry, labor and human relations.

(5m) **ENFORCEMENT AUTHORITY.** Enforcement authority means the department, which is empowered to formulate definitions, rules and regulations for the safe construction, installation, inspection, operation, maintenance, repair and alteration of boilers and pressure vessels in this state.

(6) **EXISTING INSTALLATION.** Boiler and pressure vessels placed in operation or contracted for prior to January 1, 1957. (See part VI.)

(7) **EXTERNAL INSPECTION.** One made while boiler or vessel is in operation.

(8) **FUSION WELDING.** The melting together of filler metal and base metal, or of base metal only, which results in coalescence.

(8c) **HOT WATER STORAGE TANK.** A hot water storage tank is a tank used to store water that is heated indirectly by a circulating water heater or by steam or hot water circulating through coils or other heat exchange methods internal or external to the tank.

(9) **HOT WATER HEATING BOILER AND HOT WATER SUPPLY BOILER.** A boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or at temperatures not exceeding 250° F. (A boiler exceeding either of these limits shall be classified as a power boiler.)

(9a) **INCOMPETENCE.** Incompetence means conduct which evidences a lack of ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of inspection services or an inability to apply those principles or failure to maintain competency in the current practices and methods applicable to inspection services and the Boiler and Pressure Vessel Code.

(10) **INSPECTOR, AUTHORIZED OR QUALIFIED.** (a) *Field inspector.* A boiler or pressure vessel inspector who holds a valid certificate of competency issued by the department.

(b) *Shop inspector.* A boiler or pressure vessel inspector who is holding the necessary commissions and employed by a city or a state which has adopted the ASME boiler and pressure vessel code, or who is employed

(2) **ELIGIBILITY.** (a) The applicant for a certificate of competency as a boiler or pressure vessel inspector shall be an employe of the state, a municipality or an insurance company; or owners or operators of boilers and pressure vessels authorized to make their own inspections.

(3) **QUALIFICATIONS.** The applicant shall have one of the following combinations of education and experience requirements:

(a) A degree in engineering plus one year experience in design, construction, operation or inspection of high pressure boilers and pressure vessels; or

(b) An associate degree in mechanical technology, plus 2 years experience in design, construction, operation or inspection of high pressure boilers and pressure vessels; or

(c) A high school education or the equivalent plus 3 years experience in high pressure boiler and pressure vessel construction or repair; or in charge of high pressure boiler and pressure vessel operation; or in the inspection of high pressure boilers and pressure vessels.

(4) **APPLICATION.** (a) All applications for certification or recertification shall be made to the department together with the payment of the application and examination fees.

(b) Upon receipt of the application form, the department shall review and evaluate the application and make all necessary notifications to the applicant within 15 business days.

(5) **ISSUANCE OF CERTIFICATE.** Certificates of competency for a boiler or pressure vessel inspector shall be issued by the department to eligible applicants successfully passing the examinations prescribed by and conducted by the department. The certificate shall bear the name of the applicant, certificate number and expiration date. The certificate shall be valid for the remainder of the calendar year in which it is issued. The department shall issue the inspector certification within 15 business days of passage of the written examination.

(a) Applicants failing the examination may apply to retake the examination.

(b) Holders of certificates who do not apply for renewal in any 5-year period may be required to pass a scheduled examination.

(6) **RENEWAL OF CERTIFICATE.** Upon receipt of written notice of expiration, certification may be renewed. The request for renewal, together with the payment of the renewal fee, shall be filed with the department on or before January 1 of the calendar year for which the certificate is to be valid. The department shall review and make a determination on an application for renewal of certification within 15 business days of receipt of the application for renewal.

(7) **DENIAL OF CERTIFICATE.** (a) *Notice of denial.* Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service will be verified by the certified mail receipt. The department shall notify an applicant of denial of certification within 15 business days of receipt of an application for certification.

(b) *Hearing.* Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be waived if the applicant fails to submit the request within 30 business days. Hearings will be conducted by the department and the proceedings recorded. The department shall conduct a hearing and make a determination within 15 business days of request for a hearing regarding denial of certification.

(8) **SUSPENSION OR REVOCATION OF CERTIFICATION.** The department may suspend or revoke the certification of any inspector for any of the following reasons:

(a) Fraud or deceit in obtaining certification.

(b) Any negligence, incompetence or misconduct in the discharge of the duties required under this chapter.

