

OCTOBER, 1988

**DEPARTMENT OF LABOR AND INDUSTRY
CODE ENFORCEMENT
BOILER INSPECTION DIVISION**

In the matter of the Proposed Adoption of Rules governing Inspection and Operation of Boats, Boilers and Pressure Vessels, and Licensing of Operators and Pilots.

**STATEMENT OF
NEED AND REASONABLENESS**

IN 1982, M.S. 183.44, SUBD. 2 WAS ENACTED ALLOWING FOR THE PROMULGATION OF RULES FOR THE INSPECTION OF BOATS FOR HIRE, BOILERS AND PRESSURE VESSELS; THE LICENSING OF PILOTS OF BOATS FOR HIRE AND BOILER OPERATORS; AND THE NAVIGATION OF BOATS FOR HIRE. THESE AMENDMENTS AND NEW RULES ARE PROPOSED UNDER THE STATED AUTHORITY.

CLARIFICATION IS MADE AS TO THE ROLES OF THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY AND THE CHIEF INSPECTOR OF THE BOILER INSPECTION DIVISION.

THROUGHOUT THESE RULES, ARCHAIC LANGUAGE AND GENDER SPECIFIC LANGUAGE HAS BEEN STRICKEN AND REPLACED WITH MORE CONTEMPORARY LANGUAGE AND GENDER NEUTRAL TERMS. "SHALL" HAS BEEN REPLACED WITH "MUST" OR "WILL" WHERE THE "SHALL" DID NOT REFER TO AN ACTION BY A PERSON.

SMALL BUSINESS IMPACT

THE PROPOSED RULES COVER FOUR GENERAL AREAS. FIRST, THE RULES MODIFY LANGUAGE OF EXISTING RULES FOR CONSISTENCY OF STYLE AND CLARIFICATION. SECOND, THE RULES ESTABLISH LICENSURE REQUIREMENTS FOR BOILER OPERATORS AND PILOTS OF BOATS FOR HIRE, INCLUDING EXAMINATION PROCEDURES AND PREVIOUS EXPERIENCE REQUIREMENTS. THIRD, THE RULES ESTABLISH HEARING AND DISCIPLINARY PROCEDURES FOR OWNERS AND LICENSE HOLDERS WHERE IT IS ALLEGED THAT A STATUTE HAS BEEN VIOLATED, A BOILER OR PRESSURE VESSEL IS BEING OPERATED UNDER UNSAFE OR DANGEROUS CONDITIONS, A LICENSE HAS BEEN OBTAINED BASED ON A MATERIALLY FALSE APPLICATION, OR THAT AN OWNER HAS FAILED TO EMPLOY PROPERLY QUALIFIED ENGINEERS. THE DUE PROCESS PROCEDURES ALSO PERMIT A MECHANISM FOR CHALLENGING DECISIONS OF THE CHIEF BOILER INSPECTOR OR COMMISSIONER. FOURTH, THE RULES ADOPT PROFESSIONAL CODES (AMERICAN SOCIETY OF MECHANICAL ENGINEERS BOILER AND PRESSURE VESSEL CODE, THE NATIONAL BOARD INSPECTION CODE, AND THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODES AND STANDARDS), AND ESTABLISH OR CLARIFY OPERATIONAL, MANUFACTURE, INSTALLATION, REPAIR, SAFETY, INSPECTION, AND REPORTING STANDARDS IN ACCORDANCE WITH ADOPTED PROFESSIONAL CODES. THE RULES ALSO SET FORTH REQUIREMENTS FOR ESTABLISHING OWNER REPAIR PROGRAMS.

THE DEPARTMENT HAS CONSIDERED THE IMPACT ON SMALL BUSINESS, AS REQUIRED BY MINN. STAT. 14.115 (1986), AND HAS DETERMINED THAT THE RULES SHOULD HAVE MINIMAL IMPACT ON SMALL BUSINESSES.

THE FIRST TWO CATEGORIES OUTLINED ABOVE HAVE NO DIRECT IMPACT ON SMALL BUSINESSES. THE THIRD AND FOURTH CATEGORIES DO INCLUDE SMALL BUSINESSES.

THE HEARING AND DISCIPLINARY RULES PROVIDE SPECIFIC DUE PROCESS PROCEDURES FOR OWNERS OF BOILERS AND PRESSURE VESSELS WHERE IT HAS BEEN DETERMINED THAT THE OBJECT OR OPERATION OF THE OBJECT IS UNSAFE. OWNERS OF SUCH OBJECTS MAY BE SMALL BUSINESSES. THE DUE PROCESS PROCEDURES HAVE BEEN MODIFIED TO CONFORM TO THE REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT AND OFFER BETTER PROTECTION OF THE RIGHTS OF THE OWNER. AS THERE ARE FEWER THAN A DOZEN PROCEEDINGS A YEAR, THE IMPACT ON SMALL BUSINESSES WOULD BE MINIMAL.

OWNERS ARE REQUIRED, UNDER THESE RULES, TO NOTIFY THE DEPARTMENT OF ACCIDENTS INVOLVING BOILERS OR PRESSURE VESSELS THAT CAUSE PERSONAL INJURY, DESTRUCTION OF THE OBJECT, OR PROPERTY DAMAGE INVOLVING REPAIRS NOT OF A ROUTINE NATURE. THE IMPACT ON SMALL BUSINESS WOULD BE TO REPORT THE ACCIDENT, OR TO ASSURE THAT THEIR INSURANCE CARRIER REPORT THE ACCIDENT TO THE DEPARTMENT. AS THERE ARE FEWER THAN 50 SUCH ACCIDENTS A YEAR, THE IMPACT ON SMALL BUSINESSES WOULD BE MINIMAL.

THE OWNER REPAIR PROGRAM WOULD ONLY AFFECT OWNERS OF VERY LARGE PLANTS AND WOULD HAVE NO IMPACT ON SMALL BUSINESSES.

OTHER CHANGES TO THESE RULES AFFECTING SMALL BUSINESS REFLECT EXISTING CODE REQUIREMENTS AND WOULD HAVE NO GREATER IMPACT THAN THE CURRENT REQUIREMENTS. THE DEPARTMENT HAS, NONETHELESS, CONSIDERED EACH OF THE FOLLOWING METHODS FOR REDUCING THE IMPACT ON SMALL BUSINESS:

1. LESS STRINGENT REPORTING REQUIREMENTS. ONLY A FEW RULES ADDRESS REPORTING REQUIREMENTS. PART 5225.1350, WHICH REQUIRES REPORTING OF INCIDENTS INVOLVING EXTENSIVE DAMAGE OR DESTRUCTION OF A BOILER OR PRESSURE VESSEL OR PERSONAL INJURY, ADDS NEW REPORTING REQUIREMENTS. THE NEW REPORTING REQUIREMENT DOES NOT HAVE A TIME LIMIT IN WHICH TO REPORT THE INCIDENT. THE REPORT IS BEING REQUIRED FOR PUBLIC SAFETY SO THAT THE DEPARTMENT MAY PROVIDE ACCURATE INFORMATION TO OWNERS OF BOILERS AND PRESSURE VESSELS AS TO THE CAUSES OF, AND POSSIBLE REMEDIES FOR, SIGNIFICANT ACCIDENTS.

PARTS 5225.2600 AND 5225.3100 REQUIRE NOTIFICATION OF REPAIRS OR ALTERATIONS AND INSURANCE COVERAGE. THESE ARE MODIFICATIONS OF EXISTING REQUIREMENTS AND, IN MOST CASES, THE REPORTING WILL BE HANDLED BY AN INSURANCE COMPANY ON BEHALF OF THE OWNER WHICH WILL LESSEN THE IMPACT ON SMALL BUSINESSES.

2. LESS STRINGENT SCHEDULES AND DEADLINES. AS STATED ABOVE, THE REPORT OF PROPERTY DAMAGE AND/OR PERSONAL INJURY DOES NOT HAVE A SET TIME FRAME. THE REPORTING OF REPAIRS AND ALTERATIONS AND OF INSURANCE COVERAGE BOTH CONTAIN TIME LIMITS, BUT THE REPORTING IS NORMALLY DONE BY THE INSURANCE CARRIER ON BEHALF OF THE OWNER. THEREFORE, BOTH OF THESE AREAS WILL HAVE MINIMAL IMPACT ON SMALL BUSINESSES. OVERALL, THE PROPOSED MODIFICATIONS TO THESE RULES, AND THE EXISTING RULES THAT ARE NOT BEING MODIFIED, HAVE MINIMAL IMPACT ON REPORTING BY SMALL BUSINESSES.

3. CONSOLIDATION OR SIMPLIFICATION OF REPORTING REQUIREMENTS. AS STATED ABOVE, MOST OF THE REQUIREMENTS OF THESE RULES FOR MODIFIED, OR ADDITIONAL REPORTING WOULD BE DONE BY THE INSURER. THE ROLE OF THE SMALL BUSINESS OWNER WOULD BE TO ASSURE THAT THE REPORTING IS DONE BY THE INSURER. AS THE SUBJECT MATTER OF THESE REQUIREMENTS ARE NOT DIRECTLY RELATED, CONSOLIDATION WOULD NOT BE POSSIBLE. AS THE INSURERS HAVE SET REPORTING FORMATS FOR THE INFORMATION REQUESTED FROM THE MODIFIED RULE REQUIREMENTS, SIMPLIFICATION IS ALSO NOT PRACTICAL.

4. ESTABLISHMENT OF PERFORMANCE STANDARDS FOR SMALL BUSINESSES TO REPLACE DESIGN OR OPERATIONAL STANDARDS REQUIRED BY THESE RULES. THESE RULES ARE DESIGNED TO ASSURE THE SAFETY OF THOSE WORKING AROUND BOILERS OR PRESSURE VESSELS AND THE PUBLIC WHO MAY BE EXPOSED TO SUBSTANTIAL HAZARD IF THERE IS AN ACCIDENT. MODIFICATION OF THESE RULES TO LESSEN THEIR IMPACT WOULD COMPROMISE THE SAFE OPERATION OF BOILERS AND PRESSURE VESSELS. BECAUSE THESE ARE MINIMUM SAFETY STANDARDS, ANY ADDITIONAL EXPENDITURES REQUIRED BY THESE RULES ARE NECESSARY FOR THE SAFETY OF WORKERS AND THE PUBLIC. THESE RULES REFLECT EXISTING CODES AND DO NOT CREATE ANY ADDITIONAL REQUIREMENTS BEYOND CURRENT LEVELS.

