

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

File No. 1560 Docket No. 05.0009.0602

DATE RECEIVED 12/28/88 ADOPTED W/O HEARING Y

REVIEW DATE 1/6/89 EMERGENCY RULE

DUE DATE ~~1/13/89~~ ? 1-11-89 REVISOR APPROVED

APPROVED 1-11-89 mj REVISOR DISAPPROVED

DISAPPROVED FILED W/SEC. OF STATE 1-12-89

WITHDRAWN RETURNED TO AGENCY 1-12-89

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

5/16/88 Date published in State Register

Comments

~~Petition for Adoption of a Rule (if applicable)~~

~~Board's Authorizing Resolution~~

~~Date adopted~~

✓ Proposed Rule

Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

183.94 subd 2
183.465
183.466 Statutory Authority

yes Small Business Statement

yes Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement

N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

10/6/88 Date 30/25 days before adoption

ok Notice attached

~~Copy of rule or summary attached~~

✓ Publication in State Register

10/10/88 Date 30/25 days before adoption

180-day deadline from:

11/6/88 end of comment period (§ 14.26) (rules without hearing)

~~effective date of statutory authority (§ 14.29) (emergency rules)~~

~~Resolution Adopting~~

~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

12/19/88 Date

✓ Written requests, submissions or comments (24)

19 Requested hearings.

✓ Declaration of attorney

Steve Gunn Name of SAAG representing agency

✓ Order for publication of Notice of Intent ~~Notice of Submission to Atty. Gen. (if applicable)~~

~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

FILE COPY

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : January 12, 1989

TO : PENNY JOHNSON, Compensation Attorney
Minnesota Dept. of Labor and Industry
443 Lafayette Road, St. Paul 55101

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General
515 Transportation Bldg., St. Paul 55155

PHONE : 6-6839

SUBJECT : In the Matter of the Adopted Rule Relating to Boilers and Power Boats

The above-referenced rule has been approved as to its legality by the Attorney General on January 11, 1989.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:bbl
Enclosures

cc: William Brown, Chief Judge
Maryanne Hruby

Department of Labor and Industry

Adopted Permanent Rules Relating to Boilers and Power Boats

Rules as Adopted

5225.0010 SCOPE.

This chapter only addresses the manufacture, installation, repair, operation, safety, and inspection of boilers and pressure vessels as defined in parts 5225.0090 to 5225.9000 pursuant to Minnesota Statutes, sections 183.375 to 183.62. Other related codes on high pressure piping, building, electrical, and plumbing are available from State Documents, Department of Administration, 117 University Avenue, Saint Paul, Minnesota, 55155.

5225.0090 INCORPORATION BY REFERENCE.

Subpart 1. **General.** To the extent referred to in this chapter, the codes and publications described in this part are incorporated by reference.

Subp. 2. **American Society of Mechanical Engineers Boiler and Pressure Vessel Code.** The American Society of Mechanical Engineers Boiler and Pressure Vessel Code is written and published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017 and can be purchased from the same source. It is available for inspection at the Hill Reference Library, 80 East Fourth Street, Saint Paul, Minnesota 55102. It is subject to frequent change. The publication dates vary by subject. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

Subp. 3. **National Board Inspection Code.** The National Board Inspection Code is written and published by the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229 and can be purchased from the same source. It is available for inspection at the Minnesota Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. It

Approved by Revisor JCF

is subject to frequent change. The publication date varies. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

Subp. 4. **American Society of Mechanical Engineers Codes and Standards.** The American Society of Mechanical Engineers Codes and Standards are submitted for publication to the American National Standards Institute, 1430 Broadway, New York, New York 10018 and can be purchased from the same source. They are available for inspection at the Hill Reference Library, 80 West Fourth Street, Saint Paul, Minnesota 55102. They are subject to frequent change. The publication dates vary by subject. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

5225.0500 EXAMINATIONS.

Subpart 1. **Preparation of written examination.** The examination questions will be prepared by the chief boiler inspector. All examinations must be written unless the applicant is unable to write, in which case the examination will be oral for a special or second class license. The right to an oral examination for a first or chief class license shall be determined by the chief boiler inspector based on the applicant's ability to demonstrate reading comprehension of statutes, rules, technical boiler operation manuals, and safety warnings. Decisions of the chief boiler inspector regarding application for oral examination may be appealed to the commissioner under part 5225.3200. A written record of the examination shall be made, and examination papers will be kept on file for a period of at least one year.

Subp. 2. **Minimum grade.** No license of any class will be granted to any applicant who fails to obtain a score of 75 percent in an examination, nor may any other grade of license be granted.

Subp. 3. **Effect of failure.** Applicants who fail to pass an examination shall not be eligible to take another examination for the same class of license within the following periods:

Approved
by Revisor _____

A. special engineer's, hobby, or pilot's license, ten days;

B. first and second class license, 30 days; and

C. chief's license, 60 days.

Failure of an applicant to obtain a passing score will not affect the status of any license previously granted, but the fee paid for the examination will not be refunded.

5225.0550 DOCUMENTATION OF EXPERIENCE REQUIREMENTS FOR LICENSURE AS A BOILER OPERATOR.

Subpart 1. **Compliance requirements.** All applicants must comply with chapter 5225 and Minnesota Statutes, sections 183.375 to 183.62. Applicants with previous experience in a jurisdiction requiring licensure must show proof of compliance with the licensure requirements of that jurisdiction in order to receive credit for the experience. All applicants for licensure as a pilot, hobby boiler operator, or boiler operator shall provide documentation of operating experience for the level of class/grade applied for in accordance with subparts 2 to 9.

Subp. 2. **Special class experience requirements.** A special class license requires no previous experience and a signed application form.

Subp. 3. **Second class experience requirements.**

A. A second class license requires: one year of experience on a boiler of proper size to receive the second class license as documented by:

(1) one year of special class licensed operation; or

(2) one year of conventional or nuclear experience as a coal passer, fireman, oiler, water tender, engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

(3) one year of actual experience operating a boiler of sufficient size to qualify for a second class license under Minnesota Statutes, section 183.51.

B. Acceptable forms for documentation are:

Approved
by Revisor _____

(1) an application form; and

(2) a valid, current Minnesota special class license; or

(3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a utility plant of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51, or a sworn affidavit signed by two or more shift engineers of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 4. **First class experience requirements.**

A. A first class license requires three years of experience on a boiler of proper size to receive the first class license as documented by:

(1) one year of special class licensed operation and two years of second class licensed operation, or two years of special class licensed operation and one year of second class licensed operation, or three years of special class licensed operation; or

(2) three years experience as a coal passer, fireman, oiler, water tender, engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

(3) three years of actual experience operating a boiler of sufficient size to qualify for a first class license under Minnesota Statutes, section 183.51.

B. Acceptable forms for documentation are:

(1) an application form; and

(2) a valid, current Minnesota boiler operator's license; or

(3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering

Approved by Revisor _____

operations, or a supervisory engineer of a utility plant or a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51, or a sworn affidavit signed by two or more shift engineers of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 5. **Chief class experience requirements.**

A. A chief class license requires five years of experience on a boiler of proper size to receive the chief class license as documented by:

(1) any combination of five years licensed boiler operation with at least one year as a first class license holder; or

(2) five years experience as an engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

(3) five years of actual experience operating a boiler of sufficient size to ~~quality~~ qualify for a chief class license under Minnesota Statutes, section 183.51, of which at least two years must have been in a supervisory capacity either as a shift engineer in charge or as the chief engineer of the facility from which the claimed experience was obtained.

B. Acceptable forms for documentation are:

(1) an application form; and

(2) a valid, current Minnesota first class boiler operator's license; or

(3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a facility where the claimed experience was obtained; chief engineer of a utility plant or a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or

Approved by Revisor _____

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 6. **Requirements for Grade A licensure.** The requirements for a Grade A license are:

A. Second Class: one year of documented operation of a high pressure boiler which must include one year of operation of a steam engine or turbine.

B. First Class: three years of documented operation of a high pressure boiler of which at least two years must include operation of a steam engine or turbine.

C. Chief Class: five years of documented operation of a high pressure boiler, including at least two years acting as a shift engineer, and two years of operation of a steam engine or turbine.

Subp. 7. **Pilot license experience documentation.** An applicant for a pilot license for operation of a boat for hire must have at least one month or 30 days of experience operating a boat of not less than 20 feet in length and powered by a motor of not less than 50 horsepower, as rated by the manufacturer. Unless the applicant has a valid United States Coast Guard pilot's license, an affidavit of experience must be submitted by a person with sufficient knowledge of the applicant's experience prior to the applicant taking the examination. The person signing the affidavit must hold a valid Minnesota pilot's license or a United States Coast Guard pilot's license.

Subp. 8. **Traction engine or hobby boiler license experience documentation.** An applicant for a hobby boiler license must have at least 25 hours actual experience operating a steam traction engine under the supervision of a properly licensed operator, or a valid Minnesota second class, or higher, boiler operator's license. An affidavit of experience must be submitted by a person with sufficient knowledge of the applicant's experience prior to the applicant taking the examination. The person signing the affidavit must have observed the applicant operating the steam traction engine and

Approved
by Revisor _____

must possess either a valid Minnesota hobby boiler license or a valid second class, or higher, Minnesota boiler operator's license.

Subp. 9. **Other acceptable supporting documentation.** Position descriptions, payroll records, jurisdiction or insurer inspection records, and documentation as to the size of the boilers operated may be used to support the application under subparts 2 to 5. Other operating experience may qualify the applicant for licensure under this part provided that the experience demonstrates the applicant's ability to safely and effectively perform at the level of licensure applied for. A decision of the chief inspector regarding applicability of other experience may be appealed to the commissioner pursuant to part 5225.3200.