(c) Conviction of a criminal charge, misdemeanor or local regulation substantially related to the circumstances of the certified inspection activity or adjudication of mental incompetence by the courts.

(9) **RECIPROCITY.** A certificate of competency may be granted by the department to a boiler or pressure vessel inspector who holds a certificate issued by the national board of boiler and pressure vessel inspectors or a certificate of competency from a city or state which has adopted the ASME Boiler and Pressure Vessel Code and which holds a written examination similar to that required by the department.

(10) **SUSPENSION AND REVOCATION PROCEEDINGS.** (a) *Investigation and notification.* The department will investigate alleged violations at its own initiative or upon the filing of a complaint. If it is determined that no further action is warranted, the department will notify the persons affected. If the department determines that there is probable cause for suspension, it shall order a hearing and notify, by mail, the persons affected.

(b) *Response.* Upon receipt of hearing notice, the charged party may respond to the charges in writing. Failure to respond within 30 days or failure to appear at the hearing may result in the charges being taken as true.

(c) *Hearings.* All hearings will be conducted by persons selected by the department.

(d) *Findings.* Any findings shall be in writing and shall be binding unless appealed to the secretary of the department.

(e) *Appeals.* All appeal arguments shall be submitted in writing.

History: Cr. Register, April, 1961, No. 64, eff. 5-1-61; r. and recr. Register, February, 1971, No. 182, eff. 3-1-71; am. (1), (3) (c), (4) (a), (6) (a) 1. and 3., Register, May, 1974, No. 221, eff. 6-1-74; am. (2) (b) and (5) (a), r. (6) (a) 3., Register, May, 1978, No. 269, eff. 6-1-78; r. and recr., Register, June, 1980, No. 294, eff. 7-1-80; am. (3) (a) and (b), (5) (b), Register, February, 1984, No. 338, eff. 3-1-84; am. (4) (b), (6) (intro.), (6) and (7), Register, July, 1985, No. 355, eff. 8-1-85.

**ILHR 41.09 In-service field inspectors.** (1) **ELIGIBILITY.** The applicant for an in-service field inspector authorization shall be an employe of the department, a municipality or an insurance company; or owners or operators of boilers and pressure vessels authorized to make their own inspections.

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(2) **QUALIFICATIONS.** The applicant shall have one of the following education and experience qualifications:

(a) A bachelor's degree in engineering from an accredited college or university, which is deemed to be the equivalent of 2 years experience in design, construction, operation or inspection of high pressure boilers and pressure vessels; or

(b) An associate degree in mechanical technology plus one year of actual experience in design, construction, operation or inspection of high pressure boilers and pressure vessels; or

(c) A high school diploma or equivalent plus 2 years of practical experience in the construction, installation, repair, operation, maintenance or inspection of high pressure boilers and pressure vessels.

(3) **APPLICATION.** (a) All applications for an in-service field inspector authorization shall be made to the department together with the payment of the application and examination fees.

(b) Upon receipt of the application form, the department shall review and evaluate the application and make all necessary notifications to the applicant within 15 business days.

(4) **ISSUANCE OF AUTHORIZATION.** In-service field inspector authorizations shall be issued by the department to eligible applicants successfully passing the examination prescribed by and conducted by the department. The authorization shall bear the name of the applicant, authorization number and expiration date. The authorization shall be valid for a period of 15 months from the date of issue. The department shall issue the inspector authorization within 15 business days of passage of the written examination.

(a) Applicants failing the examination may apply to retake the examination.

(b) The authorization shall be nonrenewable.

(5) **INSPECTION WORK.** (a) The in-service field inspector authorization may be utilized by the holder only while in the continuous employ of the authorized inspection agency by whom employed at the time of application.

(b) The authorized in-service field inspector may perform only field inspection work and such work shall be performed while accompanied by an authorized field inspector during the first 90 days of employment and under the direct supervision of an authorized field inspector for the following 12 months.

(c) If the authorized inspection agency specified in par. (a) is an insurance company, then the authorized in-service field inspector may perform field inspection work only upon objects covered by such insurance company.

(d) Inspection of repairs and alternations shall be performed by an authorized inspector in possession of a certificate of competency.

(6) **APPLICATION FOR CERTIFICATE OF COMPETENCY.** Upon completion of one year of experience as an authorized in-service field inspector while in the continuous employ of the authorized inspection agency by whom

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employed at the time of application, the holder of a valid authorization, through such employer, may apply for a certificate of competency.