5. EXEMPTION FOR SMALL BUSINESS. THE PURPOSE OF THESE RULES, AND THE PROPOSED MODIFICATIONS IS TO SET MINIMUM STANDARDS FOR SAFETY OF THE OPERATION OF BOILERS AND PRESSURE VESSELS. ACCIDENTS RELATED TO THESE OBJECTS MAY RESULT IN DEATH, SEVERE INJURY OR EXTENSIVE PROPERTY DAMAGE, THEREFORE AN EXEMPTION FOR SMALL BUSINESS IS NOT ADVISABLE.

FISCAL IMPACT ON LOCAL GOVERNMENTAL BODIES

IT HAS BEEN DETERMINED THAT NO FISCAL NOTE IS NEEDED FOR THESE RULES. NO SIGNIFICANT EXPENDITURES WILL BE REQUIRED BY GOVERNMENTAL BODIES AND THE ESTIMATED COST TO LOCAL PUBLIC BODIES WILL, THEREFORE, NOT EXCEED THE \$100,000 LIMIT IN EITHER OF THE NEXT TWO YEARS AS SET FORTH IN M.S. 14.11, ADDITIONALLY, A FISCAL NOTE NEED NOT BE PREPARED UNDER M.S. 3.983, SUBD. 2 BECAUSE THESE RULES DO NOT ESTABLISH ANY NEW PROGRAMS OR REQUIRE ANY INCREASED LEVELS OF SERVICE.

IMPACT ON AGRICULTURAL LAND

IT HAS BEEN DETERMINED THAT NO IMPACT STATEMENT REGARDING AGRICULTURAL LAND IS NEEDED FOR THESE RULES. NO SIGNIFICANT IMPACT ON AGRICULTURAL LAND IS CREATED BY THESE RULES.

STATEMENT OF NEED AND REASONABLENESS

5225.0010 SCOPE.

CLARIFIES THAT THESE RULES, FOR MATTERS OTHER THAN BOATS FOR HIRE, REFER TO BOILERS, BOILER APPURTENANCES AND PRESSURE VESSELS. PROVIDES INFORMATION REGARDING THE AVAILABILITY OF RELATED CODES.

THE CLARIFICATION AS TO SCOPE IS NEEDED AND REASONABLE TO AVOID CONFUSION REGARDING RELATED CODES AND TO PROVIDE INFORMATION REGARDING WHERE RELATED CODES MAY BE OBTAINED.

5225.0090 INCORPORATION BY REFERENCE.

BOTH M.S. 183.465 STANDARDS OF INSPECTION., AND M.S. 183.46 TESTS., ADOPT CODES AND FORMULAS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS. THIS PART IDENTIFIES THE PUBLICATION DATA OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODES AND WHERE THE CODES MAY BE REVIEWED LOCALLY.

M.S. 183.466 STANDARDS OF REPAIR. ADOPTS THE NATIONAL BOILER AND PRESSURE VESSEL INSPECTORS INSPECTION CODE AS THE RULES FOR REPAIR OF BOILERS AND PRESSURE VESSELS. THIS PART IDENTIFIES THE PUBLICATION DATA OF THE NATIONAL BOILER AND PRESSURE VESSEL INSPECTORS INSPECTION CODE AND WHERE THE CODE MAY BE REVIEWED LOCALLY.

THESE CHANGES ARE REASONABLE AND NEEDED TO ALLOW AGENCY CLIENTELE ACCESS TO RELEVANT ADOPTED CODES.

5225. 0100 APPLICATION FOR STEAM ENGINEER OR PILOT LICENSE.

NO CHANGE.

5225. 0200 LICENSE FEES.

PREVIOUSLY REPEALED.

5225. 0300 EXPIRATION AND RENEWALS.

NO CHANGE.

5225. 0400 BASIC LICENSE REQUIREMENT.

NO CHANGE.

5225.0500 EXAMINATIONS.

SUBPART 1.

CLARIFIES EXAMINATION PREPARATION AUTHORITY AND CLARIFIES PROCEDURES FOR ALLOWING BOILER LICENSE EXAMINATIONS TO BE GIVEN ORALLY.

THE CHANGE FOR EXAMINATION PREPARATION AUTHORITY IS NEEDED AND REASONABLE TO REFLECT THE WORKING TITLE OF THE POSITION RESPONSIBLE FOR EXAMINATION PREPARATION. THE CLARIFICATION OF STANDARDS FOR ORAL EXAMINATION ARE REASONABLE AND NEEDED TO ESTABLISH THE MAXIMUM CLASS OF LICENSE THAT AN APPLICANT WHO IS UNABLE TO WRITE MAY BE ALLOWED TO TAKE AN EXAMINATION. THE TECHNICAL REQUIREMENTS OF AN OPERATOR REQUIRE THE ABILITY TO READ PROCEDURES, SAFETY WARNINGS AND DOCUMENTATION LOGS. THE ABILITY TO READ AND WRITE IN JOBS INVOLVING THE OPERATION OF BOILERS REQUIRING LOWER CLASSES, SPECIAL AND SECOND CLASS, IS NOT AS CRITICAL AS FOR JOBS REQUIRING FIRST CLASS AND CHIEF CLASS LICENSES AS THESE JOBS ARE NORMALLY SUPERVISORY IN NATURE. APPROVAL FOR READING THE EXAMINATION FOR HIGHER CLASS LICENSES IS LIMITED TO THE CHIEF INSPECTOR FOR THESE REASONS.

SUBPART 2.

CLARIFIES LANGUAGE.

THE CLARIFYING LANGUAGE IS REASONABLE AND NEEDED TO PROVIDE FOR CONSISTENCY OF LANGUAGE WITH THE STYLE APPROVED BY THE OFFICE OF THE REVISOR.

SUBPART 3.

SETS TIME LIMITS FOR RE-EXAMINATION IN CASES WHERE THE APPLICANT FAILED THE EXAMINATION, ADDS TIME REQUIREMENTS FOR REEXAMINATION FOR HOBBY BOILER OPERATOR APPLICANTS AND CLARIFIES LANGUAGE.

THE CHANGES IN THE PERIOD REQUIRED FOR WAITING PRIOR TO REEXAMINATION IS REASONABLE AND NEEDED TO REDUCE THE WAITING PERIOD SO THAT APPLICANTS WILL NOT BE ADVERSELY AFFECTED BY FAILURE TO OBTAIN A PASSING GRADE, BUT STILL ALLOW A REQUIRED PERIOD FOR RE-STUDY BY THE APPLICANT. THE ADDITION OF A TIME PERIOD OF WAITING FOR REEXAMINATION BY AN APPLICANT FOR A HOBBY BOILER OPERATOR'S LICENSE IS REASONABLE AND NEEDED TO ALLOW FOR CONSISTENT TREATMENT OF ALL CLASSES OF BOILER OPERATOR. THE CLARIFYING LANGUAGE IS REASONABLE AND NEEDED TO PROVIDE FOR CONSISTENCY OF LANGUAGE WITH THE STYLE APPROVED BY THE OFFICE OF THE REVISOR.

5225.0550 SUBPARTS 1 THROUGH 7: DOCUMENTATION OF EXPERIENCE REQUIREMENTS FOR LICENSURE AS A BOILER OPERATOR.

THESE ARE NEW SUBPARTS THAT SET STANDARDS FOR THE SUPPORTING DOCUMENTATION FOR WORK EXPERIENCE REQUIRED FOR APPLICATION FOR LICENSURE AS A BOILER OPERATOR. THESE SUBPARTS SET COMPARABILITY STANDARDS FOR PREVIOUS EXPERIENCE, WHETHER WITHIN THE STATE OF MINNESOTA, IN OTHER JURISDICTIONS OR IN THE MILITARY. THESE SUBPARTS REQUIRE THAT ALL APPLICANTS COMPLY WITH THE REQUIREMENTS OF M.S. 183.375ff, BOILER AND PRESSURE VESSEL LAWS, AND THE REQUIREMENTS OF MINNESOTA RULES CHAPTER 5225, BOILER AND PRESSURE VESSEL RULES.

SUBPART 1. COMPLIANCE REQUIREMENTS.

REQUIRES THAT APPLICANTS FOR BOILER OPERATOR LICENSURE COMPLY WITH ALL APPROPRIATE STATUTES AND MINNESOTA RULES CHAPTER 5225 AND REQUIRES THAT APPLICANTS MUST SHOW PROOF OF COMPLIANCE WITH LICENSURE REQUIREMENTS OF THE JURISDICTION WHERE THEY WERE EMPLOYED WHERE THE EXPERIENCE REQUIRED FOR LICENSURE UNDER M.S. 183.51 WAS OBTAINED.

THESE REQUIREMENTS ARE NEEDED AND REASONABLE TO ASSURE THAT THE APPLICANTS ARE NOT IN VIOLATION OF STATUTE OR RULE AND THAT THE EXPERIENCE OBTAINED WAS IN COMPLIANCE WITH APPROPRIATE LICENSURE LAWS. FOR EXAMPLE, A PERSON WHO OPERATED A BOILER IN MINNESOTA WITHOUT A LICENSE WOULD BE IN VIOLATION OF M.S. 183.501. THIS PROVISION WOULD ASSURE THAT A PERSON WHO OBTAINED EXPERIENCE IN CONFLICT WITH THE LAW WOULD NOT BE ABLE TO APPLY FOR A LICENSE AFTER BEING IN VIOLATION OF THE LAW. THE LANGUAGE OF THE PROPOSED CHANGE WOULD REQUIRE COMPLIANCE WITH THE LICENSURE REQUIREMENTS OF OTHER JURISDICTIONS THAT MAY ALSO REQUIRE LICENSURE. PRESENTATION OF A COPY OF A VALID LICENSE FROM THE APPROPRIATE JURISDICTION WOULD BE PROOF OF COMPLIANCE WITH THE JURISDICTION'S LICENSURE REQUIREMENT.

SUBPART 2. SPECIAL CLASS REQUIREMENTS.

DEFINES PREVIOUS EXPERIENCE REQUIREMENTS AND DOCUMENTATION REQUIREMENTS.

THESE DEFINITIONS ARE NEEDED AND REASONABLE TO PROVIDE A CLEAR STATEMENT OF THE REQUIREMENTS FOR LICENSURE AS A SPECIAL CLASS BOILER OPERATOR. AS THIS CLASS IS AN ENTRY LEVEL POSITION, M.S. 183.52 DOES NOT REQUIRE ANY PREVIOUS EXPERIENCE. THIS IS NOTED IN THE PROPOSED RULE. AS NO PREVIOUS EXPERIENCE IS REQUIRED, THE PROPOSED RULE DOES NOT REQUIRE PRESENTATION OF AN AFFIDAVIT SUPPORTING PREVIOUS OPERATING EXPERIENCE.