Subp. 10. **Year defined.** For purposes of this chapter, a "year" is at least 2,000 hours.

5225.0600 PROHIBITION AGAINST FALSE STATEMENTS IN APPLICATION.

Any material false statement in an application or affidavit such that the license would not have been granted if the accurate information had been provided, shall render the license void. The license shall not be determined to be void until the license holder has been provided with the opportunity for a meet and confer conference and/or an administrative hearing pursuant to part 5225.0880, subpart 5, and the requirements of the Administrative Procedure Act, and the charge of a materially false statement is upheld. In lieu of requesting an administrative hearing pursuant to part 5225.0880, subpart 5, the license holder may reapply for licensure by providing the proper documentation, retaking the appropriate examination and paying the application fee, or may voluntarily relinquish the license.

5225.0700 LOSS OR DESTRUCTION OF LICENSE.

Upon presentation of a written statement of fact showing that a license has been lost, destroyed, or not received, a substitute license will be issued for a fee set by the

Approved
by Revisor _____

commissioner of labor and industry.

5225.0880 DISCIPLINARY PROCEDURES.

Subpart 1. **License revocation suspensions.** The commissioner may suspend or revoke the engineer's or pilot's license, direct the person to cease the action or operation, seal the boiler or pressure vessel, or seek a restraining order in district court if the holder of a license of any class, including pilots of boats for hire, or the owner of a boiler or pressure vessel violates any provision of Minnesota Statutes, sections 183.375 to 183.62, or this chapter, or operates or allows a boiler or pressure vessel to be operated under unsafe or dangerous conditions, or the holder of a license of any class, including pilots of boats for hire, has obtained a license of any grade based on a materially false application or affidavit, or an owner of a boiler fails to employ properly qualified engineers to operate the boiler or fails to make necessary repairs to an unsafe boiler or pressure vessel. In deciding what action to take, the commissioner shall consider the seriousness of the violation, the likelihood of a repeat occurrence, and the actual or potential threat to property or life caused by the violation.

Subp. 2. **Complaints.** All complaints related to license qualification or unsafe operating practices, whether filed by a boiler inspector of the Department of Labor and Industry or any other person, must be in writing to the chief boiler inspector on forms prescribed by the commissioner. Notices of unsafe objects shall be prepared by a boiler inspector of the Department of Labor and Industry on forms prescribed by the commissioner.

Upon the filing of a complaint with the chief boiler inspector charging the owner or license holder with engaging in a prohibited or unsafe activity described in subpart 1, the chief boiler inspector shall direct an investigation as necessary and report to the commissioner if the chief boiler inspector believes further action is necessary.

Approved
by Revisor _____

Unless the commissioner seeks a restraining order in district court, the commissioner shall serve on the owner or license holder, by first class or certified mail or in person, notice of the alleged violation, the proposed action to be taken, and of the opportunity for a conference and a contested case proceeding under subpart 3.

Subp. 3. **Show cause conference.** If the charge is that a license holder or owner has violated a provision of Minnesota Statutes, sections 183.375 to 183.62 or this chapter, or is operating a boiler or pressure vessel in an unsafe or dangerous condition, or with unlicensed or improperly licensed engineers, or a decision of a boiler inspector is being appealed pursuant to part 5225.3200, the commissioner shall give the owner or license holder the opportunity to request a conference to show cause (1) why an order should not be issued suspending or revoking the holder's license or directing the person to cease and desist the prohibited activity or operation, or (2) why the decision of the boiler inspector should not stand.

The person charged may request a show cause conference in writing that must be received by the commissioner within ten working days after the notice provided for in subpart 2 was served. If a timely request is not made, the commissioner may issue the proposed order.

The show cause conference must be scheduled within 20 working days of the receipt of a timely request. Findings and an order must be served and filed by the commissioner within ten working days after the conference is held.

Orders issued under this subpart must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge. An owner or license holder who disagrees with the commissioner's order issued pursuant to this subpart may request a contested case hearing for a final determination in accordance with subpart 7. If a contested case hearing is requested, the commissioner's order shall be stayed pending a final determination after the contested case hearing.

Approved
by Revisor _____

Subp. 4. **Unsafe objects; administrative conference.** If an inspector of the Department of Labor and Industry has determined that the operation of a boiler by an unlicensed or improperly licensed person creates an imminent danger to human life or property or that repair or replacement is necessary to ensure safe operation of a boiler or pressure vessel, a notice of unsafe object must be placed on the boiler or pressure vessel. In addition to the notice requirements of subpart 2, the notice of unsafe object must state that the boiler or pressure vessel may not be operated until the object is satisfactorily repaired or replaced and the notice of unsafe object is removed by the inspector, until properly licensed persons are assigned to operate the equipment, or the commissioner orders the notice of unsafe object removed from the boiler or pressure vessel.

The commissioner shall give the owner of the boiler or pressure vessel the opportunity for a conference to show cause why the boiler or pressure vessel should not remain sealed until repaired or replaced or until properly licensed persons are available to operate the boiler. The owner must request a show cause conference in writing, in person, or by phone, within three working days of the date the notice of unsafe object was placed on the boiler or pressure vessel. If a request for a show cause conference is not timely received, the commissioner may order that the boiler or pressure vessel remain sealed pending repair, replacement, or operation by properly licensed personnel.

The show cause conference must be held within two working days of receipt of a timely request or at a later date upon mutual consent of the parties. Immediately upon completion of the conference, the commissioner must provide a verbal order, to be followed by written findings and an order, that must be served and filed within ten working days after the conference is held.

Orders must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge. An owner who disagrees with the

Approved
by Revisor _____

commissioner's order issued pursuant to this part, may request a contested case hearing for a final determination in accordance with subpart 7. Once a notice of unsafe object is placed on the boiler or pressure vessel, the boiler or pressure vessel may not be operated pending a show cause conference or a contested case proceeding until the tag is removed by the inspector, or the commissioner issues an order allowing the object to be placed into service.

Subp. 5. **Materially false statement; meet and confer conference.** If the charge is that the holder of a license obtained the license based on a materially false application or affidavit, the commissioner shall give the license holder the opportunity for an informal meet and confer session with representatives of the Department of Labor and Industry. The license holder must request the conference in writing within ten days of the date the notice in subpart 2 was served. The session must be scheduled within 20 working days of the receipt of a timely request.

If no timely request for a meet and confer session is received, or if no mutually acceptable resolution can be reached at the meet and confer session, the commissioner shall initiate a contested case hearing pursuant to the Administrative Procedure Act to determine whether the license should be revoked.

Subp. 6. **Manner of conference.** A show cause conference or a meet and confer session shall be conducted in an informal manner. No transcript will be made; however, the proceedings may be recorded. Each party may be represented by an attorney or may be accompanied by another person not an attorney. Parties may produce witnesses and documents to support their position.

Subp. 7. **Contested case hearing.** A person who disagrees with an order of the commissioner issued pursuant to subpart 3 or 4 may request a de novo hearing under the contested case proceedings of the Administrative Procedure Act within 30 days of service of the order. Upon receipt of the findings of fact and recommendations of the administrative law judge, the

Approved
by Revisor _____

commissioner shall serve and file a final order by regular or certified mail. This order shall be the order of the commissioner in a contested case.

Subp. 8. **Injunctive relief.** At any time before or after the commissioner issues an order under this part, the commissioner may discontinue the administrative proceedings and initiate an action in district court for injunctive relief. A notice of unsafe object or an order of the commissioner issued pursuant to subpart 4, shall remain in effect until a district court judge orders otherwise.

5225.0900 DISPLAY OF LICENSE.

Licenses granted must be placed in a glassed frame and be displayed in a conspicuous place in the engine or boiler room, or pilot's station. Boiler plants operated by a contract boiler operator must have a copy of the engineer's license of each person who may be operating the boiler posted in each boiler room.

5225.1000 BOILER HORSEPOWER RATING.

In rating the horsepower of a boiler plant, inspectors shall use the horsepower of each boiler and compute the total horsepower of all boilers connected to the header, whether all the boilers are in use or not. It is the duty of all boiler inspectors, including those employed by insurance companies, to promptly report to the chief boiler inspector, any plant in which the engineer has no license or a license of a lower class than that required by law for the horsepower of the plant.

Ten kilowatts equals one boiler horsepower for the engineer license requirement.

5225.1200 INSURANCE COMPANY INSPECTORS.

Subpart 1. **License requirement.** Inspectors in the employ of insurance companies shall possess a National Board of Boiler and Pressure Vessels Inspectors' Commission issued by the National Board of Boiler and Pressure Vessel Inspectors, and shall place on inspection reports the serial number of their

Approved
by Revisor _____

National Board of Boiler and Pressure Vessel Inspectors' Commission or Minnesota state certificate of competency. A Minnesota state certificate of competency is issued by the Boiler Inspection Division according to Minnesota Statutes, section 183.38, subdivision 2.

Subp. 2. **Examination.** State or insurance company boiler inspectors seeking a license as authorized shop inspectors on new construction of boilers and/or pressure vessels shall qualify by passing a written examination prepared by the National Board of Boiler and Pressure Vessel Inspectors. The examinations will be held at Saint Paul, Minnesota, by the Boiler Inspection Division at times the commissioner may prescribe. Applicants qualifying shall obtain a National Board of Boiler and Pressure Vessel Inspectors' commission from the National Board of Boiler and Pressure Vessel Inspectors. The serial number of the commission must be registered in the office of the chief boiler inspector. Inspectors having National Board of Boiler and Pressure Vessel Inspectors' commissions obtained in other states shall register the serial number of their commission with the commissioner and furnish a photocopy of their current National Board of Boiler and Pressure Vessel Inspectors' Commission to the Boiler Inspection Division.