History: Cr. Register, February, 1984, No. 338, eff. 8-1-84; am. (3) (b) and (4) (Intro.), Register, July, 1985, No. 355, eff. 8-1-85.

**ILHR 41.10 Adoption of ASME standards.** (1) The standards, amendments and errata issued by the American society of mechanical engineers as listed in Table 41.10-A are hereby incorporated by reference into this code.

(2) Pursuant to s. 227.025, Stats, consent has been granted to incorporate by reference the rules contained in the standards, amendments and errata listed in Table 41.10-A.

(a) Copies are on file in the offices of the department, the secretary of state and the revisor of statutes.

(b) Copies may be procured for personal use from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th St., New York, New York 10017.

(c) Copies may be on file at public and university libraries.



TABLE 41.10-A

			As amended by Summer Addenda issued June 30th and Winter Addenda issued December 31st of each respective year: S-Summer; W-Winter.		
		ASME	1983	1984	1985
1. Section	I	Power Boilers, 1983 Edition	S W	S W	
2. Section	II	Material Specifications, 1983 Edition			
	a.	Part A—Ferrous Material	S W	S W	
	b.	Part B—Nonferrous Material	S W	S W	
	b.	Part C—Welding Rods, Electrodes and Filler Metals	S W	S W	
3. Section	III	Nuclear Power Plant Components, 1983 Edition			
	a.	Division 1 and Division 2 General Requirements Subsection NCA	S W	S W	
		Division 1			
	a.	Subsection NB—Class 1 Components	S W	S W	
	b.	Subsection NC—Class 2 Components	S W	S W	
	c.	Subsection ND—Class 3 Components	S W	S W	
	d.	Subsection NE—Class MC Components	S W	S W	
	e.	Subsection NF—Component Supports	S W	S W	
	f.	Subsection NG—Core Support Structures	S W	S W	
	g.	Appendices	S W	S W	
		Division 2			
	a.	Concrete Reactor Vessels and Containments	S W	S W	
4. Section	IV	Heating Boilers, 1983 Edition	S W	S W	
5. Section	V	Nondestructive Examination, 1983 Edition	S W	S W	
6. Section	VIII	Pressure Vessels, 1983 Edition			
	a.	Division 1—Pressure Vessels	S W	S W	
	b.	Division 2—Alternative Rules	S W	S W	
7. Section	IX	Welding and Brazing Qualifications, 1983 Edition	S W	S W	
8. Section	X	Fiberglass-Reinforced Plastic Pressure Vessels, 1983 Edition	S W	— W	
9. Section	XI	Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1, 1983 Edition	S W	S W	
		ANSI			
10.		Power Piping (ANSI B31.1, 1983 edition)			

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74; r. and recr. Register, April, 1975, No. 232, eff. 5-1-75; r. and recr. table Register, May, 1976, No. 245, eff. 6-1-76; r. and recr. table, Register, March, 1977, No. 255, eff. 4-1-77; am. table, Register, September, 1978, No. 273, eff. 10-1-78; am. table, Register, June, 1980, No. 294, eff. 7-1-80; r. and recr. table, cr. (2) (c), Register, February, 1982, No. 314, eff. 3-1-82; am. table, Register, August, 1982, No. 320, eff. 9-1-82; am. table, Register, February, 1984, No. 338, eff. 3-1-84; r. and recr. table, Register, October, 1984, No. 346, eff. 11-1-84; am. table, Register, July, 1985, No. 355, eff. 8-1-85.

ILHR 41.105 Adoption of miscellaneous standards. (1) CONSENT TO INCORPORATE. Pursuant to s. 227.025, Stats., the attorney general and the Register, July, 1985, No. 355

revisor of statutes have consented to the incorporation by reference of the following standards:

(a) ANSI Z21.10.1-1981 Gas Water Heaters, Volume I Automatic Storage Water Heaters with Inputs of 75,000 Btu per Hour or Less, with Addenda Z21.10.1a-1982.

(b) ANSI Z21.10.3-1981 Gas Water Heaters, Volume III Circulating Tank, Instantaneous and Large Automatic Storage Water Heaters, with Addenda Z21.10.3a-1982.