SUBPART 3. SECOND CLASS REQUIREMENTS.

DEFINES PREVIOUS EXPERIENCE REQUIREMENTS AND DOCUMENTATION REQUIREMENTS.

THESE DEFINITIONS ARE NEEDED AND REASONABLE TO PROVIDE A CLEAR STATEMENT OF THE REQUIREMENTS FOR LICENSURE AS A SECOND CLASS BOILER OPERATOR. AS THIS CLASS IS AN ADVANCED LEVEL POSITION M.S. 183.52 REQUIRES PREVIOUS EXPERIENCE. THIS IS NOTED IN THE PROPOSED RULE. AS PREVIOUS EXPERIENCE IS REQUIRED, THE PROPOSED RULE REQUIRES PRESENTATION OF AN AFFIDAVIT SUPPORTING PREVIOUS OPERATING EXPERIENCE. EXAMPLES OF ACCEPTABLE FORMS OF PREVIOUS EXPERIENCE ARE PRESENTED IDENTIFYING MINNESOTA LICENSURE EXPERIENCE, MILITARY EXPERIENCE AND EXPERIENCE OBTAINED FROM OTHER JURISDICTIONS. PREVIOUSLY, IT WAS NOT CLEAR HOW EXPERIENCE OBTAINED FROM THE MILITARY, OR IN OTHER JURISDICTIONS, COULD BE USED TO SUPPORT AN APPLICATION FOR LICENSURE IN MINNESOTA. TO ASSURE FAIRNESS AND EQUITY, AND TO MAINTAIN THE HIGH LEVEL OF QUALITY OF OPERATORS IN MINNESOTA, EXTENSIVE RESEARCH WAS CONDUCTED BY THE BOILER INSPECTION DIVISION; BY STAFF WITH APPROPRIATE QUALIFICATIONS AND EXPERIENCE. THIS WAS DONE BY REVIEWING AND ANALYZING POSITION DESCRIPTIONS, JOB SPECIFICATIONS AND WORK ASSIGNMENTS FOR THE DIFFERENT TYPES OF JOBS SPECIFIED; AND BY IDENTIFYING WHAT TYPES OF EXPERIENCE WOULD BE SIMILAR TO THE TYPES OF EXPERIENCE THAT WOULD BE OBTAINED BY OPERATORS OF BOILERS AT THE SPECIAL AND CLASS LEVELS IN MINNESOTA. THOSE INVOLVED IN THE WORK TO ESTABLISH COMPARABILITY WERE ALL PERSONNEL WITH EXTENSIVE MARINE, NUCLEAR AND STATIONARY BOILER EXPERIENCE.

SUBPART 4. FIRST CLASS REQUIREMENTS.

DEFINES PREVIOUS EXPERIENCE REQUIREMENTS AND DOCUMENTATION REQUIREMENTS.

THESE DEFINITIONS ARE NEEDED AND REASONABLE TO PROVIDE A CLEAR STATEMENT OF THE REQUIREMENTS FOR LICENSURE AS A FIRST CLASS BOILER OPERATOR. AS THIS CLASS IS AN ADVANCED LEVEL POSITION, M.S. 183.52 REQUIRES PREVIOUS EXPERIENCE. THIS IS NOTED IN THE PROPOSED RULE. AS PREVIOUS EXPERIENCE IS REQUIRED, THE PROPOSED RULE REQUIRES PRESENTATION OF AN AFFIDAVIT SUPPORTING PREVIOUS OPERATING EXPERIENCE. EXAMPLES OF ACCEPTABLE FORMS OF PREVIOUS EXPERIENCE ARE PRESENTED IDENTIFYING MINNESOTA LICENSURE EXPERIENCE, MILITARY EXPERIENCE AND/OR EXPERIENCE OBTAINED FROM OTHER JURISDICTIONS. PREVIOUSLY, IT WAS NOT CLEAR HOW EXPERIENCE OBTAINED FROM THE MILITARY, OR IN OTHER JURISDICTIONS, COULD BE USED TO SUPPORT AN APPLICATION FOR LICENSURE IN MINNESOTA. TO ASSURE FAIRNESS AND EQUITY, AND TO MAINTAIN THE HIGH LEVEL OF QUALITY OF OPERATORS IN MINNESOTA, EXTENSIVE RESEARCH WAS CONDUCTED BY THE BOILER INSPECTION DIVISION; BY STAFF WITH THE QUALIFICATIONS AND EXPERIENCE TO REVIEW AND ANALYZE POSITION DESCRIPTIONS, JOB SPECIFICATIONS AND WORK ASSIGNMENTS FOR THE DIFFERENT TYPES OF JOBS SPECIFIED; TO IDENTIFY WHAT TYPES OF EXPERIENCE WOULD BE SIMILAR TO THE TYPES OF EXPERIENCE THAT WOULD BE OBTAINED BY OPERATORS OF BOILERS AT THE SPECIAL, SECOND AND FIRST CLASS LEVELS IN MINNESOTA.

SUBPART 5. CHIEF CLASS REQUIREMENTS.

DEFINES PREVIOUS EXPERIENCE REQUIREMENTS AND DOCUMENTATION REQUIREMENTS.

THESE DEFINITIONS ARE NEEDED AND REASONABLE TO PROVIDE A CLEAR STATEMENT OF THE REQUIREMENTS FOR LICENSURE AS A CHIEF CLASS BOILER OPERATOR. AS THIS CLASS IS THE HIGHEST LEVEL POSITION AS A BOILER OPERATOR, M.S. 183.52 REQUIRES PREVIOUS EXPERIENCE. THIS IS NOTED IN THE PROPOSED RULE. AS PREVIOUS EXPERIENCE IS REQUIRED, THE PROPOSED RULE REQUIRES PRESENTATION OF AN AFFIDAVIT SUPPORTING PREVIOUS OPERATING EXPERIENCE. EXAMPLES OF ACCEPTABLE FORMS OF PREVIOUS EXPERIENCE ARE PRESENTED IDENTIFYING MINNESOTA LICENSURE EXPERIENCE, MILITARY EXPERIENCE AND/OR EXPERIENCE OBTAINED FROM OTHER JURISDICTIONS. PREVIOUSLY, IT WAS NOT CLEAR HOW EXPERIENCE OBTAINED FROM THE MILITARY, OR IN OTHER JURISDICTIONS, COULD BE USED TO SUPPORT AN APPLICATION FOR LICENSURE IN MINNESOTA. TO ASSURE FAIRNESS AND EQUITY, AND TO MAINTAIN THE HIGH LEVEL OF QUALITY OF OPERATORS IN MINNESOTA, EXTENSIVE RESEARCH WAS CONDUCTED BY THE BOILER INSPECTION DIVISION; BY STAFF WITH THE QUALIFICATIONS AND EXPERIENCE TO REVIEW AND ANALYZE POSITION DESCRIPTIONS, JOB SPECIFICATIONS AND WORK ASSIGNMENTS FOR THE DIFFERENT TYPES OF JOBS SPECIFIED; TO IDENTIFY WHAT TYPES OF EXPERIENCE WOULD BE SIMILAR TO THE TYPES OF EXPERIENCE THAT WOULD BE OBTAINED BY OPERATORS OF BOILERS AT THE SPECIAL, SECOND, FIRST, AND CHIEF CLASS LEVELS IN MINNESOTA.

SUBPART 6. REQUIREMENTS FOR GRADE A LICENSURE.

THE REQUIREMENTS FOR LICENSURE FOR THE "A" GRADE LICENSE FOR SECOND, FIRST AND CHIEF CLASS BOILER OPERATORS ARE DEFINED.

THESE CHANGES ARE NEEDED AND REASONABLE TO ASSURE THAT ALL APPLICANTS FOR LICENSURE HAVE THEIR EXPERIENCE EVALUATED IN A CONSISTENT MANNER AND THAT NO UNDUE EMPHASIS IS PLACED ON EXPERIENCE OBTAINED FROM ONE SOURCE OVER ANOTHER. THE CHANGES ALSO SET UNIFORM STANDARDS SO THAT EACH INSPECTOR WILL BE EVALUATING APPLICANTS ON THE SAME BASIS.

THE CHANGES FOR THE "A" GRADE ARE NEEDED AND REASONABLE TO CLARIFY CURRENT PRACTICE THAT APPLICANTS FOR "A" GRADE LICENSURE MUST HAVE BOILER OPERATING EXPERIENCE, IN ADDITION TO STEAM ENGINE OR TURBINE EXPERIENCE. THE STATUTORY LANGUAGE WAS CLARIFIED IN THE 1988 LEGISLATIVE SESSION TO REFLECT DEPARTMENTAL PROCEDURES WHICH EMPHASIZED THE NEED FOR DOCUMENTED BOILER OPERATING EXPERIENCE AS THE LICENSEE MAY USE THE LICENSE AS "PROOF" OF THEIR CAPABILITY TO OPERATE LARGE, HIGH PRESSURE BOILERS; AS WELL AS STEAM ENGINES AND TURBINES.

5225.0550 SUBPART 7. DOCUMENTATION OF EXPERIENCE FOR LICENSURE AS A PILOT.

SETS UNIFORM STANDARDS FOR APPLICANTS FOR LICENSURE AS A PILOT OF A BOAT FOR HIRE IN WATERS UNDER THE DIRECT JURISDICTION OF THE COAST GUARD.

THESE CHANGES ARE NEEDED AND REASONABLE AS NO SET STANDARD FOR LICENSURE APPLICATION AS A PILOT HAS BEEN ESTABLISHED BY STATUTE OR RULE. THE STANDARDS ARE REASONABLE AS THEY REQUIRE EXPERIENCE ON THE SIZE OF BOAT AND MOTOR MINIMALLY USED FOR HIRE IN MINNESOTA (SOURCE: CODE ENFORCEMENT DIVISION, DEPARTMENT OF LABOR AND INDUSTRY BOAT INSPECTION RECORDS). AS THE COAST GUARD REQUIREMENTS FOR LICENSURE AS A PILOT OF A BOAT FOR HIRE ARE MORE EXTENSIVE THAN THE MINNESOTA REQUIREMENTS, THE ACCEPTANCE OF A COAST GUARD PILOT'S LICENSE AS DOCUMENTATION OF EXPERIENCE IS REASONABLE.

5225.0550 SUBPART 8. DOCUMENTATION OF EXPERIENCE FOR LICENSURE AS A STEAM TRACTION ENGINE OPERATOR.

SETS UNIFORM STANDARDS FOR APPLICANTS FOR LICENSURE AS AN OPERATOR OF A STEAM TRACTION ENGINE.