5225.1350 PROPERTY DAMAGE OR PERSONAL INJURY REPORT.

Insurance inspectors or owners shall make a written report to the chief boiler inspector of incidents involving boilers and pressure vessels covered under this chapter that result in personal injury, total destruction of the object, or property damage involving repairs not of a routine nature. These incidents shall be reported on the National Board of Boiler and Pressure Vessel Accident Report form.

5225.2100 STAMPS ON BOILER AND PRESSURE VESSELS.

Every boiler or pressure vessel, unless specifically exempted by Minnesota Statutes, section 183.56, for use in this state must conform in every detail to the boiler and pressure vessel laws of the state and rules adopted by the Department of

Approved
by Revisor _____

Labor and Industry, and when correctly constructed the boiler or pressure vessel must be stamped with the respective American Society of Mechanical Engineers code symbol, and the National Board symbol (NB) or Minnesota Special (MINN. SPC). Stamping must be witnessed by an inspector holding a National Board commission. Information as to construction stamp requirements shall be provided to contractors by the chief boiler inspector. The chief boiler inspector may, at the request of the manufacturer, designate any inspector possessing the qualifications required by part 5225.1200 to make the requested shop inspection, for which the manufacturer shall pay the required fee pursuant to part 5225.8600, plus travel expenses.

5225.2200 ITEMS REQUIRING INSPECTION.

The authorized boiler inspector shall inspect all boilers or steam generators, fired or unfired pressure vessels, and appurtenances for their safe operation and condition, and all pressure piping connecting them to the appurtenances, and all piping up to the first stop valve, or the second valve when two are required in accordance with inspection requirements in Section 1 of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the National Board Inspection Code. They must be properly prepared for inspection and the inspector given at least 48 hours' notice before the time of the inspection.

Any pressure piping to the boiler, steam generator, or pressure vessel appurtenances such as water column, blowoff valve, feedwater regulator, superheater, economizer, or stop valves which are to be shipped connected to the boiler, steam generator, or pressure vessel as a unit, must be hydrostatically tested with the boiler, steam generator, or pressure vessel, and the hydrostatic test must be witnessed by an authorized inspector, and if recognized as being in conformance with accepted procedures by the inspector, so noted on the data sheet by the inspector.

5225.2400 TITLE TRANSFER TO USED BOILERS OR VESSELS.

Approved
by Revisor _____

Before the transfer of the title to a used boiler or pressure vessel and its future use in another location, the owner shall cause it to be inspected by the stateor insurance company boiler inspector, and in computing the safe working pressure, the inspector shall use a safety factor of at least six on noncode boilers and pressure vessels having a butt strap joint and at least a factor of seven on a lap seam joint. The maximum allowable working pressure for objects covered under Minnesota Statutes, section 183.411 must not exceed the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for determining working pressure.

5225.2500 LOW WATER DEVICES.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Requirements.** The following must be equipped with a low water cutout that will shut off the fuel supply in case of a low water condition:

A. each automatically fired steam boiler; and

B. each automatically fired hot water heating boiler or other hot liquid boiler plants of two or more boilers with individual isolating valves connected to a common header with a total heat input exceeding 750,000 Btu per hour input.

Subp. 4. **Flow-sensing device required.** The following must have a flow-sensing device installed in the outlet piping instead of the low water fuel cutoff required in subpart 3 to automatically cut off the fuel supply when the circulating flow is interrupted:

A. a coil type boiler plant exceeding 750,000 Btu; and

B. a watertube boiler plant with heat input greater than 750,000 Btu per hour requiring forced circulation to prevent overheating of the coils or tubes.

5225.2600 REPORTING REPAIRS AND ALTERATIONS.

Subpart 1. **Prior notice of repair or alteration.** The owner or person in charge of a boiler, steam generator, or pressure vessel shall notify the Boiler Inspection Division or

Approved
by Revisor _____

if the object is insured, the owner or person in charge shall notify the insurer before each repair not of a routine nature and all alterations made to the pressure containing parts of a boiler or pressure vessel, and the authorized inspector will compute the safe working pressure of the repair or alteration.

Subp. 2. **Standard of repairs.** The National Board of Boiler and Pressure Vessel Inspectors' repair (R) stamp or applicable American Society of Mechanical Engineers Boiler and Pressure Vessel Code symbol stamp is required for welded repairs not of a routine nature to any boiler or pressure vessel subject to inspection as specified in Minnesota Statutes, sections 183.375 to 183.62.

All alterations must be in compliance with the latest edition of the National Board Inspection Code and the referencing sections of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Repairs or alterations must be reported to the authorized inspection agency responsible for the inservice inspection of the boiler or pressure ~~vessels~~ vessel by the repair firm as required by the National Board Inspection Code. Required certification of repairs and alterations must be made by an inspector holding a National Board of Boiler and Pressure Vessel Inspectors' commission, who is employed by an authorized inspection agency under contract with the firm doing the repairs. Authorized inspection agencies are:

A. a jurisdictional authorized inspection agency;

B. the Minnesota Department of Labor and Industry, Division of Boiler Inspection; and

C. ~~the~~ an authorized inspection agency which insures the boiler or pressure vessel.

It is the responsibility of the organization making the repair or alteration to provide for inspection, documentation, and certification of the work, and to ensure acceptance of the work by an authorized inspection agency.

Completion of the National Board of Boiler and Pressure Vessel R-1 form is required for all repairs not of a routine

Approved by Revisor _____

nature and all alterations. It is the responsibility of the repair organization to prepare the form and submit it to the authorized inspector for acceptance. Distribution of the form must be as provided in the National Board Inspection Code with one copy of the completed form sent to the Minnesota Department of Labor and Industry, Boiler Inspection Division.

5225.2610 OWNER REPAIR PROGRAM.

An owner with boilers exceeding 200,000 pounds per hour may perform repairs ~~or alterations~~ to their boiler systems, excluding high pressure piping under the authority of Minnesota Statutes, section 326.461, subject to written approval of their repair program from the Department of Labor and Industry.

The owner repair program must include: organization, design control, material control, control of work, inspection, welding, nondestructive testing, records, repair reporting, and provision for system test and inspection by an authorized national board inspector. Before acceptance of the repair program, the chief boiler inspector must review the program. The program shall not be approved until the chief boiler inspector is satisfied that the program elements listed in this part are complete and acceptable and the allowance for independent third-party inspection controls are adequate and acceptable.

The commissioner of the Department of Labor and Industry may withdraw program approval, with cause, upon the recommendation of the chief boiler inspector. The commissioner must provide the owner with written notification of the department's intent to withdraw program approval and the reasons for the action. The owner, upon receipt of the commissioner's notification, has 30 calendar days to implement the required corrective actions to the satisfaction of the chief boiler inspector. The acceptance or rejection of all corrective actions shall be by the chief boiler inspector and must be in writing.

5225.3100 INSURED COVERAGE REPORT.

Approved
by Revisor _____

Every insurance company insuring a boiler or pressure vessel must notify the Boiler Inspection Division inspector in writing within 30 days of the effective date of coverage (including binders). It must also mail a duplicate of the notification to the assured, who shall, until receipt of exemption certificate, display the notice in a conspicuous place near the boiler or pressure vessel. The person, firm, or corporation operating the insured boiler or pressure vessel shall procure and display an exemption certificate within a period of 60 days from the date of coverage, and keep it displayed in a conspicuous place near the boiler or pressure vessel. If the certificate is not displayed within 60 days from date of coverage the boiler inspector shall make the usual and customary inspection of the boiler or pressure vessel and charge the statutory fee.

5225.3200 APPEALS.

Any person aggrieved by any action or decision of a boiler inspector may request a reconsideration by the commissioner, in the manner provided for a conference under part 5225.0880, subpart 3, who may affirm, modify, or rescind the action or decision. The parties affected by an action or decision of the commissioner may request a hearing at the Office of Administrative Hearings under Minnesota Statutes, sections 14.57 to 14.70.

5225.3400 STANDARDS FOR BOILERS.

Subpart 1. **Blowdown.** The blowdown from a boiler or boilers that may enter a sanitary sewer system or blowdown which is a hazard to human life or property must pass through some form of blowoff equipment that will reduce pressure and temperature. The temperature of the water leaving the blowoff equipment must not exceed 180 degrees Fahrenheit or a pressure of five pounds per square inch gage. This part does not apply to boiler blowoff tanks which are connected to boilers that operate at 400 pounds per square inch or over.

Subp. 2. **Blowoff tank.** A boiler blowoff tank must be

Approved
by Revisor _____

designed and correctly fabricated in accordance with the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Division 1 for at least 25 percent of the safe working pressure of the boilers to which it is connected, but in no case need a tank be constructed for a working pressure more than 100 pounds per square inch. The blowoff tank must be of a volume equal to at least twice the volume of water removed from the boiler when the normal water level is reduced not less than four inches.

Subp. 3. **Water outlet.** The water outlet connection must be connected to the tank so that the tank will remain half full of water after each blowdown, and this vertical leg must extend to within six inches of the bottom of the tank and the top of this water seal must also have a three-fourths inch opening to act as a syphon breaker.

Subp. 4. **Size opening.** The size opening of the blowoff line inlet, water outlet, and vent must have an area ratio of at least 1:1:5 to the nearest pipe size. Table 1 in part 5225.3500 gives ratio of openings.

Subp. 5. **Inlet.** The inlet must enter the shell at a tangent and must be above the surface of the water in the tank. A wearing plate of steel of the same thickness as the shell must be attached to the inside of the shell opposite the inlet opening.

Subp. 6. **Vent pipe.** The vent pipe must be connected to the uppermost part of the tank and carried without any intervening stop valve or other obstruction as direct as possible to the outside atmosphere. It must discharge at a point of safety not less than seven feet above adjacent areas or walkways.

