

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to sections 101.02 (1) and (15) (h) to (j) and 101.17 of the Wisconsin Statutes, the Department of Safety and Professional Services will hold a public Hearing on proposed rules under chapter Comm 41 and 45 relating to boilers and pressure vessels.

The public Hearing will be held as follows:

Date and Time:

Friday
November 11, 2011
Commencing at 10:00 a.m.

Location:

Room 121C
1400 East Washington Avenue
Madison, WI

Interested persons are invited to appear at the Hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing, via e-mail. Persons submitting comments will not receive individual responses. The Hearing record on this rulemaking will remain open until November 14, 2011, to permit submittal of written comments from persons who are unable to attend the Hearing or who wish to supplement testimony offered at the Hearing. E-mail comments should be sent to sam.rockweiler@wi.gov. If e-mail submittal is not possible, written comments may be submitted to Sam Rockweiler, Department of Safety and Professional Services, P.O. Box 14427, Madison, WI 53708-0427.

This Hearing will be held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the Hearing, please call Sam Rockweiler at (608) 266-0797 or at Contact Through Relay at least 10 days prior to the Hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of them are available on the Internet at the Safety and Buildings Division Web site at <http://dsps.wi.gov/sb/SB-HomePage.html>. Paper copies may be obtained without cost from Sam Rockweiler at the Department of Safety and Professional Services, P.O. Box 14427, Madison, WI 53707, or at sam.rockweiler@wi.gov, or at telephone (608) 266-0797, or at Contact Through Relay. Copies will also be available at the public Hearing.

The small business regulatory coordinator for the Department of Safety and Professional Services is John Murray, who may be contacted at telephone (608) 266-8608, or Email at john.murray@wisconsin.gov.



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1816
TDD: Contact Through Relay

Scott Walker, Governor
Dave Ross, Secretary

Pam Shannon
Administrative Rules Clearinghouse
Wisconsin Legislative Council
1 East Main Street, Suite 401
Madison, WI 53703

Dear Ms. Shannon:

**TRANSMITTAL OF PROPOSED ADMINISTRATIVE RULES
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 41 and 45

RELATING TO Boilers and Pressure Vessels

Pursuant to section 227.15 of the Wisconsin Statutes, agencies are required to submit copies of proposed rules to the Legislative Council for review.

This rule is not subject to section 227.135 (2) of the Wisconsin Statutes, as affected by 2011 Wisconsin Act 21. The statement of scope for this rule [was](#) published in Register Number 664 on April 15, 2011, and was sent to LRB before the effective date of 2011 Act 21.

The attached proposed rules are in the form and style specified by section 227.14, Stats., and are being forwarded to you for review. Also attached are copies of a transmittal letter to the Legislative Reference Bureau, public notice, fiscal estimate, and initial regulatory flexibility analysis.

Respectfully submitted,

Dave Ross
Secretary



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1816
TDD: Contact Through Relay

Scott Walker, Governor
Dave Ross, Secretary

Bruce Hoesly, Code Editor
Legislative Reference Bureau
Suite 200, 1 East Main Street
Madison, Wisconsin 53703

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE
OF HEARING AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 41 and 45

RELATING TO: Boilers and Pressure Vessels

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: Joe Hertel TITLE: Program Manager

TELEPHONE: 266-5649 EMAIL: Joe.Hertel@wi.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the *Administrative Register*.

This rule is not subject to section 227.135 (2) of the Wisconsin Statutes, as affected by 2011 Wisconsin Act 21. The statement of scope for this rule was published in Register Number 664 on April 15, 2011, and was sent to LRB before the effective date of 2011 Act 21.

On the date on this letter the Department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Dave Ross
Secretary

ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Comm 41, Boilers and Pressure Vessels; and Comm 45, Mechanical Refrigeration

Subject

Boilers, pressure vessels and power piping

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Chapter 20 , Stats. Appropriations Affected

None

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

The industry standards that are adopted by reference in chapter Comm 41 are out-of-date because the sponsoring organizations have replaced them with newer editions.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule revisions would not impose significant additional costs or other impacts on a substantial number of businesses.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Keeping Wisconsin's requirements consistent with current industry standards avoids having manufacturers, suppliers, inspectors and insurers of the regulated equipment face a regulatory environment here that differs from their practices elsewhere.

Long Range Implications of Implementing the Rule

No adverse impacts are expected, and any uncertainties that could otherwise result by being inconsistent with corresponding regional and national-level practices will be avoided.

Compare With Approaches Being Used by Federal Government

The proposed rules for nuclear power plants would achieve consistency with the requirements applied by the Nuclear Regulatory Commission.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Minnesota already applies the latest edition of the ASME *Boiler and Pressure Vessel Code*, and the other 3

neighboring states are expected to soon do so as well.

Name and Phone Number of Contact Person

Sam Rockweiler, 608.266.0797

File reference: 165-41-Boilers and Pressure Vessels

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Safety and Professional Services

RULE NO.: Chapters Comm 41 and 45

RELATING TO: Boilers and Pressure Vessels

1. Types of small businesses that will be affected by the rules.

Any business involved with the design, construction, installation, operation, inspection, testing, maintenance, repair and alteration of boilers and pressure vessels that are installed for public buildings or places of employment.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

The rule revisions would not require any new reporting or other bookkeeping. They would clarify that reports for both installation and periodic inspections are sent to the Department primarily through its electronic data interchange transfer system. They would apply the current timeframes for filing periodic-inspection reports to both installation and periodic inspections, rather than only periodic inspections. They would also reduce the application of the accident-reporting requirements to only where injuries occur that need more than first aid treatment

3. Types of professional skills necessary for compliance with the rules.

No new professional skills would be needed.

4. Rules have a significant economic impact on small businesses.

No Rules not submitted to Small Business Regulatory Review Board

Yes Rules submitted to Small Business Regulatory Review Board

NOTICE OF ENVIRONMENTAL ANALYSIS

Department of Safety and Professional Services

Rule No.: Chapters Comm 41 and 45

Relating to: Boilers and Pressure Vessels

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.