THESE CHANGES ARE NEEDED AND REASONABLE AS A STANDARD FOR LICENSURE APPLICATION AS AN OPERATOR OF A STEAM TRACTION ENGINE WAS ESTABLISHED BY STATUTE DURING THE 1988 LEGISLATIVE SESSION. THE STANDARDS ARE REASONABLE AS THEY REQUIRE EXPERIENCE ON THE TYPE OF EQUIPMENT COVERED BY THE LICENSE, OR SIMILAR EXPERIENCE ON A LARGE COMMERCIAL BOILER.

SUBPART 9. OTHER ACCEPTABLE SUPPORTING DOCUMENTATION.

CLARIFIES WHAT OTHER DOCUMENTS MAY BE USED TO SUPPORT LICENSURE AS A BOILER OPERATOR UNDER M.S. 183.52.

THESE ADDITIONS ARE NEEDED AND REASONABLE TO CLARIFY WHAT FORMS OF DOCUMENTATION MAY USED TO SUPPORT AN APPLICATION FOR LICENSURE. IN MANY CASES, TRADITIONAL FORMS OF DOCUMENTATION MAY NOT BE AVAILABLE: FOR EXAMPLE, A BUSINESS MAY HAVE GONE OUT OF BUSINESS AND THE APPLICANT MAY NOT BE ABLE TO OBTAIN AN AFFIDAVIT FROM THE PERSON IN CHARGE OF THE BOILER. A COMBINATION OF OTHER CLARIFYING DOCUMENTS MAY ASSIST IN SUPPORTING THE APPLICANT'S APPLICATION.

5225.0550 SUBPART 10. YEAR DEFINED.

ESTABLISHES A STANDARD DEFINITION OF A YEAR FOR DETERMINATION OF EXPERIENCE.

THIS CHANGE IS NEEDED AND REASONABLE TO PROVIDE A CONVENIENT BENCH MARK FOR DEFINITION OF A YEAR. BOILER OPERATING EXPERIENCE IS BASED ON THE NUMBER OF YEARS EXPERIENCE AN APPLICANT HAS FOR DETERMINATION OF THE CLASS OF LICENSE TO BE ALLOWED. THE WORD IS NOT EXPLICITLY DEFINED. THE WORKING DEFINITION HAS BEEN THE STATE STANDARD FOR EMPLOYEE CONTRACTS. FOR CONVENIENCE, AND SIMPLICITY OF CALCULATION, THE WORD YEAR IS TO BE DEFINED AS 2,000 HOURS.

5225.0600 PROHIBITION AGAINST FALSE STATEMENTS IN APPLICATION.

ELIMINATES THE WORD "DELIBERATE", CLARIFIES THAT MATERIALLY FALSE STATEMENTS MAY BE THE BASIS FOR SUSPENSION OR REVOCATION OF THE LICENSE AND CLARIFIES LANGUAGE.

THE ELIMINATION OF THE WORD "DELIBERATE" IS REASONABLE AND NEEDED TO ELIMINATE THE NEED TO ESTABLISH MALICIOUS INTENT TO DECEIVE IN THE APPLICATION. THE ADDITION OF THE PHRASE "MATERIALLY FALSE" IS TO STRESS THAT ERRORS IN AN AFFIDAVIT OR APPLICATION THAT WOULD AFFECT THE JUDGEMENT OF THE REVIEWING PERSON IN DETERMINING WHETHER THE APPLICANT IS QUALIFIED FOR LICENSURE MAY BE THE BASIS FOR REVOCATION OR SUSPENSION OF THE LICENSE AND TO ELIMINATE THE POSSIBILITY OF DISCIPLINARY PROCEEDINGS BEING INITIATED FOR MINOR ERRORS IN THE APPLICATION OR AFFIDAVIT THAT WOULD NOT AFFECT THE EVALUATION OF THE APPLICANT'S QUALIFICATIONS. PART 5225.0880 ESTABLISHES DUE PROCESS RIGHTS FOR ADVERSELY AFFECTED LICENSE HOLDERS CONSISTENT WITH THE REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT. THE LANGUAGE CLARIFICATION IS REASONABLE AND NEEDED TO ELIMINATE ARCHAIC LANGUAGE.

5225.0700 LOSS OR DESTRUCTION OF LICENSE.

REQUIRES THAT A LOST LICENSE BE REPLACED AND REPEALS LANGUAGE SUPERSEDED BY PART 5225.8600 AS AMENDED DECEMBER, 1987.

THE CHANGES ARE NEEDED AND REASONABLE TO ELIMINATE DISCRETIONARY AUTHORITY TO REPLACE A LOST LICENSE. THE BOILER INSPECTION DIVISION IS REQUIRED BY M.S. 183.545 SUBD. 3 TO CHARGE FEES FOR ALL SERVICES. A FEE FOR REPLACEMENT OF A LICENSE WAS PREVIOUSLY INCLUDED IN RULES SETTING FEES FOR LICENSES WHICH WERE EFFECTIVE DECEMBER 7, 1988. THIS CHANGE CLARIFIES THE INTENT OF THE APPROVED RULE TO HAVE A FEE FOR REPLACEMENT OF A LICENSE PREVIOUSLY PROMULGATED. .

5225.0800 COMPLAINTS ABOUT LICENSE HOLDERS.

SEE REPEALER.

THIS REPEALER IS NEEDED AND REASONABLE AS THIS PART HAS BEEN SUPERSEDED BY PROPOSED PART 5225.0880 WHICH HAS BEEN DRAFTED TO REFLECT THE REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT. THIS PART WAS INCOMPLETE AND NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT.

5225.0880 DISCIPLINARY PROCEDURES.

SUBPART 1. LICENSE REVOCATION SUSPENSIONS.

STATES WHICH ACTIONS MAY ALLOW THE COMMISSIONER TO SUSPEND OR REVOKE A BOILER OPERATOR'S LICENSE, ISSUE A CEASE AND DESIST ORDER, SEAL THE BOILER OR PRESSURE VESSEL OR INITIATE AN ACTION TO SEEK A RESTRAINING ORDER.

THIS IS NEEDED AND REASONABLE TO IDENTIFY SPECIFIC PROHIBITED ACTS WHICH ARE VIOLATIONS OF LAW OR RULE.

SUBPART 2. COMPLAINTS.

REQUIRES ALL COMPLAINTS TO BE IN WRITING AND FILED ON FORMS PRESCRIBED BY THE COMMISSIONER. REQUIRES A NOTICE OF UNSAFE OBJECTS TO BE PREPARED BY INSPECTORS OF THE DEPARTMENT OF LABOR AND INDUSTRY AND COMPLETED ON FORMS PRESCRIBED BY THE COMMISSIONER.

THE WRITTEN FORM FOR A COMPLAINT IS NEEDED AND REASONABLE TO ESTABLISH A FAIR AND CONSISTENT FORMAT FOR COMPLAINTS WHICH MAY LEAD TO POSSIBLE DISCIPLINARY ACTION. THE REQUIREMENT THAT NOTICES OF UNSAFE OBJECT BE PREPARED BY AN INSPECTOR OF THE DEPARTMENT OF LABOR AND INDUSTRY IS NEEDED AND REASONABLE TO ASSURE THAT ONLY DEPARTMENT OF LABOR AND INDUSTRY PERSONNEL, AS THE APPROPRIATE JURISDICTIONAL AUTHORITY, PREPARE NOTICES OF UNSAFE OBJECT. A NOTICE OF UNSAFE OBJECT PROHIBITS THE OBJECT FROM BEING USED AND ACCORDINGLY, THE USE OF THE FORM SHOULD BE LIMITED TO DEPARTMENTAL STAFF.

REQUIRES THE CHIEF BOILER INSPECTOR TO DIRECT INQUIRY OR INVESTIGATION REGARDING THE COMPLAINT AND TO REPORT TO THE COMMISSIONER IF FURTHER ACTION IS NECESSARY. REQUIRES THE COMMISSIONER TO PROVIDE NOTICE TO AN ALLEGED VIOLATOR OF THE NATURE OF THE ALLEGED VIOLATION, THE PROPOSED ACTION TO BE TAKEN AND THE OPPORTUNITY FOR DUE PROCESS PROCEEDINGS.

THE CLARIFICATION OF THE CHIEF INSPECTOR'S ROLE IS NEEDED AND REASONABLE TO CLARIFY WHO HAS THE AUTHORITY TO COMMENCE INQUIRY OR INVESTIGATION INTO A COMPLAINT. THE NOTIFICATION TO THE ALLEGED VIOLATOR BY THE COMMISSIONER IS NEEDED AND REASONABLE TO ASSURE THAT THE ALLEGED VIOLATOR IS INFORMED OF THE ALLEGED CHARGES AND THEIR DUE PROCESS RIGHTS.

SUBPART 3. SHOW CAUSE CONFERENCE.

ESTABLISHES AN INFORMAL CONFERENCE FOR THE ALLEGED VIOLATOR TO SHOW CAUSE WHY THE PROPOSED DISCIPLINARY ACTION SHOULD NOT BE IMPOSED PRIOR TO TAKING THE CASE TO A CONTESTED CASE PROCEEDING WHERE THE CHARGED PARTY MAY REQUIRE LEGAL COUNSEL.

THIS IS NEEDED AND REASONABLE TO ALLOW THE CHARGED PARTY AN INFORMAL FORUM TO DISCUSS THE ALLEGED VIOLATION AND TO SEE IF AN INFORMAL RESOLUTION CAN BE MADE WITHOUT THE NEED TO PURSUE MORE FORMAL ACTION.

SETS A PERIOD OF TIME FOR THE ALLEGED VIOLATOR TO REQUEST A SHOW CAUSE CONFERENCE AND ALLOWS THE COMMISSIONER TO TAKE THE PROPOSED ACTION IF THE INFORMAL CONFERENCE IS NOT REQUESTED.

THIS IS NEEDED AND REASONABLE TO PROVIDE A REASONABLE TIME FOR THE CHARGED PARTY TO REQUEST THE SHOW CAUSE CONFERENCE AND A CLEAR TIME FRAME FOR THE COMMISSIONER TO PURSUE THE PROPOSED ACTION IF THE CHARGED PARTY DOES NOT REQUEST THE SHOW CAUSE CONFERENCE.

SETS TIME LIMIT FOR SCHEDULING OF SHOW CAUSE CONFERENCE AND SERVICE OF FINDINGS AND ORDER BY THE COMMISSIONER.