Subp. 7. **Access opening.** The tank must have a suitable access opening, a manhole if possible; if not possible, then handholes, for inspection and cleaning of the interior. All pipe connections must be made as direct as possible and must be equipped, where possible, with sweep bends having a radius of at least four times the diameter of the pipe. Where conditions

Approved
by Revisor _____

make the use of sweep bends prohibitive, long sweep fittings may be used. If couplings are welded in the openings they must be extra heavy.

Subp. 8. **Drain.** The tank must be fitted with a drain connection which is at least 2-1/2 inch standard pipe size and with a cold water supply which is at least three-fourths inch pipe size. The drain line must contain fittings to facilitate cleaning.

Subp. 9. **Clearance from floor or ground.** The tank must be provided with supporting legs which shall give a distance of at least 12 inches from the bottom of the tank to the floor. Blowoff tanks placed under ground shall be installed in a properly walled pit having space of not less than 18 inches between the tank and the wall.

Subp. 10. **Pressure gage.** The tank must be fitted with a pressure gage graduated from 0 to 30 pounds, the minor graduations indicating a pressure not greater than one pound. The pressure gage must be connected to a siphon, the opening of which shall be at least one-fourth inch inside diameter.

Subp. 11. **Water gage glass.** The tank must be fitted with a water gage glass of at least one-half inch diameter. The lower connection to the glass shall be made at a point about four inches below the water line and the upper connection about six inches above the water line.

Subp. 12. **Thermometer well.** The tank must be fitted with an opening for a thermometer well, located close to the water outlet connection and in contact with the water in the tank. If the outlet is not fitted with a water cooling device, the retained water must be reduced to at least room temperature before blowing down a boiler.

Subp. 13. **Permissible types of tanks.** Blowdown centrifugal separator, closed, and other types of blowoff tanks are permissible when approved by the chief boiler inspector.

5225.3500 TABLE NO. 1.

Boiler

Approved
by Revisor _____

Blowoff Inlet	Water Outlet	Vent
* 3/4	3/4	2
1	1	2-1/2
1-1/4	1-1/4	3
1-1/2	1-1/2	4
2	2	5
2-1/2	2-1/2	6

To be used only with boilers of 100 square feet of heating surface or less.

5225.4000 BLOWOFF TANKS.

Sizes of blowoff tanks are given in the following table:

Up to three boiler horsepower pipes not to exceed 18 inches in diameter may be used, provided the volume of the water seal is at least equal to one gauge of water of the boiler to which it is connected and vapor space is at least 50 percent of the volume and boiler pressure is not over 100 pounds per square inch.

Boiler Rating	Tank Size
3 to 10 H.P.	24" x 36"
11 to 25 H.P.	24" x 48"
26 to 50 H.P.	30" x 36"
51 to 75 H.P.	30" x 48"
76 to 150 H.P.	36" x 54"
151 to 250 H.P.	36" x 60"
251 to 600 H.P.	42" x 66"
Over 600 H.P.	48" x 72"

5225.4100 SAFETY VALVES.

Every high pressure or low pressure boiler must have at least one safety valve. A high pressure boiler of more than 500 square feet of water heating surface must have two or more safety valves. Safety valves must meet American Society of Mechanical Engineers Boiler and Pressure Vessel Code requirements and be so stamped.

Every safety valve must be connected to the boiler independent of any other connections, and attached as close as possible to the boiler, without any unnecessary pipe or fitting and must stand in an upright position. No valve of any description may be placed between the required safety valve or valves and the boiler, nor on the discharge pipe between the safety valve and the atmosphere. All safety valves must discharge at a point of safety not less than seven feet from

Approved
by Revisor _____

running boards, platforms, or adjacent areas. No reduction in pipe size is allowed in discharge piping from a safety valve.

5225.4200 WATER GAGE.

When the boiler operating pressure exceeds 100 pounds per square inch, the watergage glass must be fitted with a gate or plug-valved drain to a safe discharge point.

The lowest visible part of the water gage glass must be at least two inches above the lowest permissible water level. If the lowest water gage shutoff valve is more than seven feet above the floor or platform from which it is operated, the operating mechanism must indicate by its position whether the valve is opened or closed.

5225.4300 WATER COLUMN SHUTOFFS.

When shutoffs are used in pipe connections between a boiler and water column or between a boiler and the shutoff valves required for the gage glass they must be either outside-screw-and-yoke or leverlifting type gate valves or stopcocks with levers permanently fastened and marked in line with their passage, or other through-flow construction to prevent stoppage by deposits of sediment. These valves must indicate by the position of the operating mechanism whether they are in open or closed position; and the valves or cocks shall be locked or sealed open. Where stopcocks are used they must be a type with the plug held in place by a guard or gland.

Apparatus which does not permit the escape of an appreciable amount of steam may be placed in the pipes connecting a water column or gage glass to a boiler.

The steam and water connections to a water column, including all pipe, fittings, valves, and drains must be readily accessible for internal inspection and cleaning by providing a cross or fitting with a back outlet at each right-angle turn, or by using pipe bends or fittings which will permit the passage of a rotary cleaner. The water column shall be fitted with at least a three-fourths inch pipe size cock or drain with a suitable connection to a safe discharge point.

Approved
by Revisor _____

5225.4400 STEAM GAGE.

Each steam gage must be connected to a siphon of at least one-fourth inch pipe size and be fitted with a cock provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open. If the pipe is longer than ten feet, a shutoff valve or cock arranged so that it can be locked or sealed open may be used near the boiler.

The dial of the steam gage must be graduated to approximately double the pressure at which the safety valve is set but in no case to less than 1-1/2 times this pressure.

5225.4500 VALVES AND FITTINGS.

Valves and pipe fittings must conform to the American National Standards Institute for the maximum allowable working pressure. Fusion welded joints are permitted if the welding procedure and operator are qualified.

All valves and fittings on all feedwater piping from the boiler up to and including the first stop valve and the check valve must be equal at least to the requirements of the standard accepted by the American Society of Mechanical Engineers Boiler and Pressure Vessel code for pressure 1.25 times the maximum allowable working pressure of the boiler.

All valves and fittings for feed-water piping between the required check valve and the globe or regulating valve, and including any bypass piping up to and including the shutoff valves in the bypass, must be equal at least to the saturated requirements of any standard accepted by the American Society of Mechanical Engineers Boiler and Pressure Vessel code. The pressure rating must be equal to the expected operating pressure required to feed the boiler for a saturated steam temperature corresponding to the minimum set pressure of any safety valve on the boiler drum or the actual temperature of the water, whichever is greater.

Valves and fittings made of any material permitted by the American Society of Mechanical Engineers Boiler and Pressure Vessel code for pressure ratings of 125 pounds or more and

Approved
by Revisor _____

marked as required by the code may be used for feed line and blowoff service up to 80 percent of the rated pressure.

5225.4600 STOP VALVES.

Each steam-discharge outlet, except safety-valve, reheater inlet and outlet, or superheater inlet connections, must be fitted with a stop valve located at an accessible point in the steam-delivery line and as near to the boiler nozzle as convenient and practicable. When the outlets are over two inches pipe size, the valve or valves used on the connection must be the outside-screw-and-yoke rising-spindle type to indicate at a distance by the position of its spindle whether it is closed or open. A plug-cock-type valve may be used provided the plug is held in place by a guard or gland, and it is equipped to indicate at a distance whether it is closed or open and it is equipped with a slow-opening mechanism.

5225.4700 COMMON MAIN CONNECTION.

When two or more boilers are connected to a common steam main, the steam connection from each boiler having a manhole opening must be fitted with two stop valves having an ample free-blow drain between them. The stop valves must consist preferably of one automatic nonreturn valve, set next to the boiler and a second valve of the outside-screw-and-yoke type; or as an alternative, two valves of the outside-screw-and-yoke type must be used.

5225.4800 BLOWOFF PIPING.

Each boiler must have a bottom blowoff pipe fitted with a valve or cock in direct connection with the lowest water space practicable.

All fittings between the boiler and valves must be of steel for pressure over 100 pounds per square inch. For pressures up to 200 pounds per square inch cast iron valves may be used if they meet the requirements of the American Standard for 250 pounds; and if of steel must be equal to the requirements of the American Standards as given in the American Society of

Approved
by Revisor _____

Mechanical Engineers Boiler and Pressure Vessel code. For pressures over 200 pounds per square inch the valves or cocks must be of steel and at least equal to the American Society of Mechanical Engineers Boiler and Pressure Vessel code standard.

5225.4900 BLOWOFF VALVES.

On all stationary boilers, when the allowable working pressure exceeds 100 pounds per square inch, each bottom blowoff pipe must have two slow-opening valves, or one slow-opening valve and a quick-opening valve or a cock complying with the American Society of Mechanical Engineers Boiler and Pressure Vessel code requirement.

The bottom blowoff pipes of every traction and/or portable boiler must have at least one slow-or-quick-opening blowoff valve or cock conforming to the American Society of Mechanical Engineers Boiler and Pressure Vessel code requirement.

Blowoff valves and cocks must be located in a convenient and accessible place, using extension valve stems if necessary to secure safe operation.

5225.5000 FEED PIPING.

The feed-pipe must be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler, and when two or more boilers are fed from a common source, there must be a globe or regulating valve on the branch to each boiler between the check valve and the source of supply. Wherever globe valves are used on feed piping, the inlet must be under the disk.

A combination stop-and-check valve in which there is only one seat and disk, and a valve stem is provided to close the valve when the stem is screwed down, must be considered only as a stop valve, and a check valve must be installed as provided in the first paragraph of this part.