(c) ANSI Z21.56-1979 Gas-Fired Swimming Pool Heaters, with Addenda Z21.56a-1981 and Z21.56b-1982.

(d) UL 174-1977 Household Electric Storage Tank Water Heaters.

(e) UL 732-1974 Oil-Fired Water Heaters.

(f) UL 795-1982 Commercial-Industrial Gas-Heating Equipment, with revisions dated March 25, 1982.

(g) UL 1453-1982 Electric Booster and Commercial Storage Tank Water Heaters, with revisions dated July 27, 1982.

(2) **INTERIM AMENDMENTS.** Interim amendments of the standards listed in sub. (1) shall have no effect in the state until such time as this section is correspondingly revised to reflect those changes.

(3) **AVAILABILITY OF STANDARDS.** The standards in reference may be obtained at a reasonable cost by writing to the following addresses:

(a) American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.

(b) Underwriters' Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062.

(4) **FILING OF STANDARDS.** Copies of the standards in reference are on file in the offices of the department, the secretary of state and the revisor of statutes.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 41.11 Boiler blow-down equipment.** (1) The blow-down from a boiler or boilers that enters a sewer system or blow-down which is considered a hazard to life or property shall pass through some form of blow-off equipment that will reduce pressure and temperature as required hereinafter.

(2) The temperature of the water leaving the blow-off equipment shall not exceed 140° F.

(3) The pressure of the blow-down leaving any type of blow-off equipment shall not exceed 5 psi.

(4) The blow-off piping and fittings between the boiler and the blow-off tank shall comply with ss. ILHR 41.50 and 41.51 of this code.

(5) The tank shall be designed in accordance with ss. ILHR 41.50 and 41.51 of this code for a working pressure of at least one-fourth the maximum working pressure of the boiler to which it is connected.

- (d) Boilers used exclusively for agricultural purposes.
  - (e) Pressure vessels having an inside diameter not exceeding 6 inches with no limit on pressure.
  - (f) Pressure vessels having a volume of less than 5 cubic feet and an operating pressure of less than 250 psig.
  - (g) Pressure vessels with a volume of less than 1-½ cubic feet with no limit on pressure.
  - (h) Pressure vessels having an internal or external operating pressure of not more than 15 psig with no limitations on size.
  - (i) Hot water supply boilers, water heaters and hot water storage tanks.
  - (j) Vessels used for the storage or processing cold water, including those with air cushions.
  - (k) Pressure vessels which are used in accordance with the regulations of the U.S. department of transportation.
- (1) Air receivers having a volume of less than 12 cubic feet and an operating pressure of less than 250 psig.

(2) EXCEPTION. In individual cases, the boilers and pressure vessels exempted in sub. (1) will be subject to inspection by or on order of the department upon complaint of any person or upon 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 this code. The department shall make an investigation regarding a complaint within 15 business days of receipt of the complaint.

History: Cr. Register, April, 1961, No. 64, eff. 5-1-61; r. and recr. Register, February, 1971, No. 182, eff. 3-1-71; am. (1) (b), (i) and (j), Register, May, 1974, No. 221, eff. 6-1-74; r. and recr. Register, May, 1978, No. 269, eff. 6-1-78; r. (1) (b) and (i), renum. (1) (c) to (e), (g) to (m) to be (1) (b) to (d) and (e) to (k) and am. (1) (b), Register, February, 1984, No. 338, eff. 3-1-84; er. (1) (l), Register, October, 1984, No. 346, eff. 11-1-84; am. (2), Register, July, 1985, No. 355, eff. 8-1-85.

**ILHR 41.22 Preparation for internal inspection.** The owner or user of a boiler or a pressure vessel subject to inspection shall prepare the vessel for internal inspection after due notice from the inspector. To prepare a vessel for an internal inspection all manhole plates, all wash-out plugs, and a sufficient number of handhole plates to permit a satisfactory inspection shall be removed. The shell and heads shall be thoroughly cleaned and exposed when so requested. Each steam boiler shall be thoroughly drained of water and all fire side surfaces cleaned before an internal inspection is made.

Note: The following precautionary procedure is the recommended preparation for inspection:

Before opening the manhole or manholes and entering any part of a boiler which is connected to a common header with other boilers, the required steam or water system stop valves should be closed, tagged, and preferably padlocked, and drain valves or cocks between the two closed stop valves opened. The feed valves should be closed, tagged, and preferably padlocked, and drain valves or cocks located between the two valves opened. After draining the boiler, the blowoff valves should be closed, tagged and preferably padlocked. Blowoff lines,

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where practicable, should be disconnected between pressure parts and valves. All drains and vent lines should be opened.