THIS IS NEEDED AND REASONABLE TO ASSURE A TIMELY OPPORTUNITY FOR THE CHARGED PARTY TO MEET INFORMALLY WITH REPRESENTATIVES OF THE AGENCY, AND FOR A DECISION TO BE REACHED AND ISSUED IN A EXPEDITIOUS TIME FRAME.

REQUIRES NOTICE TO THE CHARGED PARTY OF THE RIGHT TO SEEK A CONTESTED CASE PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE UNDER THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT AND STAYS THE COMMISSIONER'S FINDINGS AND ORDER IF A CONTESTED CASE PROCEEDING IS REQUESTED.

THIS IS NEEDED AND REASONABLE TO ASSURE THAT THE CHARGED PARTY IS PROPERLY NOTIFIED OF THE RIGHT TO PURSUE A CONTESTED CASE PROCEEDING. STAYING THE ORDER, PENDING THE CONTESTED CASE PROCEEDING, IS NEEDED AND REASONABLE TO ASSURE THAT THERE IS MINIMAL IMPACT ON THE CHARGED PARTY WHILE THE CONTESTED CASE PROCEEDING IS BEING SCHEDULED, HELD AND AN ORDER IS PENDING.

SUBPART 4. UNSAFE OBJECTS; ADMINISTRATIVE CONFERENCE.

PROVIDES FOR A NOTICE OF UNSAFE OBJECT TO BE PLACED ON A BOILER OR PRESSURE VESSEL WHERE CONTINUED USE OF THE OBJECT PRESENTS A CLEAR AND PRESENT DANGER TO PROPERTY OR LIFE; REQUIRES THAT THE NOTICE STATE THAT THE OBJECT MAY NOT BE USED UNTIL THE DEFICIENCY IS CORRECTED OR THE COMMISSIONER OR THE INSPECTOR REMOVES THE NOTICE OF UNSAFE OBJECT; PROVIDES FOR A NOTICE OF UNSAFE OBJECT BE PLACED ON A BOILER WHERE THE USE OF AN UNLICENSED OR IMPROPERLY LICENSED OPERATOR CREATES A CLEAR AND PRESENT DANGER TO LIFE OR PROPERTY, AND REQUIRES THAT THE NOTICE STATE THAT THE BOILER MAY NOT BE OPERATED UNTIL A PROPERLY LICENSED OPERATOR IS ON DUTY.

PROVIDES THE OPPORTUNITY FOR THE OWNER OF A BOILER OR PRESSURE VESSEL TAGGED WITH A NOTICE OF UNSAFE OBJECT TO INFORMALLY DISCUSS THE CHARGE WITH THE DEPARTMENT, SETS A TIME LIMIT FOR REQUESTING THE SHOW CAUSE CONFERENCE AND PROVIDES THAT THE COMMISSIONER MAY ORDER THE OBJECT REMAIN SEALED IF A REQUEST FOR AN INFORMAL SHOW CAUSE CONFERENCE IS NOT REQUESTED IN A TIMELY MANNER.

THIS IS NEEDED AND REASONABLE TO ALLOW THE OWNER OF THE OBJECT THE OPPORTUNITY TO DISCUSS THE ALLEGED VIOLATION IN AN EXPEDITIOUS MANNER; THE THREE DAY REQUEST PERIOD FOR THE CONFERENCE IS SET FOR A VERY SHORT PERIOD OF TIME TO MINIMIZE ANY FINANCIAL LOSS CAUSED BY THE OBJECT BEING REMOVED FROM SERVICE; THE ALLOWANCE FOR THE REQUEST FOR THE CONFERENCE TO BE MADE IN WRITING, BY PHONE OR IN PERSON PROVIDES FOR EASE TO THE OWNER TO REQUEST THE CONFERENCE; AND THE OPPORTUNITY FOR THE COMMISSIONER TO ISSUE AN ORDER TO CAUSE THE OBJECT TO REMAIN SEALED IS NEEDED AND REASONABLE TO PROVIDE A REVIEW OF THE NECESSITY FOR A SECOND REVIEW OF THE NOTICE OF UNSAFE OBJECT.

SETS A TIME LIMIT FOR SCHEDULING THE SHOW CAUSE CONFERENCE, REQUIRES A VERBAL ORDER UPON COMPLETION OF THE CONFERENCE, AND SETS A TIME LIMIT FOR THE ISSUANCE OF A WRITTEN ORDER AFTER THE CONFERENCE.

THE SHORT TIME PERIOD FOR SCHEDULING THE CONFERENCE IS NEEDED AND REASONABLE TO MINIMIZE THE FINANCIAL IMPACT ON THE OWNER WHO MAY HAVE PRODUCTION LIMITED DUE TO THE OBJECT BEING OUT OF SERVICE. THE REQUIREMENT FOR A VERBAL ORDER UPON COMPLETION AND THE SHORT PERIOD FOR THE WRITTEN ORDER ARE FOR THE SAME PURPOSE.

REQUIRES NOTICE TO THE CHARGED PARTY OF THE RIGHT TO SEEK A CONTESTED CASE PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE UNDER THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT AND STAYS THE COMMISSIONER'S FINDINGS AND ORDER IF A CONTESTED CASE PROCEEDING IS REQUESTED.

THIS IS NEEDED AND REASONABLE TO ASSURE THAT THE CHARGED PARTY IS PROPERLY NOTIFIED OF THE RIGHT TO PURSUE A CONTESTED CASE PROCEEDING. THE REQUIREMENT THAT THE ORDER NOT BE STAYED PENDING THE CONTESTED CASE PROCEEDING IS NEEDED AND REASONABLE TO ASSURE THAT THE UNSAFE OBJECT, OR FAILURE TO EMPLOY PROPERLY QUALIFIED OPERATORS DOES NOT CREATE A SAFETY HAZARD WHILE THE CONTESTED CASE PROCEEDING IS BEING SCHEDULED, HELD AND AN ORDER IS PENDING.

SUBPART 5. MATERIALLY FALSE STATEMENT; MEET AND CONFER CONFERENCE.

PROVIDES THE OPPORTUNITY FOR A PERSON CHARGED WITH A MATERIALLY FALSE APPLICATION OR AFFIDAVIT FOR LICENSURE AS A BOILER OPERATOR WITH THE OPPORTUNITY FOR AN INFORMAL MEET AND CONFER SESSION, SETS TIME LIMITS FOR THE REQUEST FOR A MEET AND CONFER SESSION, AND SETS TIME LIMITS IN WHICH THE SESSION MUST BE SCHEDULED.

THIS IS NEEDED AND REASONABLE TO PROVIDE A NON-ADVERSARIAL OPPORTUNITY FOR THE CHARGED PERSON TO MEET WITH THE DEPARTMENT AND CLARIFY THE INFORMATION ON THE APPLICATION OR AFFIDAVIT AND TO SET REASONABLE TIME LIMITS FOR THE SESSION TO BE REQUESTED AND THE SESSION TO BE SCHEDULED SO THAT THE RIGHTS OF THE CHARGED PERSON ARE NOT DAMAGED PENDING THE OUTCOME OF THE INFORMAL SESSION.

PROVIDES FOR THE COMMISSIONER TO INITIATE A CONTESTED CASE PROCEEDING IF THE CHARGED PERSON DOES NOT REQUEST A PROCEEDING UNDER THE ADMINISTRATIVE PROCEDURES ACT OR IF NO ACCEPTABLE RESOLUTION CAN BE REACHED AT THE INFORMAL MEET AND CONFER SESSION.

THIS IS NEEDED AND REASONABLE TO ASSURE THAT THE RIGHT OF THE CHARGED PARTY TO A CONTESTED CASE PROCEEDING IS MAINTAINED.

SUBPART 6. MANNER OF CONFERENCE.

REQUIRES THAT SHOW CAUSE CONFERENCES AND MEET AND CONFER SESSIONS BE HELD IN AN INFORMAL MANNER; CLARIFIES THAT NO TRANSCRIPT WILL BE MADE, BUT SPECIFIES THAT THE SESSION MAY BE RECORDED; STATES THAT PARTIES MAY BE REPRESENTED BY COUNSEL OR ACCOMPANIED BY ANOTHER PERSON; AND ALLOWS PARTIES TO PRODUCE WITNESSES AND SUPPORTING DOCUMENTS AS PART OF THE CONFERENCE OR SESSION.

THESE CHANGES ARE NEEDED AND REASONABLE TO CLARIFY THAT THE CONFERENCES ARE INFORMAL, BUT THAT THE PARTIES MAY BE REPRESENTED OR ASSISTED IN THEIR CASE AND THAT THEY WILL BE ALLOWED TO PRODUCE SUPPORTING WITNESSES AND DOCUMENTS.

SUBPART 7. CONTESTED CASE HEARING.

PROVIDES FOR CHARGED PARTIES WHO DISAGREE WITH AN ORDER OF THE COMMISSIONER TO SEEK A CONTESTED CASE PROCEEDING, SETS TIME LIMITS FOR THE REQUEST FOR A CONTESTED CASE PROCEEDING, REQUIRES THE COMMISSIONER TO SERVE AND FILE A FINAL ORDER UPON RECEIPT OF THE ADMINISTRATIVE LAW JUDGE'S FINDINGS OF FACT AND RECOMMENDATIONS AND SPECIFIES THAT THE ORDER OF THE COMMISSIONER SHALL BE THE ORDER OF THE COMMISSIONER IN A CONTESTED CASE.

THESE CHANGES ARE NEEDED AND REASONABLE TO ALLOW THE CHARGED PARTY THE OPPORTUNITY FOR A CONTESTED CASE PROCEEDING, TO SET A REASONABLE TIME LIMIT FOR THE CHARGED PARTY TO REQUEST THE CONTESTED CASE PROCEEDING SO THAT THE MATTER IS NOT PUT INTO SUSPENSION FOR UNDUE PERIODS, AND TO REQUIRE A DECISION AND ORDER OF THE COMMISSIONER.

SUBPART 8. INJUNCTIVE RELIEF.

PROVIDES THAT THE COMMISSIONER MAY DISCONTINUE ADMINISTRATIVE PROCEEDINGS AND INITIATE AN ACTION IN DISTRICT COURT FOR INJUNCTIVE RELIEF AND PROVIDES THAT A NOTICE OF UNSAFE OBJECT SHALL REMAIN IN EFFECT UNTIL A DISTRICT COURT JUDGE ORDERS OTHERWISE.