5225.5100 FEEDWATER SUPPLY.

A high pressure boiler having more than 500 square feet of water heating surface (50 BHP) must have at least two means of

Approved by Revisor _____

feeding. Each source of feeding must be capable of supplying water to the boiler at a pressure of three percent higher than the highest setting of any safety valve on the boiler. For boilers that are fired with solid fuel not in suspension, and for boilers whose setting or heat source can continue to supply sufficient heat to cause damage to the boiler if the feed supply is interrupted, one such means of feeding must not be susceptible to the same interruption as the other, and each must provide sufficient water to prevent damage to the boiler.

When electrically-driven feed pumps are used and there is no other reliable independent source of electrical supply, there must be maintained ready for service steam-driven feed pumps or injectors (inspirators) of sufficient capacity to safeguard the boilers in case of failure of electric power.

5225.5200 ELECTRICALLY HEATED GENERATORS.

All appliances required for electric steam generators shall be attached in accordance with the following:

A cable at least as large as one of the incoming power lines to the generator must be provided for grounding the generator shell. This cable must be permanently fastened on some part of the generator and must be grounded in an approved manner. A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen or guard must be located so that it will be impossible for anyone working around the generator to accidentally come in contact with the high tension circuits.

Each kilowatt of electrical energy consumed by an electric steam generator, operating at maximum rating, must be considered the equivalent of one square foot of heating surface of a fire tube boiler when determining the required amount of safety valve relieving capacity.

5225.9000 TRACTION ENGINE ATTENDANCE REQUIREMENTS.

A traction engine (hobby boiler) may not be left unattended when in operation and members of the public are present. For purposes of this part, a traction engine may be considered as

Approved
by Revisor _____

not being in operation when all of the following conditions exist:

A. the water level is at least one-third of the water gage glass;

B. the header or dome valve is in a closed position;

C. the draft doors are closed;

D. the fire is banked or extinguished; and

E. the boiler pressure is at least 20 pounds per square inch below the safety valve relieving pressure.

REPEALER. Minnesota Rules, parts 5225.0800; 5225.2000; 5225.2500, subparts 1 and 2; and 5225.2800; are repealed.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 12 1989

Joan Anderson Growe
Secretary of State
4:21 p.m.

APPROVED AS TO FORM AND LEGALITY
January 11 1989
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Labor and Industry

Code Enforcement Boiler Inspection Division

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Amendment of Rules of the Minnesota Department of Labor and Industry Governing Boilers and Power Boats

Notice is hereby given that the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing documentation and evaluation of applicant qualifications, inspection and safety standards for boilers and pressure vessels and dispute resolution procedures. The adoption of these rules is authorized by *Minnesota Statutes* § 183.44, subd. 2 (1986), *Minnesota Statutes* § 183.465 (1986) and *Minnesota Statutes* § 183.466 (1986).

The Minnesota Department of Labor and Industry, Code Enforcement Boiler Division, requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit data or views on the subject matter of concern in writing to:

Charles Curren, Assistant Commissioner
Department of Labor and Industry
4th Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

Any written material received by the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the amendments to the rules are adopted.

Information and opinions will be accepted until June 10, 1988.

Dated: 9 May 1988

Ray Bohn, Commissioner of the
Department of Labor and Industry

Department of Labor and Industry

Code Enforcement High Pressure Piping Division (Division of Steamfitting Standards)

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Amendment of Rules of the Minnesota Department of Labor and Industry Governing High Pressure Piping

Notice is hereby given that the Minnesota Department of Labor and Industry, Code Enforcement High Pressure Piping Division is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing high pressure piping installers and installation. The promulgation of these rules is authorized by *Minnesota Statutes* § 326.48, Subd. 1 (Supp. 1987), *Minnesota Statutes* § 326.46, (1986), and *Minnesota Statutes* § 326.50, (Supp. 1987).

The Minnesota Department of Labor and Industry, Code Enforcement High Pressure Piping Division, requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit data or views on the subject matter of concern in writing to:

Charles Curren, Assistant Commissioner
Department of Labor and Industry
4th Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

Any written material received by the Minnesota Department of Labor and Industry, Code Enforcement High Pressure Piping Division shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the amendments to the rules are adopted.

Information and opinions will be accepted until June 10, 1988.

Dated: 9 May 1988

Ray Bohn, Commissioner of the
Department of Labor and Industry

In the Matter of the Proposed Amendment of Rules of the Minnesota Department of Labor and Industry Governing Boilers and Power Boats

Department of Labor and Industry, Code Enforcement Boiler Inspection Division

NOTICE OF SOLICITATION OF OUTSIDE INFORMATION OR OPINIONS

Notice is hereby given that the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing documentation and evaluation of applicant qualifications, inspection and safety standards for boilers and pressure vessels and dispute resolution procedures. The adoption of these rules is authorized by Minn. Stat. § 183.44, subd. 2 (1986), Minn. Stat. § 183.465 (1986) and Minn. Stat. § 183.466 (1986).

The Minnesota Department of Labor and Industry, Code Enforcement Boiler Division, requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit data or views on the subject matter of concern in writing to:

Charles Curren, Assistant Commissioner
Department of Labor and Industry
4th Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

Any written material received by the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the amendments to the rules are adopted.

Information and opinions will be accepted until June 10, 1988.

STATE OF MINNESOTA

Ray Bohn, Commissioner of the
Department of Labor and Industry

Dated: 5/5/88

Department of Labor and Industry
Code Enforcement Boiler Inspection Division

In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division, Governing Boilers and Power Boats

NOTICE OF INTENT TO ADOPT AMENDMENTS TO RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Labor and Industry, Code Enforcement Boiler Inspection Division, intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules is Minn. Stat. § 183.44, subd. 2 (1986), Minn. Stat. § 183.465 (1986) and Minn. Stat. § 183.466 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Charles Curren, Assistant Commissioner
Department of Labor and Industry
4th Floor - 443 Lafayette Road
St. Paul, Minnesota 55101
Phone: (612) 296-6529

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from the Department of Labor and Industry at the above address. A Statement of Need and Reasonableness that describes the need for an reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is also available from the Department of Labor and Industry at the above address upon request.

The rules proposed for adoption relate to 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 disciplinary and due process procedures for owners and license holders. 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 disciplinary and due process rules include 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 business would be minimal.

The owner/user 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 documented its consideration of methods for reducing the impact of the rules on small business in the Statement of Need and Reasonableness.

The Department has considered the effect of the rules on local public bodies, agencies and school districts under Minn. Stat. § 3.982 (1986) and Minn. Stat. § 14.11, subd. 1 (1986), and has determined that no fiscal note is needed. No significant expenditures will be required by local governmental bodies and the rules do not establish a new program or require an increased level of service. 13

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Department of Labor and Industry, Code Enforcement Boiler Inspection Division, at the above address. 9

Date: 9/21/88

Ray Bohn, Commissioner of the Department of Labor and Industry

Department of Labor and Industry

Proposed Permanent Rules Relating to Boilers and Power Boats

Rules as Proposed

5225.0010 SCOPE.

This chapter only addresses the manufacture, installation, repair, operation, safety, and inspection of boilers and pressure vessels pursuant to Minnesota Statutes, sections 183.375 to 183.62. Other related codes on high pressure piping, building, electrical, and plumbing are available from State Documents, Department of Administration, 117 University Avenue, Saint Paul, Minnesota, 55155.

5225.0090 INCORPORATION BY REFERENCE.

Subpart 1. **General.** To the extent referred to in this chapter, the codes and publications described in this part are incorporated by reference.

Subp. 2. **American Society of Mechanical Engineers Boiler and Pressure Vessel Code.** The American Society of Mechanical Engineers Boiler and Pressure Vessel Code is written and published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017 and can be purchased from the same source. It is available for inspection at the Hill Reference Library, 80 East Fourth Street, Saint Paul, Minnesota 55102. It is subject to frequent change. The publication dates vary by subject. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

Subp. 3. **National Board Inspection Code.** The National Board Inspection Code is written and published by the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229 and can be purchased from the same source. It is available for inspection at the Minnesota Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. It is subject to frequent change. The publication date varies.

Approved by Revisor JCF

The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

Subp. 4. **American Society of Mechanical Engineers Codes and Standards.** The American Society of Mechanical Engineers Codes and Standards are submitted for publication to the American National Standards Institute, 1430 Broadway, New York, New York 10018 and can be purchased from the same source. They are available for inspection at the Hill Reference Library, 80 West Fourth Street, Saint Paul, Minnesota 55102. They are subject to frequent change. The publication dates vary by subject. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

5225.0500 EXAMINATIONS.

Subpart 1. **Preparation of written examination.** The examination questions ~~shall~~ will be prepared by the chief ~~or deputy chief of the Division of Boiler Inspection~~ boiler inspector. All examinations ~~shall~~ must be written unless the applicant is unable to write, in which case the examination ~~may~~ will be oral~~, provided~~ for a special or second class license. The right to an oral examination for a first or chief class license shall be determined by the chief boiler inspector based on the applicant's ability to demonstrate reading comprehension of statutes, rules, technical boiler operation manuals, and safety warnings. Decisions of the chief boiler inspector regarding application for oral examination may be appealed to the commissioner under part 5225.3200. A written record of the ~~same is~~ examination shall be made, and examination papers ~~shall~~ will be kept on file for a period of at least one year.

Subp. 2. **Minimum grade.** No license of ~~the~~ any class ~~applied for shall~~ will be granted to any applicant who fails to obtain a ~~grade~~ score of 75 percent in an examination ~~therefor~~, nor ~~shall~~ may any other ~~class~~ grade of license be granted.

Subp. 3. **Effect of failure.** Applicants who fail to pass

Approved by Revisor _____

an examination shall not be eligible to take another examination for the same class of license within the following periods ~~thereafter~~:

A. special ~~30-horsepower~~ engineer's ~~(third-class)~~, hobby, or pilot's license, ~~30~~ ten days;

B. first and second class license, ~~60~~ 30 days; and

C. chief's license, ~~90~~ 60 days.

Failure of an applicant to obtain a passing ~~mark shall~~ score will not affect the status of any license previously granted ~~to him~~, but the fee paid for ~~such~~ the examination ~~shall~~ will not be refunded.