History: Cr. Register, April, 1961, No. 64, eff. 5-1-61; r. and recr. Register, February, 1971, No. 182, eff. 3-1-71.

**ILHR 41.23 Insurance company inspections.** (1) Periodic inspections of boilers and pressure vessels by insurance companies may be accepted by the department under the following conditions:

(a) The boiler and pressure vessel inspectors employed by the insurance company shall hold certificates of competency issued by the department.

(b) The insurance company shall report inspections of boilers and pressure vessels to the department as required in s. ILHR 41.26.

(c) The inspection procedures used by the insurance company shall conform to the regulations of this code.

(d) The insurance company shall report to the department within 30 days when insurance coverage is started or discontinued on a boiler or pressure vessel. The reason for discontinuing the coverage shall be given on the report. If the boiler or pressure vessel is installed in a city of the first class and inspections are made by the city, the report shall also be provided to the city.

History: Cr. Register, April, 1961, No. 64, eff. 5-1-61; r. and recr. Register, February, 1971, No. 182, eff. 3-1-71; am. (1) (a), (b) and (d), Register, May, 1974, No. 221, eff. 6-1-74; am. (1) (d), Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 41.24 Inspections by cities.** (1) Periodic inspections of boilers and pressure vessels by cities of the first class may be accepted by the department under the following conditions:

(a) The boiler and pressure vessel inspectors employed by the city shall hold certificates of competency issued by the department.

(b) The city shall keep a record of such periodic inspections and shall submit a copy to the department.

(c) The inspection procedures used by the city shall conform to the regulations of this code.

History: Cr. Register, April, 1961, No. 64, eff. 5-1-61; r. and recr. Register, February, 1971, No. 182, eff. 3-1-71; am. (1) (a) and (b), Register, May, 1974, No. 221, eff. 6-1-74.

**ILHR 41.25 Companies or corporations allowed to make inspections.** (1) Periodic inspections by companies or corporations of boilers or pressure vessels which they own or operate may be accepted by the department under the following conditions:

(a) The boiler and pressure vessel inspectors employed by the company or corporation shall hold certificates of competency issued by the department.

(b) The company or corporation shall report inspections of boilers and pressure vessels to the department as required in s. ILHR 41.26.

(c) The inspection procedures used by the company or corporation shall conform to the regulations of this code.

History: Cr. Register, April, 1961, No. 64, eff. 5-1-61; r. and recr. Register, February, 1971, No. 182, eff. 3-1-71; am. (1) (a) and (b), Register, May, 1974, No. 221, eff. 6-1-74.

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**ILHR 41.26 Reporting of inspections.** (1) Reports of periodic internal or external inspections of boilers and pressure vessels shall be sent to the department within 15 days from the date of inspection.

(2) External inspections shall be reported only when either of the following conditions is found:

(a) An internal inspection is not possible because of the construction of the vessel. In such cases the first inspection shall be reported to the department in the same manner as an internal inspection. The report shall be marked "external" and the reason for making an external inspection instead of an internal shall be given.

(b) When violations of this code or unsafe conditions involving the safety of the vessel are found. This report shall be made on forms acceptable to the department and shall explain the violation or unsafe condition with references to code section numbers. A copy of the recommendations to the owner or user of the vessel shall accompany the report to the department.

History: Cr. Register, April, 1961, No. 64, eff. 5-1-61; am. (1), Register, February, 1971, No. 182, eff. 3-1-71; am., Register, May, 1974, No. 221, eff. 6-1-74; am. (2) (b), Register, June, 1980, No. 294, eff. 7-1-80.

**ILHR 41.27 Inspection report forms.** (1) An internal or external boiler inspection that conforms to periodic inspection requirements (ILHR 41.20) shall be reported to the department on inspection forms acceptable to the department or national board of boiler and pressure vessel inspectors standard form.

(2) A pressure vessel inspection that conforms to periodic inspection requirements (ILHR 41.20) shall be reported to the department on inspection forms acceptable to the department or national board of boiler and pressure vessel inspectors standard form.