THESE CHANGES ARE NEEDED AND REASONABLE TO ALLOW THE COMMISSIONER THE AUTHORITY TO SEEK AN INJUNCTION IN DISTRICT COURT AS PROVIDED FOR IN M.S. 183.501 AND THESE RULES, AND TO REQUIRE THAT UNSAFE OBJECTS NOT BE PLACED INTO SERVICE OR UNAUTHORIZED PERSONNEL NOT OPERATE BOILERS UNTIL THE NOTICE OF UNSAFE OBJECT IS ORDERED REMOVED BY THE DISTRICT COURT JUDGE.

5225.0900 DISPLAY OF LICENSE.

CLARIFIES LANGUAGE AND SETS STANDARDS FOR DISPLAY OF LICENSE BY CONTRACT OPERATORS.

THESE CHANGES ARE NEEDED AND REASONABLE TO CONFORM TO THE STYLE APPROVED BY THE OFFICE OF THE REVISOR AND TO ASSURE THAT A OPERATOR'S LICENSE IS POSTED IN EACH SITE COVERED BY A CONTRACT OPERATOR TO ASSURE THAT A PROPERLY LICENSED OPERATOR IS IN CHARGE.

5225. 1000 BOILER HORSEPOWER RATING.

CLARIFIES LANGUAGE, ELIMINATES LANGUAGE THAT IS DIRECTLY SET OUT IN STATUTE, CLARIFIES REQUIREMENTS FOR BOILER INSPECTORS TO CHECK FOR PROPERLY POSTED LICENSES AND CLARIFIES LICENSURE REQUIREMENTS.

THESE CHANGES ARE NEEDED AND REASONABLE TO CLARIFY HOW BOILER HORSEPOWER RATINGS ARE TO BE MADE, TO ELIMINATE INCOMPLETE LANGUAGE PROPERLY SET OUT IN M.S. 183.51 SUBD. 15 RATING HORSEPOWER, AND TO CLARIFY REPORTING REQUIREMENTS FOR BOILER INSPECTORS TO REPORT SITUATIONS WHERE IT APPEARS THAT THERE IS NO PROPERLY LICENSED OPERATOR. TEN KILOWATTS WAS EQUATED TO ONE BOILER HORSEPOWER FOR CONVENIENCE OF ESTABLISHING A METHOD FOR DETERMINING THE LEVEL OF LICENSE REQUIRED FOR OPERATING AN ELECTRIC BOILER AND TO PROVIDE THE BASIS FOR DETERMINING THE GRADE OF LICENSE AN OPERATOR MAY QUALIFY FOR BY OPERATING AN ELECTRIC BOILER. THE BASIS FOR THE DETERMINATION IS CONVERSION OF ONE KILOWATT TO BTU OUTPUT PER HOUR AND COMPARING THE NUMBER OF KILOWATTS NEEDED TO EQUATE TO THE BTU OUTPUT OF ONE HORSEPOWER.

5225.1100 ABSENCE FROM PLANT.

NO CHANGE.

5225.1200 INSURANCE COMPANY INSPECTORS.

SUBPART 1.

CLARIFIES THE CERTIFICATION REQUIRED BY BOILER INSPECTORS FOR A NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS COMMISSION, ELIMINATES THE REQUIREMENT FOR A CHIEF ENGINEER'S LICENSE, AND CLARIFIES THE SOURCE AND STATUTORY AUTHORITY FOR ISSUANCE OF A MINNESOTA CERTIFICATE OF COMPETENCY.

THIS IS NEEDED AND REASONABLE TO CLARIFY THE COMMISSION REQUIRED TO INSPECT BOILERS AND TO REQUIRE REPORTING OF THE COMMISSION NUMBER TO THE CHIEF. THE CHIEF ENGINEER'S LICENSE REQUIREMENT IS REMOVED AS IT IS NOT REQUIRED FOR INSPECTORS TO CARRY A MINNESOTA BOILER OPERATOR'S LICENSE AS THE COMMISSION EXAMINATION ASSURES THE INSPECTOR HAS THE EXPERIENCE AND TRAINING SUFFICIENT TO CONDUCT BOILER AND PRESSURE VESSEL INSPECTIONS. THE SOURCE AND STATUTORY AUTHORITY FOR ISSUANCE OF A CERTIFICATE OF COMPETENCY IS IDENTIFIED FOR CLARIFICATION.

SUBPART 2.

CLARIFIES WHERE THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS COMMISSION TEST WILL BE HELD, THE FREQUENCY OF SUCH TESTING, REQUIRES REGISTRATION OF THE COMMISSION NUMBER WITH THE CHIEF BOILER INSPECTOR, AND REQUIRES INSPECTORS COMMISSIONED IN OTHER JURISDICTIONS TO REGISTER WITH THE COMMISSIONER AND TO PROVIDE A COPY OF THEIR COMMISSION AS EVIDENCE OF PROPER CREDENTIALS.

THESE CHANGES ARE REASONABLE AND NEEDED TO ASSURE PROPER COMMISSIONING OF INSPECTORS AND TO ALLOW FOR DOCUMENTATION TO BE FILED CONFIRMING THE CREDENTIALS OF THOSE INSPECTING BOILERS AND PRESSURE VESSELS.

5225.1300 OPERATORS OF RAILROAD LOCOMOTIVES.

NO CHANGE.

5225. 1350 PROPERTY DAMAGE OR PERSONAL INJURY REPORT.

THIS PART REQUIRES REPORTS OF ALL ACCIDENTS INVOLVING BOILERS AND PRESSURE VESSELS TO BE REPORTED TO THE CHIEF BOILER INSPECTOR.

THIS IS NEEDED AND REASONABLE TO ASSURE THAT THE CHIEF BOILER INSPECTOR IS AWARE OF, AND CAN CONDUCT INVESTIGATION OF, ALL SERIOUS BOILER AND PRESSURE VESSEL ACCIDENTS. THIS WILL ALLOW THE CHIEF INSPECTOR TO DETERMINE THE CAUSES OF SUCH ACCIDENTS AND TO DETERMINE IF CHANGES IN STATUTES OR RULES ARE REQUIRED AS A RESULT OF THE INVESTIGATION.

5225.1400 VIOLATIONS.

NO CHANGE.

5225.2000 INCORPORATIONS BY REFERENCE.

SEE REPEALER.

THIS REPEALER IS NEEDED AND REASONABLE AS PART 5225.0090 PROVIDES A MORE COMPLETE AND INFORMATIVE REFERENCE FOR THE CODES THAT HAVE BEEN INCORPORATED INTO THESE RULES AND PROVIDES COMPLETE INFORMATION AS TO WHERE THE CODES MAY BE OBTAINED, REVIEWED AND PURCHASED.

5225.2100 STAMPS ON BOILERS AND PRESSURE VESSELS.

CLARIFIES STAMPING REQUIREMENTS TO ASSURE BOILERS AND PRESSURE VESSELS COMPLY WITH THE REQUIREMENTS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS, CLARIFIES WITNESSING REQUIREMENTS, REQUIRES THE CHIEF BOILER INSPECTOR TO PROVIDE STAMP REQUIREMENTS AND CLARIFIES FEE REQUIREMENTS.

THESE CHANGES ARE NEEDED AND REASONABLE TO ASSURE THAT BOILERS AND PRESSURE VESSELS THAT ARE BROUGHT INTO THE STATE, OR ARE REPAIRED OR MODIFIED, ARE PROPERLY TESTED AND THAT PROPER DOCUMENTATION IS PROVIDED TO CONFIRM THE SAFETY OF THE OBJECT. THE WITNESSING REQUIREMENT FOR AN AUTHORIZED INSPECTOR TO WITNESS THE STAMPING CLARIFIES THE REQUIREMENTS OF THE NATIONAL BOARD INSPECTION CODE AND CURRENT PRACTICE REGARDING WITNESSING OF THE STAMPING. THE LANGUAGE REGARDING FEES IS CLARIFIED TO REFLECT THE REQUIREMENTS OF M.S. 183.545 SUBD. 3 AND THE APPROVED TRAVEL EXPENSE CHARGES OF THE DEPARTMENT OF FINANCE.

5225.2200 ITEMS REQUIRING INSPECTION.

CLARIFIES LANGUAGE; REQUIRES CONFORMANCE TO AMERICAN SOCIETY OF MECHANICAL ENGINEER'S CODES; AND CLARIFIES TESTING, WITNESSING AND DOCUMENTATION REQUIREMENTS.

THESE CHANGES ARE NEEDED AND REASONABLE TO ASSURE THAT OBJECTS ARE PROPERLY TESTED, DOCUMENTATION IS ESTABLISHED AND PROPER CODES ARE FOLLOWED. THE REQUIREMENT FOR AN AUTHORIZED INSPECTOR TO WITNESS THE HYDROSTATIC TEST CLARIFIES THE REQUIREMENTS OF THE NATIONAL BOARD INSPECTION CODE AND CURRENT PRACTICE REGARDING WITNESSING OF THE TESTING.

5225.2300 EXEMPTIONS.

NO CHANGE.

5225.2400 TITLE TRANSFER TO USED BOILERS OR VESSELS.

CLARIFIES LANGUAGE AND AFFIRMS THAT THE MAXIMUM ALLOWABLE WORKING PRESSURE FOR TRACTION ENGINES (HOBBY BOILERS) BE SET IN CONFORMANCE WITH M.S. 183.411.

THIS IS NEEDED AND REASONABLE TO CLARIFY INSPECTION REQUIREMENTS AND TO ASSURE THAT NO TRACTION ENGINE IS OPERATED AT A PRESSURE ABOVE A SAFE LEVEL.

5225.2500 LOW WATER DEVICES.

SUBPART 1.

SEE REPEALER.

THE REPEALER IS REQUIRED TO ELIMINATE LANGUAGE REFERRING TO CHANGES IN THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS BOILER AND PRESSURE VESSEL CODES MADE IN 1945. THE LANGUAGE IN THIS SUBPART IS NO LONGER NEEDED AS THERE ARE ALMOST NO OBJECTS LEFT IN USE THAT WOULD BE AFFECTED BY THE 1945 CHANGE.

SUBPART 2.

SEE REPEALER.

THE REPEALER IS NEEDED AND REASONABLE TO ELIMINATE A DEFINITION THAT IS NOT REQUIRED AS IT IS NOT RELATED TO THE NEED FOR LOW WATER CUT OFFS.

SUBPART 3 REQUIREMENTS.

ESTABLISHES NEW LANGUAGE TO CLARIFY WHAT OBJECTS MUST BE EQUIPPED WITH A LOW WATER CUTOFF TO ASSURE SHUTDOWN OF THE OBJECT IF THE WATER LEVEL REACHES AN UNSAFE LEVEL.