5225.0550 DOCUMENTATION OF EXPERIENCE REQUIREMENTS FOR LICENSURE AS A BOILER OPERATOR.

Subpart 1. **Compliance requirements.** All applicants must comply with chapter 5225 and Minnesota Statutes, sections 183.375 to 183.62. Applicants with previous experience in a jurisdiction requiring licensure must show proof of compliance with the licensure requirements of that jurisdiction in order to receive credit for the experience. All applicants for licensure as a pilot, hobby boiler operator, or boiler operator shall provide documentation of operating experience for the level of class/grade applied for in accordance with subparts 2 to 9.

Subp. 2. **Special class experience requirements.** A special class license requires no previous experience and a signed application form.

Subp. 3. **Second class experience requirements.**

A. A second class license requires: one year of experience on a boiler of proper size to receive the second class license as documented by:

(1) one year of special class licensed operation; or

(2) one year of conventional or nuclear experience as a coal passer, fireman, oiler, water tender, engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

Approved by Revisor _____

(3) one year of actual experience operating a boiler of sufficient size to qualify for a second class license under Minnesota Statutes, section 183.51.

B. Acceptable forms for documentation are:

(1) an application form; and

(2) a valid, current Minnesota special class license; or

(3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a utility plant of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51, or a sworn affidavit signed by two or more shift engineers of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 4. **First class experience requirements.**

A. A first class license requires three years of experience on a boiler of proper size to receive the first class license as documented by:

(1) one year of special class licensed operation and two years of second class licensed operation, or two years of special class licensed operation and one year of second class licensed operation, or three years of special class licensed operation; or

(2) three years experience as a coal passer, fireman, oiler, water tender, engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

(3) three years of actual experience operating a boiler of sufficient size to qualify for a first class license under Minnesota Statutes, section 183.51.

B. Acceptable forms for documentation are:

(1) an application form; and

Approved
by Revisor _____

(2) a valid, current Minnesota boiler operator's license; or

(3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a utility plant or a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51, or a sworn affidavit signed by two or more shift engineers of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 5. **Chief class experience requirements.**

A. A chief class license requires five years of experience on a boiler of proper size to receive the chief class license as documented by:

(1) any combination of five years licensed boiler operation with at least one year as a first class license holder; or

(2) five years experience as an engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

(3) five years of actual experience operating a boiler of sufficient size to quality for a chief class license under Minnesota Statutes, section 183.51, of which at least two years must have been in a supervisory capacity either as a shift engineer in charge or as the chief engineer of the facility from which the claimed experience was obtained.

B. Acceptable forms for documentation are:

(1) an application form; and

(2) a valid, current Minnesota first class boiler operator's license; or

(3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a facility where the

Approved by Revisor _____

claimed experience was obtained; chief engineer of a utility plant or a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 6. **Requirements for Grade A licensure.** The requirements for a Grade A license are:

A. Second Class: one year of documented operation of a high pressure boiler which must include one year of operation of a steam engine or turbine.

B. First Class: three years of documented operation of a high pressure boiler of which at least two years must include operation of a steam engine or turbine.

C. Chief Class: five years of documented operation of a high pressure boiler, including at least two years acting as a shift engineer, and two years of operation of a steam engine or turbine.

Subp. 7. **Pilot license experience documentation.** An applicant for a pilot license for operation of a boat for hire must have at least one month or 30 days of experience operating a boat of not less than 20 feet in length and powered by a motor of not less than 50 horsepower, as rated by the manufacturer. Unless the applicant has a valid United States Coast Guard pilot's license, an affidavit of experience must be submitted by a person with sufficient knowledge of the applicant's experience prior to the applicant taking the examination. The person signing the affidavit must hold a valid Minnesota pilot's license or a United States Coast Guard pilot's license.

Subp. 8. **Traction engine or hobby boiler license experience documentation.** An applicant for a hobby boiler license must have at least 25 hours actual experience operating a steam traction engine under the supervision of a properly licensed operator, or a valid Minnesota second class, or higher, boiler operator's license. An affidavit of experience must be

Approved by Revisor _____

submitted by a person with sufficient knowledge of the applicant's experience prior to the applicant taking the examination. The person signing the affidavit must have observed the applicant operating the steam traction engine and must possess either a valid Minnesota hobby boiler license or a valid second class, or higher, Minnesota boiler operator's license.

Subp. 9. **Other acceptable supporting documentation.** Position descriptions, payroll records, jurisdiction or insurer inspection records, and documentation as to the size of the boilers operated may be used to support the application under subparts 2 to 5. Other operating experience may qualify the applicant for licensure under this part provided that the experience demonstrates the applicant's ability to safely and effectively perform at the level of licensure applied for. A decision of the chief inspector regarding applicability of other experience may be appealed to the commissioner pursuant to part 5225.3200.

Subp. 10. **Year defined.** For purposes of this chapter, a "year" is at least 2,000 hours.

5225.0600 PROHIBITION AGAINST FALSE STATEMENTS IN APPLICATION.

Any ~~**deliberate**~~ **material** false statement in an application~~,~~ or ~~in any~~ affidavit ~~**presented in connection therewith**~~ such that the license would not have been granted if the accurate information had been provided, shall render the license ~~issued thereon~~ void. The license shall not be determined to be void until the license holder has been provided with the opportunity for a meet and confer conference and/or an administrative hearing pursuant to part 5225.0880, subpart 5, and the requirements of the Administrative Procedure Act, and the charge of a materially false statement is upheld. In lieu of requesting an administrative hearing pursuant to part 5225.0880, subpart 5, the license holder may reapply for licensure by providing the proper documentation, retaking the appropriate examination and paying the application fee, or may voluntarily

Approved
by Revisor _____

relinquish the license.

5225.0700 LOSS OR DESTRUCTION OF LICENSE.

Upon presentation of a written statement of fact showing that a license has been lost, destroyed, or not received, a substitute license ~~may~~ will be issued ~~by the chief of the Division of Boiler Inspection without cost to the licensee. The chief may require the presentation to be by affidavit if he deems the circumstances warrant it~~ for a fee set by the commissioner of labor and industry.

Sonar states no changes in fee prices

5225.0880 DISCIPLINARY PROCEDURES.

Subpart 1. **License revocation suspensions.** The commissioner DLI may suspend or revoke the engineer's or pilot's license, direct the person to cease the action or operation, seal the boiler or pressure vessel, or seek a restraining order in district court if the holder of a license of any class, including pilots of boats for hire, or the owner of a boiler or pressure vessel violates any provision of Minnesota Statutes, sections 183.375 to 183.62, or this chapter, or operates or allows a boiler or pressure vessel to be operated under unsafe or dangerous conditions, or the holder of a license of any class, including pilots of boats for hire, has obtained a license of any grade based on a materially false application or affidavit, or an owner of a boiler fails to employ properly qualified engineers to operate the boiler or fails to make necessary repairs to an unsafe boiler or pressure vessel. In deciding what action to take, the commissioner DLI shall consider the seriousness of the violation, the likelihood of a repeat occurrence, and the actual or potential threat to property or life caused by the violation.

Subp. 2. **Complaints.** All complaints related to license qualification or unsafe operating practices, whether filed by a boiler inspector of the Department of Labor and Industry or any other person, must be in writing to the chief boiler inspector on forms prescribed by the commissioner. DLI Notices of unsafe objects shall be prepared by a boiler inspector of the

Approved by Revisor _____

Department of Labor and Industry on forms prescribed by the commissioner.

Upon the filing of a complaint with the chief boiler inspector charging the owner or license holder with engaging in a prohibited or unsafe activity described in subpart 1, the chief boiler inspector shall direct an investigation as necessary and report to the commissioner if the chief boiler inspector believes further action is necessary.

Unless the commissioner seeks a restraining order in district court, the commissioner shall serve on the owner or license holder, by first class or certified mail or in person, notice of the alleged violation, the proposed action to be taken, and of the opportunity for a conference and a contested case proceeding under subpart 3.

Subp. 3. **Show cause conference.** If the charge is that a license holder or owner has violated a provision of Minnesota Statutes, sections 183.375 to 183.62 or this chapter, or is operating a boiler or pressure vessel in an unsafe or dangerous condition, or with unlicensed or improperly licensed engineers, or a decision of a boiler inspector is being appealed pursuant to part 5225.3200, the commissioner shall give the owner or license holder the opportunity to request a conference to show cause (1) why an order should not be issued suspending or revoking the holder's license or directing the person to cease and desist the prohibited activity or operation, or (2) why the decision of the boiler inspector should not stand.

The person charged may request a show cause conference in writing that must be received by the commissioner within ten working days after the notice provided for in subpart 2 was served. If a timely request is not made, the commissioner may issue the proposed order.

The show cause conference must be scheduled within 20 working days of the receipt of a timely request. Findings and an order must be served and filed by the commissioner within ten working days after the conference is held.

Orders issued under this subpart must include notice of the

Approved by Revisor _____

right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge. An owner or license holder who disagrees with the commissioner's order issued pursuant to this subpart may request a contested case hearing for a final determination in accordance with subpart 7. If a contested case hearing is requested, the commissioner's order shall be stayed pending a final determination after the contested case hearing.