(a) Multiple vessels on a single report. A group of pressure vessels of the same design and use that are interconnected so or are operated so as to form a unit, machine, or apparatus may be included in a single report. The report shall contain the number, description, and use of the vessel and shall be reported to the department on inspection forms acceptable to the department or national board of boiler and pressure vessel inspectors standard form.

(3) The inspection report shall be legible and complete as possible. A manufacturer's data report of boiler or pressure vessel shall be available to inspector for first inspection.

History: Cr. Register, April, 1961, No. 64, eff. 5-1-61; r. and recr. Register, February, 1971, No. 182, eff. 3-1-71; am. (1) and (2), Register, May, 1974, No. 221, eff. 6-1-74; am. (1) and (2), Register, June, 1980, No. 294, eff. 7-1-80.

**ILHR 41.28 Certificates of operation.** (1) The owner or user of the boiler or pressure vessel shall be responsible for obtaining and maintaining a valid certificate of operation.

(2) After each periodic internal or external inspection a certificate of operation shall be issued to the owner or user of the boiler or pressure vessel by the department or by the city authorized by that agency. The department shall issue a certificate of operation within 15 business days of the determination that the installation meets the applicable requirements of chs. ILHR 41 and 42.

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(3) The certificate of operation shall give the maximum operating pressure as determined using the regulations of the code.

(4) The certificate of operation shall be valid until the next required periodic inspection.

(5) The certificate of operation shall be kept on file on the premises by the owner or user of the boiler or pressure vessel and shall be available when called for by a deputy of the department.

Note: See ch. Ind 69, Fee Schedule, for amount of fee to be paid to the department for all certificates of operation.

History: Cr. Register, April, 1961, No. 64 eff. 5-1-61; am. (1), (4) and (5), Register, January, 1966, No. 121, eff. 2-1-66; am. (1), (2), (3) and (4) and r. (5), Register, October, 1970, No. 178, eff. 11-1-70; am. (1) and (4), Register, May, 1974, No. 221, eff. 6-1-74; renum. (1) to (4) to be (2) to (5) and cr. (1), Register, February, 1984, No. 338, eff. 3-1-84; am. (2), Register, July, 1985, No. 355, eff. 8-1-85.

**ILHR 41.29 Condemnation.** (1) The condemnation of a boiler or pressure vessel shall be a function of the department only. Any boiler or pressure vessel declared by an authorized inspector to be unsafe and beyond repair shall be referred to the department for condemnation proceedings.

(2) Any boiler or pressure vessel confirmed by the department to be unsafe for further use shall be stamped as follows:

**"CONDEMNED"**

**"Arrowhead Stamp x Wisconsin x Arrowhead Stamp"**

Letters shall be at least  $\frac{3}{8}$ " high and arrowheads shall be  $\frac{1}{2}$ " wide.

(3) It shall be unlawful for any person, firm, partnership or corporation to use, operate, or offer for sale for operation within the state any condemned boiler or pressure vessel.

History: Cr. Register, October, 1970, No. 178, eff. 11-1-70; am. (1) and (2), Register, May, 1974, No. 221, eff. 6-1-74.

#### Part IV

#### Nuclear Power Plants

**ILHR 41.30 Installation registration.** (1) **OWNER REPORT FILING BEFORE OPERATION.** The owner of any nuclear class pressure vessel within the scope of ASME code section III, except as regulated in s. ILHR 41.21, shall file a copy of form N-3, ASME data report, with the department before operating the pressure vessel.

(2) **REGISTRATION OF BOILERS, PRESSURE VESSELS, AND POWER PIPING.** All other boilers, pressure vessels, and power piping at nuclear power plants shall be registered with the department as required by s. ILHR 41.06. The installation inspection shall meet the requirements of s. ILHR 41.19.

Note: Large groups of vessels may be reported in summary form in lieu of individual reports for each vessel.

History: Cr. Register, May, 1978, No. 269, eff. 6-1-78; am. (2) Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 41.35 Periodic inspections.** (1) **IN-SERVICE INSPECTION PROGRAM.** The owner or user shall place on file with the department an in-service inspection plan as required by section XI of the ASME code listed in Register, July, 1985, No. 355

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Table 41.10-A. The department shall be notified at least 10 days prior to all planned shutdowns which include in-service inspections.

Note: A copy of the in-service inspection plan accepted by the Nuclear Regulatory Commission will be acceptable to the department in satisfying the filing of an in-service inspection plan required by this code.