THE CHANGES ARE NEEDED AND REASONABLE TO PROVIDE CLARIFICATION AS TO WHICH OBJECTS MUST BE PROVIDED WITH A LOW WATER CUT OFF AS IDENTIFIED IN THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS BOILER AND PRESSURE VESSEL CODE. THE IDENTIFICATION OF THE OBJECTS REQUIRING LOW WATER CUTOFFS IS NEEDED AND REASONABLE TO ASSURE THAT ALL APPROPRIATE BOILERS ARE PROTECTED BY THE INSTALLATION OF THE SAFETY DEVICE IN ACCORDANCE WITH EXISTING CODE REQUIREMENTS.

SUBPART 4 FLOW-SENSING DEVICE REQUIRED.

ESTABLISHES NEW LANGUAGE TO CLARIFY WHAT OBJECTS MUST BE EQUIPPED WITH FLOW SENSING DEVICES AS IDENTIFIED IN THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS BOILER AND PRESSURE VESSEL CODE.

THE CHANGES ARE NEEDED AND REASONABLE TO PROVIDE CLARIFICATION AS TO WHICH OBJECTS MUST BE EQUIPPED WITH FLOW SENSING DEVICES TO ASSURE SHUTDOWN OF THE OBJECT IF THE WATER FLOW RATE FALLS TO AN UNSAFE LEVEL AND TO ASSURE THAT ALL APPROPRIATE BOILERS ARE PROTECTED BY THE INSTALLATION OF THE SAFETY DEVICE IN ACCORDANCE WITH EXISTING CODE REQUIREMENTS.

5225.2600 REPORTING REPAIRS.

SUBPART 1.

INCLUDES ALTERATION, STATES REPORTING REQUIREMENTS, AND IDENTIFIES WHO WILL COMPUTE THE SAFE WORKING PRESSURE OF THE REPAIR OR ALTERATION.

THESE CHANGES ARE NEEDED AND REASONABLE TO ASSURE THAT ALTERATIONS ARE INCLUDED IN THE NOTICE TO THE PROPER PARTY. FAILURE OF OWNERS NOT TO CONSIDER ALTERATIONS AS SIGNIFICANT AS REPAIRS HAS BEEN USED AS A WAY OF BY-PASSING REPORTING AND INSPECTION REQUIREMENTS. ALTERATIONS SIGNIFICANTLY AFFECT THE PRESSURE CONTAINING CAPABILITY OF THE OBJECT AND HENCE THE NEED TO ASSURE THAT THE OBJECT IS OPERATED UNDER THE PROPER PRESSURE.

SUBPART 2.

SETS STANDARDS OF REPAIR.

THESE ADDITIONS ARE NEEDED AND REASONABLE TO ASSURE THAT REPAIRS ARE MADE IN A CONSISTENT AND VERIFIABLE MANNER IN ACCORDANCE WITH THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS BOILER AND PRESSURE VESSEL CODES AND THE NATIONAL BOARD INSPECTION CODE. THESE CHANGES ALSO ESTABLISH THE REQUIREMENT FOR THE BOILER INSPECTION DIVISION TO BE NOTIFIED OF THE REPAIR OR ALTERATION TO ASSURE AN INDEPENDENT THIRD PARTY REVIEW OF THE REPAIR TO ASSURE THAT THE REPAIR FIRM PROVIDES A THOROUGH REPAIR WITHOUT COMPROMISING SAFETY STANDARDS.

5225.2610 OWNER REPAIR PROGRAM.

ALLOWS OWNERS TO DEVELOP AND MAINTAIN AN INTERNAL REPAIR PROGRAM, SIMILAR TO THE REPAIR PROGRAM AUTHORIZED BY PART 5225.2600, BUT UNDER THE JURISDICTION OF THE DEPARTMENT OF LABOR AND INDUSTRY AND NOT UNDER THE PROCEDURES OF THE NATIONAL BOARD OF BOILER AND PRESSURE VESSELS. SETS A MINIMUM SIZE OF BOILER THAT CAN BE ALLOWED FOR THE REPAIR PROGRAM. ESTABLISHES THE ESSENTIAL ELEMENTS OF THE REPAIR PROGRAM. REQUIRES REVIEW BY THE CHIEF BOILER INSPECTOR AND APPROVAL OF THE PROGRAM BY THE COMMISSIONER OF LABOR AND INDUSTRY. PROVIDES FOR INDEPENDENT THIRD PARTY INSPECTION OF REPAIRS MADE UNDER THIS PART. PROVIDES FOR WITHDRAWAL OF APPROVAL OF THE PROGRAM BY THE COMMISSIONER FOR CAUSE. SETS STANDARDS FOR CORRECTION OF NON-CONFORMANCE WITH THE PROGRAM AND REQUIRES THAT THE COMMISSIONER ACCEPT OR REJECT CORRECTIVE ACTIONS IN WRITING.

THESE CHANGES ARE NEEDED AND REASONABLE TO ESTABLISH A MINNESOTA REPAIR PROGRAM FOR LARGER OWNERS THAT WOULD HAVE THE FACILITIES TO ESTABLISH THEIR OWN NATIONAL BOARD OF BOILER AND PRESSURE VESSEL REPAIR PROGRAMS, BUT THAT WOULD NOT NEED TO OBTAIN THE NATIONAL BOARD "R" STAMP WHICH IS NORMALLY USED BY COMPANIES THAT PROVIDE REPAIR SERVICES TO OTHER COMPANIES. THE PROGRAM ELEMENTS ARE SPELLED OUT TO PROVIDE CLARIFICATION TO APPLICANTS OF THE REQUIREMENTS THAT MUST BE MET TO HAVE AN ACCEPTABLE PROGRAM. THESE ARE SIMILAR TO THE STANDARDS REQUIRED BY THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS AND THIS ALTERNATIVE REPAIR PROGRAM STRUCTURE IS ACCEPTED BY THE NATIONAL BOARD INSPECTION CODE. THE PROGRAM REVIEW BY THE CHIEF BOILER INSPECTOR, PRIOR TO ACCEPTANCE OR REJECTION OF THE PROGRAM BY THE COMMISSIONER, IS TO ASSURE THAT A TECHNICALLY QUALIFIED SPECIALIST HAS REVIEWED THE APPLICATION AND RECOMMENDS ACCEPTANCE BY THE COMMISSIONER.

THE OUTLINE OF WITHDRAWAL OF PROGRAM APPROVAL IS NEEDED AND REASONABLE TO ASSURE THAT SUCH PROGRAM APPROVAL CAN ONLY BE WITHDRAWN FOR CAUSE AND THAT THE OWNER HAS THE OPPORTUNITY TO CORRECT ANY NOTED DEFICIENCIES.

5225.2700 REPAIRS BY INSPECTORS PROHIBITED; EXCEPTION.

NO CHANGE.

5225.2800 SEALING BOILERS OR PRESSURE VESSELS.

SEE REPEALER.

THIS REPEALER IS NEEDED AND REASONABLE AS THIS PART HAS BEEN SUPERSEDED BY PROPOSED PART 5225.0880 WHICH HAS BEEN DRAFTED TO REFLECT THE REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT. THIS PART WAS INCOMPLETE AND NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT.

5225.2900 SALES BY INSPECTORS PROHIBITED.

NO CHANGE.

5225.3000 PROFESSIONAL CONDUCT OF INSPECTORS.

NO CHANGE.

5225.3100 INSURED COVERAGE REPORT.

CLARIFIES LANGUAGE; SETS TIME LIMITS, REPORTING REQUIREMENTS, POSTING REQUIREMENTS; AND SETS TIME LIMITS FOR DISPLAYING OF INSURANCE COVERAGE DOCUMENTATION BEFORE INSPECTION WILL BE MADE BY THE BOILER INSPECTION DIVISION.

THESE CHANGES ARE NEEDED AND REASONABLE TO ASSURE THAT BOILERS AND PRESSURE VESSELS ARE INSPECTED IN A TIMELY MANNER AND THAT RECORDS OF INSURANCE COVERAGE ARE PROVIDED TO THE BOILER INSPECTION DIVISION SO THAT INSPECTION FREQUENCY DATA IS AVAILABLE FOR ANALYSIS AND APPROPRIATE FOLLOW UP ACTION IF AN INSPECTION IS OVERDUE.

5225.3200 APPEALS.

PROVIDES FOR AN APPEAL PROCESS FOR ANY PARTY AGGREIVED BY AN ACTION OR DECISION OF A BOILER INSPECTOR. PROVIDES FOR AN APPEAL PROCESS THAT CONFORMS TO THE REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT.

THESE CHANGES ARE NEEDED AND REASONABLE TO PROVIDE FOR AN APPEALS PROCESS THAT PROTECTS THE DUE PROCESS RIGHTS OF ANY AGGREIVED PARTY. THIS PART PROVIDES AN OPPORTUNITY FOR APPEAL OF COMMISSIONER DECISIONS NOT COVERED IN PART 5225.0880.

5225.3300 GROUNDS FOR SUSPENSION OR DISMISSAL.

NO CHANGE.

5225.3400 STANDARDS FOR BOILERS.

SUBPART 1.

CLARIFIES LANGUAGE AND INCREASES THE TEMPERATURE ALLOWED FOR WATER LEAVING BLOWDOWN PIPING.

THESE CHANGES ARE NEEDED AND REASONABLE TO CLARIFY THE REQUIREMENTS FOR BLOWDOWN PIPING WHERE THE BLOWDOWN MAY ENTER INTO A SANITARY SEWER SYSTEM OR PRESENT A HAZARD TO HUMAN LIFE OR SAFETY. ALSO, IT INCREASES THE ALLOWED MAXIMUM TEMPERATURE OF THE BLOWDOWN FROM 150 DEGREES FAHRENHEIT TO 180 DEGREES FAHRENHEIT. THE INCREASE IN ALLOWED TEMPERATURE IS TO ALLOW CONSISTENCY WITH THE REQUIREMENTS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEER STANDARDS AND TO COMPLY WITH THE LANGUAGE OF M.S. 326.46ff (HIGH PRESSURE PIPING). THE LANGUAGE REFERRING TO PROCEDURES IF THE ALLOWED PRESSURE IS EXCEEDED, AND IF THE WATER SEAL LEVEL CANNOT BE MAINTAINED IS DELETED AS THE PROPOSED LANGUAGE IS TO BE FIXED AS AN ABSOLUTE STANDARD AND NO VARIANCE WILL BE ALLOWED. THESE DELETIONS ARE NEEDED AND REASONABLE AS HIGHER TEMPERATURES AND PRESSURE WOULD CREATE THE POSSIBILITY OF AN UNSAFE CONDITION DURING THE BLOWDOWN.