Subp. 4. **Unsafe objects; administrative conference.** If an inspector of the Department of Labor and Industry has determined that the operation of a boiler by an unlicensed or improperly licensed person creates an imminent danger to human life or property or that repair or replacement is necessary to ensure safe operation of a boiler or pressure vessel, a notice of unsafe object must be placed on the boiler or pressure vessel. In addition to the notice requirements of subpart 2, the notice of unsafe object must state that the boiler or pressure vessel may not be operated until the object is satisfactorily repaired or replaced and the notice of unsafe object is removed by the inspector, until properly licensed persons are assigned to operate the equipment, or the commissioner orders the notice of unsafe object removed from the boiler or pressure vessel.

The commissioner shall give the owner of the boiler or pressure vessel the opportunity for a conference to show cause why the boiler or pressure vessel should not remain sealed until repaired or replaced or until properly licensed persons are available to operate the boiler. The owner must request a show cause conference in writing, in person, or by phone, within three working days of the date the notice of unsafe object was placed on the boiler or pressure vessel. If a request for a show cause conference is not timely received, the commissioner may order that the boiler or pressure vessel remain sealed pending repair, replacement, or operation by properly licensed personnel.

The show cause conference must be held within two working days of receipt of a timely request or at a later date upon

Approved by Revisor _____

mutual consent of the parties. Immediately upon completion of the conference, the commissioner must provide a verbal order, to be followed by written findings and an order, that must be served and filed within ten working days after the conference is held.

Orders must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge. An owner who disagrees with the commissioner's order issued pursuant to this part, may request a contested case hearing for a final determination in accordance with subpart 7. Once a notice of unsafe object is placed on the boiler or pressure vessel, the boiler or pressure vessel may not be operated pending a show cause conference or a contested case proceeding until the tag is removed by the inspector, or the commissioner issues an order allowing the object to be placed into service.

Subp. 5. **Materially false statement; meet and confer conference.** If the charge is that the holder of a license obtained the license based on a materially false application or affidavit, the commissioner shall give the license holder the opportunity for an informal meet and confer session with representatives of the Department of Labor and Industry. The license holder must request the conference in writing within ten days of the date the notice in subpart 2 was served. The session must be scheduled within 20 working days of the receipt of a timely request.

If no timely request for a meet and confer session is received, or if no mutually acceptable resolution can be reached at the meet and confer session, the commissioner shall initiate a contested case hearing pursuant to the Administrative Procedure Act to determine whether the license should be revoked.

Subp. 6. **Manner of conference.** A show cause conference or a meet and confer session shall be conducted in an informal manner. No transcript will be made; however, the proceedings may be recorded. Each party may be represented by an attorney or may be accompanied by another person not an attorney.

Approved by Revisor _____

Parties may produce witnesses and documents to support their position.

Subp. 7. **Contested case hearing.** A person who disagrees with an order of the commissioner issued pursuant to subpart 3 or 4 may request a de novo hearing under the contested case proceedings of the Administrative Procedure Act within 30 days of service of the order. Upon receipt of the findings of fact and recommendations of the administrative law judge, the commissioner shall serve and file a final order by regular or certified mail. This order shall be the order of the commissioner in a contested case.

Subp. 8. **Injunctive relief.** At any time before or after the commissioner issues an order under this part, the commissioner may discontinue the administrative proceedings and initiate an action in district court for injunctive relief. A notice of unsafe object or an order of the commissioner issued pursuant to subpart 4, shall remain in effect until a district court judge orders otherwise.

5225.0900 DISPLAY OF LICENSE.

Licenses granted ~~shall~~ must be placed in a glassed frame and be displayed in a conspicuous place in the engine or boiler room, or pilot's station. Boiler plants operated by a contract boiler operator must have a copy of the engineer's license of each person who may be operating the boiler posted in each boiler room.

5225.1000 BOILER HORSEPOWER RATING.

~~Inspectors,~~ In rating the ~~boiler~~ horsepower of a boiler plant, inspectors shall use the ~~manufacturer's normal boiler~~ horsepower of each boiler and compute the total horsepower ~~as that of the combined horsepower~~ of all boilers connected ~~with~~ to the header, whether all ~~such~~ the boilers are in use or not. ~~If the manufacturer's rating cannot be found, ten square feet of heating surface (fire side of tube) shall be considered equivalent to one boiler horsepower.~~ It ~~shall be~~ is the duty of all boiler inspectors, including those employed by ~~the~~ insurance

Approved by Revisor _____

companies, to promptly report to the chief ~~of-the-Division-of Boiler-Inspection~~ boiler inspector, any plant in which the engineer has no license or ~~his~~ a license ~~is~~ of a lower class than that required by law for the horsepower of ~~said~~ the plant.

Ten kilowatts equals one boiler horsepower for the engineer license requirement.

5225.1200 INSURANCE COMPANY INSPECTORS.

Subpart 1. **License requirement.** Inspectors in the employ of ~~the~~ insurance companies shall possess a ~~chief-engineer's license-or-a-certificate-of-competency-from-the~~ National Board of Boiler and Pressure Vessels Inspectors' Commission issued by the National Board of Boiler and Pressure Vessel Inspectors, and shall place on inspection reports the serial number of their ~~license-or-certificate~~ National Board of Boiler and Pressure Vessel Inspectors' Commission or Minnesota state certificate of competency. A Minnesota state certificate of competency is issued by the Boiler Inspection Division according to Minnesota Statutes, section 183.38, subdivision 2.

Subp. 2. **Examination.** State or insurance company boiler inspectors seeking a license as authorized shop inspectors on new construction of **steam** boilers and/or pressure vessels shall qualify by passing a written examination prepared by the National Board of Boiler and Pressure Vessel Inspectors. ~~Such~~ The examinations ~~shall~~ will be held at Saint Paul, Minnesota, by the Boiler Inspection Division ~~of-Boiler-Inspection~~ at ~~such~~ times ~~as-it~~ the commissioner may prescribe. Applicants ~~so~~ qualifying shall ~~be-given~~ obtain a National Board of Boiler and Pressure Vessel Inspectors' commission ~~serial-number,-which~~ from the National Board of Boiler and Pressure Vessel Inspectors. The serial number ~~shall~~ of the commission must be registered in the office of the chief ~~of-the-Division-of-Boiler Inspection~~ boiler inspector. Inspectors having National Board of Boiler and Pressure Vessel Inspectors' commissions obtained in other states shall ~~be-registered-without-another examination~~ register the serial number of their commission with

Approved by Revisor _____

the commissioner and furnish a photocopy of their current National Board of Boiler and Pressure Vessel Inspectors' Commission to the Boiler Inspection Division.

5225.1350 PROPERTY DAMAGE OR PERSONAL INJURY REPORT.

Insurance inspectors or owners shall make a written report to the chief boiler inspector of incidents involving boilers and pressure vessels covered under this chapter that result in personal injury, total destruction of the object, or property damage involving repairs not of a routine nature. These incidents shall be reported on the National Board of Boiler and Pressure Vessel Accident Report form.

5225.2100 STAMPS ON BOILER AND PRESSURE VESSELS.

Every boiler or pressure vessel, unless specifically exempted by Minnesota Statutes, section 183.56, for use in this state ~~shall~~ must conform in every detail to the boiler and pressure vessel laws of the state and rules adopted by the Department of Labor and Industry, and when correctly constructed ~~in-accordance-therewith-shall~~ the boiler or pressure vessel must be stamped with the respective ~~ASME~~ American Society of Mechanical Engineers code symbol, ~~or~~ and the National Board symbol (NB) or Minnesota Special (MINN. SPC) ~~as-the-case-may be~~. Stamping must be witnessed by an inspector holding a National Board commission. Information as to construction stamp requirements shall be provided to contractors by the chief boiler inspector. The chief ~~of-the-Division-of-Boiler Inspection~~ boiler inspector may, at the request of the manufacturer, designate any inspector possessing the qualifications required by part ~~5225.2000~~ 5225.1200 to make the requested shop inspection, for which the manufacturer shall pay the ~~statutory~~ required fee pursuant to part 5225.8600, plus ~~cost of-transportation-and-subsistence-as-established-by-the Department-of-Administration~~ travel expenses.

5225.2200 ITEMS REQUIRING INSPECTION.

The authorized boiler inspector shall inspect all ~~steam~~

Approved by Revisor _____

boilers or steam generators, fired or unfired pressure vessels, and appurtenances ~~connected thereto~~ for their safe operation and condition, and all pressure piping connecting them to the appurtenances, and all piping up to the first stop valve, or the second valve when two are required in accordance with inspection requirements in Section 1 of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the National Board Inspection Code. They ~~shall~~ must be properly prepared for inspection and the inspector given at least 48 hours' notice before the time ~~set for~~ of the inspection.

Any pressure piping to ~~steam~~ the boiler, steam generator, or pressure vessel appurtenances such as water column, blowoff valve, feedwater regulator, superheater, economizer, or stop valves~~, etc.,~~ which are to be shipped connected to the ~~steam~~ boiler, steam generator, or pressure vessel as a unit, ~~shall~~ must be hydrostatically tested with the ~~steam~~ boiler, steam generator, or pressure vessel, and the hydrostatic test must be witnessed by an authorized inspector, and if ~~approved~~ recognized as being in conformance with accepted procedures by the inspector, so noted on the data sheet by the inspector.

5225.2400 TITLE TRANSFER TO USED BOILERS OR VESSELS.

Before the transfer of the title to a used boiler or pressure vessel and its future use in another location, the owner ~~thereof~~ shall cause ~~the same~~ it to be inspected by the state ~~(~~or insurance company~~)~~ boiler inspector, and in computing ~~its~~ the safe working pressure, the inspector shall use a safety factor of at least six on noncode boilers and pressure vessels having a butt strap joint and at least a factor of seven on a lap seam ~~or welded~~ joint. The maximum allowable working pressure for objects covered under Minnesota Statutes, section 183.411 must not exceed the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for determining working pressure.

5225.2500 LOW WATER DEVICES.

Subpart 1. and 2. [See Repealer.]