SUBPART 2.

CLARIFIES LANGUAGE AND ELIMINATES MINIMUM REQUIREMENTS FOR SHELL PLATE AND HEAD CONSTRUCTION.

THE CLARIFYING LANGUAGE CHANGES ARE NEEDED AND REASONABLE TO ASSURE THAT THE CODE REFERRED TO IS THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODE FOR BOILERS AND PRESSURE VESSELS AND STATES THE SPECIFIC SECTION REFERRED TO FOR CLARITY. THE REFERENCE TO SHELL PLATE AND HEAD THICKNESS IS DELETED BECAUSE THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODE MAY, UNDER ADOPTED FORMULAS, ALLOW FOR A LESSER THICKNESS AND STILL PROVIDE FOR APPROPRIATE SAFETY. THE DELETION IS NEEDED AND REASONABLE TO ELIMINATE THE POSSIBILITY OF CONFLICTING STANDARDS.

SUBPART 3.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

SUBPART 4.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

SUBPART 5.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

SUBPART 6.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

SUBPART 7.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE. THE CHANGE OF WORDING FROM "PRACTICAL" TO "POSSIBLE" IS MEANT TO CHANGE THE MEANING FROM ALLOWANCE OF AN EXCEPTION WHERE INCONVENIENCE WOULD ALLOW AN EXCEPTION TO A TIGHTER STANDARD WHERE IT COULD BE SHOWN THAT CHANGE WOULD NOT BE FEASIBLE. THIS IS NEEDED AND REASONABLE TO ASSURE THAT COMPLIANCE IS NOT AVOIDED FOR CONVENIENCE REASONS.

SUBPART 8.

CLARIFIES LANGUAGE AND CHANGES THE COLD WATER SUPPLY LINE SIZING REQUIREMENTS TO CONFORM WITH THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL STANDARDS FOR BLOW DOWNS.

THE STYLE CHANGES ARE NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE. THE SIZING CHANGE IS NEEDED AND REASONABLE TO COMPLY WITH THE NATIONAL BOARD CODE AND THE CHANGE OF SIZE DOES NOT MATERIALLY AFFECT ANY SAFETY CONSIDERATIONS.

SUBPART 9.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

SUBPART 10.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

SUBPART 11.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

SUBPART 12.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

SUBPART 13.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO CLARIFY THE TITLE OF THE PERSON FROM WHOM APPROVAL IS GRANTED.

5225.3500 TABLE NO. 1: BLOWOFF EQUIPMENT TABLE.

CHANGES THE TITLE OF THE TABLE AND INSERTS VALUES FOR 1 1/2 INCH INLET.

THIS CHANGE IS NEEDED AND REASONABLE TO CLARIFY THE PURPOSE OF THE TABLE. THE ADDITION OF VALUES FOR 1 1/2 INCH INLET OPENINGS IS FOR CLARIFICATION ONLY AND DOES NOT AFFECT THE APPROVED RATIO OF 1:1:2 1/2.

5225.4000 BLOWOFF TANKS.

ELIMINATES THE WORD "SUGGESTED", ELIMINATES ABBREVIATIONS, AND CLARIFIES LANGUAGE.

THESE CHANGES ARE NEEDED AND REASONABLE TO ELIMINATE THE APPEARANCE OF AN OPTION IN BLOWDOWN TANK SIZING AND TO CLARIFY THE MEANING OF THE PART.

5225.4100 SAFETY VALVES.

CLARIFIES LANGUAGE, REQUIRES VALVES TO HAVE MET THE REQUIREMENTS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODES AND TO BE PROPERLY STAMPED TO REFLECT THAT COMPLIANCE AND REQUIRES THAT NO REDUCTION IN PIPE SIZE BE ALLOWED IN A DISCHARGE PIPE FROM A SAFETY VALVE.

THE LANGUAGE CHANGES ARE NEEDED AND REASONABLE TO CLARIFY THE MEANING OF THE PART. THE LANGUAGE REQUIRING SAFETY VALVES TO COMPLY WITH THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODE AND STAMPING REQUIREMENTS IS NEEDED AND REASONABLE TO ASSURE THAT UNSAFE VALVES ARE NOT UTILIZED. THE PROHIBITION AGAINST A REDUCTION IN DISCHARGE PIPING FROM A SAFETY VALVE IS NEEDED AND REASONABLE TO PREVENT UNSAFE BACK PRESSURE AGAINST THE VALVE WHICH WOULD SIGNIFICANTLY REDUCE THE EFFECTIVENESS OF THE VALVE AS A SAFETY MECHANISM.

5225.4200 WATER GAGE.

CLARIFIES LANGUAGE AND ELIMINATES UNNEEDED LANGUAGE.

THESE CHANGES ARE NEEDED TO ELIMINATE UNCLEAR LANGUAGE AND ELIMINATE LANGUAGE ALLOWING DRAINING TO AN ASH PIT AND THE LEVEL OF THE VISIBLE PART OF THE WATER GAGE CLASS IN REFERENCE TO THE FIRE SURFACE. THE REFERENCE TO DRAINING INTO AN ASH PIT IS COVERED BY CITING A SAFE DISCHARGE PLACE. THE REFERENCE TO THE LEVEL ABOVE THE FIRE SURFACE IS NOT RELATED TO ANY CODE OR STANDARD AND ITS ELIMINATION DOES NOT AFFECT SAFETY.

5225.4300 WATER COLUMN SHUTOFFS.

CLARIFIES AND ELIMINATES LANGUAGE.

THESE CHANGES ARE NEEDED TO ELIMINATE UNCLEAR LANGUAGE AND ELIMINATE LANGUAGE ALLOWING DRAINING TO AN ASH PIT. THE REFERENCE TO DRAINING INTO AN ASH PIT IS COVERED BY CITING A SAFE DISCHARGE PLACE.

5225.4400 STEAM GAGE.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

5225.4500 VALVES AND FITTINGS.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE AND TO CLARIFY THE NAME OF THE CODE; THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS BOILER AND PRESSURE VESSEL CODE.

5225.4600 STOP VALVES.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

5225.4700 COMMON MAIN CONNECTION.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO CLARIFY THAT THIS PART REFERS TO ALL MULTIPLE BOILERS CONNECTED TO A COMMON STEAM MAIN AND TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

5225.4800 BLOWOFF PIPING.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE AND TO CLARIFY THE NAME OF THE ORGANIZATION; THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS.

5225.4900 BLOWOFF VALVES.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE AND TO CLARIFY THE NAME OF THE ORGANIZATION; THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS.

5225.5000 FEED PIPING.

CLARIFIES LANGUAGE.

THIS IS NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR STYLE.

5225.5100 FEEDWATER SUPPLY.

CLARIFIES THE REQUIREMENTS FOR TWO METHODS OF FEEDING WATER TO THE BOILER AND MODIFIES LANGUAGE TO CONFORM TO CURRENT AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODES.

THE CHANGES ARE NEEDED AND REASONABLE TO ASSURE UNDERSTANDING THAT TWO MEANS OF FEEDING WATER ARE PROVIDED AND TO ELIMINATE ANY CONFLICT BETWEEN THESE RULES AND THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODES ADOPTED BY STATUTE. EARLIER LANGUAGE REFERRING TO A SOURCE OF FEEDING SIX PERCENT HIGHER THAN THAT AT WHICH THE SAFETY VALVE IS SET WAS INCORRECT AND SHOULD HAVE STATED THE REVISED FIGURE OF 3 PERCENT. THIS WAS AN ERROR IN DRAFTING THE LANGUAGE OF THE RULE AND NOT AN INTENDED CHANGE. THE CORRECTED PERCENT "3 PERCENT" IS CORRECT.

5225.5200 ELECTRICALLY HEATED GENERATORS.

CLARIFIES LANGUAGE, ELIMINATES LANGUAGE ALLOWING ADJUSTMENTS TO SAFETY VALVES AND SETS STANDARDS FOR DETERMINING ENGINEER LICENSE REQUIREMENTS.

THESE CHANGES ARE NEEDED AND REASONABLE TO COMPLY WITH APPROVED OFFICE OF THE REVISOR OF STATUTES STYLE, ELIMINATE ANY LANGUAGE THAT IMPLIES THAT SAFETY VALVES MAY BE ADJUSTED, AND CLARIFY ENGINEER LICENSE REQUIREMENTS. SAFETY VALVES MAY NOT BE ADJUSTED BY ANYONE OTHER THAN AN APPROVED ORGANIZATION. LANGUAGE IMPLYING AN EXCEPTION COULD CREATE A HAZARDOUS SITUATION.

NAVIGATION OF POWER BOATS ON INLAND STATE WATERS

PARTS 5225.6000 TO 5225.7200.

NO CHANGES TO THE PARTS UNDER THIS HEADING.

FEES.

PART 5225.8600.

NO CHANGE TO THIS PART.

5225.9000 TRACTION ENGINE ATTENDANCE REQUIREMENTS.

REQUIRES THAT TRACTION ENGINES (HOBBY BOILERS) MUST BE ATTENDED WHEN IN OPERATION AND MEMBERS OF THE PUBLIC ARE PRESENT. DEFINES WHEN AN ENGINE MAY BE PRESUMED NOT TO BE IN OPERATION.

THESE CHANGES ARE NEEDED AND REASONABLE AS HOBBY BOILERS ARE RECONSTRUCTED ANTIQUE FARM ENGINES, MOST OF WHICH WERE CONSTRUCTED BEFORE MODERN DESIGN AND CONSTRUCTION CODES WERE DEVELOPED BY THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS. THE ATTENDANCE REQUIREMENT IS TO ASSURE THAT A QUALIFIED, LICENSED OPERATOR WILL BE PRESENT WHEN ANY OF THESE OBJECTS ARE IN USE WHEN THE PUBLIC IS PRESENT.

THE DEFINITION OF WHEN A HOBBY BOILER CAN BE CONSIDERED NOT TO BE IN OPERATION IS TO SET A REASONABLE SET OF CONDITIONS, WHICH WHEN MET, WILL ASSURE THAT THE HOBBY BOILER CANNOT BE THE SOURCE OF AN ACCIDENT AS NEITHER WILL THE HOBBY BOILER HAVE ENOUGH PRESSURE TO RUN OR TO CAUSE AN EXPLOSION, AND THERE WOULD BE NO CHANCE THAT THE BOILER COULD REGAIN ENOUGH PRESSURE WITHOUT EXTENSIVE ACTION BY AN OPERATOR.