Approved
by Revisor _____

Subp. 3. **Requirements.** The following must be equipped with a low water cutout that will shut off the fuel supply in case of a low water condition:

A. each automatically fired steam boiler; and

B. each automatically fired hot water heating boiler or other hot liquid boiler plants of two or more boilers with individual isolating valves connected to a common header with a total heat input exceeding 750,000 Btu per hour input.

Subp. 4. **Flow-sensing device required.** The following must have a flow-sensing device installed in the outlet piping instead of the low water fuel cutoff required in subpart 3 to automatically cut off the fuel supply when the circulating flow is interrupted:

A. a coil type boiler plant exceeding 750,000 Btu; and

B. a watertube boiler plant with heat input greater than 750,000 Btu per hour requiring forced circulation to prevent overheating of the coils or tubes.

5225.2600 REPORTING REPAIRS AND ALTERATIONS.

Subpart 1. **Prior notice of repair or alteration.** The owner or person in charge of a ~~steam~~ boiler, steam generator, or pressure vessel shall notify the Boiler ~~inspector of~~ Inspection Division or if the object is insured, the owner or person in charge shall notify the insurer before each ~~major~~ repair ~~or alteration made thereto,~~ and all alterations made to the pressure containing parts of a boiler or pressure vessel, and the authorized inspector ~~shall then~~ will compute the safe working pressure ~~by virtue~~ of ~~said~~ the repair or alteration. ~~In the event the boiler is insured, the owner or person in charge thereof shall notify the insurer.~~

Subp. 2. **Standard of repairs.** The National Board of Boiler and Pressure Vessel Inspectors' repair (R) stamp or applicable American Society of Mechanical Engineers Boiler and Pressure Vessel Code symbol stamp is required for welded repairs not of a routine nature to any boiler or pressure vessel subject

Approved by Revisor _____

to inspection as specified in Minnesota Statutes, sections 183.375 to 183.62.

All alterations must be in compliance with the latest edition of the National Board Inspection Code and the referencing sections of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Repairs or alterations must be reported to the authorized inspection agency responsible for the inservice inspection of the boiler or pressure vessels by the repair firm as required by the National Board Inspection Code. Required certification of repairs and alterations must be made by an inspector holding a National Board of Boiler and Pressure Vessel Inspectors' commission, who is employed by an authorized inspection agency under contract with the firm doing the repairs. Authorized inspection agencies are:

A. a jurisdictional authorized inspection agency;

B. the Minnesota Department of Labor and Industry, Division of Boiler Inspection; and

C. the authorized inspection agency which insures the boiler or pressure vessel.

It is the responsibility of the organization making the repair or alteration to provide for inspection, documentation, and certification of the work, and to ensure acceptance of the work by an authorized inspection agency.

Completion of the National Board of Boiler and Pressure Vessel R-1 form is required for all repairs not of a routine nature and all alterations. It is the responsibility of the repair organization to prepare the form and submit it to the authorized inspector for acceptance. Distribution of the form must be as provided in the National Board Inspection Code with one copy of the completed form sent to the Minnesota Department of Labor and Industry, Boiler Inspection Division.

5225.2610 OWNER REPAIR PROGRAM.

An owner with boilers exceeding 200,000 pounds per hour may perform repairs or alterations to their boiler systems,

Approved
by Revisor _____

excluding high pressure piping under the authority of Minnesota Statutes, section 326.461, subject to written approval of their repair program from the Department of Labor and Industry.

The owner repair program must include: organization, design control, material control, control of work, inspection, welding, nondestructive testing, records, repair reporting, and provision for system test and inspection by an authorized national board inspector. Before acceptance of the repair program, the chief boiler inspector must review the program. The program shall not be approved until the chief boiler inspector is satisfied that the program elements listed in this part are complete and acceptable and the allowance for independent third-party inspection controls are adequate and acceptable.

The commissioner of the Department of Labor and Industry may withdraw program approval, with cause, upon the recommendation of the chief boiler inspector. The commissioner must provide the owner with written notification of the department's intent to withdraw program approval and the reasons for the action. The owner, upon receipt of the commissioner's notification, has 30 calendar days to implement the required corrective actions to the satisfaction of the chief boiler inspector. The acceptance or rejection of all corrective actions shall be by the chief boiler inspector and must be in writing.

not very descriptive. Vague

5225.3100 INSURED COVERAGE REPORT.

Every insurance company insuring a boiler or pressure vessel ~~shall~~ must notify the ~~chief-of-the-Division-of~~ Boiler Inspection Division inspector in writing ~~immediately~~ within 30 days of ~~such~~ the effective date of coverage (including binders). It ~~shall~~ must also mail a duplicate of ~~such~~ the notification to the assured, who shall, until receipt of exemption certificate, ~~post-such~~ display the notice in a conspicuous place near the boiler or pressure vessel. The person, firm, or corporation operating the insured boiler or

Approved by Revisor _____

pressure vessel shall procure and ~~post~~ display an exemption certificate within a period of 60 days from the date of coverage, and keep ~~same-posted~~ it displayed in a conspicuous place near the ~~insured-object~~ boiler or pressure vessel. If ~~such~~ the certificate is not ~~posted~~ displayed within ~~said~~ 60 days from date of coverage the boiler inspector shall make the usual and customary inspection of ~~such~~ the boiler or pressure vessel and charge the statutory fee ~~therefor~~.

5225.3200 APPEALS.

Any person aggrieved by any action or decision of a boiler inspector may ~~appeal-therefrom-to~~ request a reconsideration by the ~~chief-of-the-Division-of-Boiler-Inspection-by-filing-written notice-of-such-appeal-with-that-officer~~ commissioner, in the manner provided for a conference under part 5225.0880, subpart 3, ~~who,-after-notice-and-hearing,~~ may affirm, modify, or rescind ~~such~~ the action or decision. The parties affected by ~~any~~ an action or decision of the ~~chief-of-the-Division-of-Boiler Inspection~~ commissioner may ~~appeal-therefrom-to-the-Department of-Labor-and-Industry~~ request a hearing at the Office of Administrative Hearings under Minnesota Statutes, sections 14.57 to 14.70.

5225.3400 STANDARDS FOR BOILERS.

Subpart 1. **Blowdown.** The blowdown from a boiler or boilers that ~~enters~~ may enter a sanitary sewer system or blowdown which is ~~considered~~ a hazard to human life or property ~~shall~~ must pass through some form of blowoff equipment that will reduce pressure and temperature ~~as-required-hereinafter~~. The temperature of the water leaving the blowoff equipment ~~shall~~ must not exceed ~~150~~ 180 degrees Fahrenheit.~~--The-pressure-of-the blowdown-leaving-any-type-of-blowoff-equipment-shall-not exceed~~ or a pressure of five pounds per square inch gage. ~~If this-pressure-is-exceeded-additional-vent-area-shall-be provided.--If-during-the-blowdown-the-water-seal-level-cannot-be maintained,-the-water-outlet-line-shall-be-reduced-one-pipe size.--The-rules-of~~ This ~~section-are~~ part does not ~~intended-to~~

Approved by Revisor _____

apply to boiler blowoff tanks which are connected to boilers that operate at 400 pounds per square inch or over.

Subp. 2. **Blowoff tank.** A boiler blowoff tank ~~shall~~ must be designed and correctly fabricated in accordance with the ASME ~~Unfired~~ American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Division 1 for at least 25 percent of the safe working pressure of the boilers to which it is connected, but in no case need a tank be constructed for a working pressure more than 100 pounds per square inch. The ~~minimum thickness of the shell plate and heads shall be three eighths inch, and shall~~ blowoff tank must be of a volume equal to at least twice the volume of water removed from the boiler when the normal water level is reduced not less than four inches.

Subp. 3. **Water outlet.** The water outlet connection ~~shall~~ must be connected to the tank so that the tank will remain half full of water after each blowdown, and this vertical leg ~~shall~~ must extend to within six inches of the bottom of the tank and the top of this water seal ~~shall~~ must also have a three ~~quarter~~-fourths inch opening to act as a syphon breaker.

Subp. 4. **Size opening.** The size opening of the blowoff line inlet, water outlet, and vent ~~shall~~ must have an area ratio of at least ~~1:1 5-(~~1:1:5 to the nearest pipe size. Table 1 in part 5225.3500 gives ratio of openings~~)~~.

Subp. 5. **Inlet.** The inlet ~~shall~~ must enter the shell at a tangent and ~~shall~~ must be above the surface of the water in the tank. A wearing plate of steel of the same thickness as the shell ~~shall~~ must be attached to the inside of the shell opposite the inlet opening.

Subp. 6. **Vent pipe.** The vent pipe ~~shall~~ must be connected to the uppermost part of the tank and carried without any intervening stop valve or other obstruction as direct as possible to the outside atmosphere. It ~~shall~~ must discharge at a point of safety not less than seven feet above adjacent areas or walkways.

Subp. 7. **Access opening.** The tank ~~shall~~ must have a

Approved by Revisor _____

suitable access opening, a manhole if ~~practical~~ possible; if not possible, then handholes, for inspection and cleaning of the interior. All pipe connections ~~shall~~ must be made as direct as possible and ~~shall~~ must be equipped, where ~~practical~~ possible, with sweep bends having a radius of at least four times the diameter of the pipe. Where conditions make the use of sweep bends prohibitive, long sweep fittings may be used. If couplings are welded in the openings they ~~shall~~ must be extra heavy.

Subp. 8. **Drain.** The tank ~~shall~~ must be fitted with a drain connection which is at least 2-1/2 inch standard pipe size and with a cold water supply which is at least ~~one~~ three-fourths inch pipe size. The drain line ~~should~~ must contain fittings to facilitate cleaning.

Subp. 9. **Clearance from floor or ground.** The tank ~~shall~~ must be provided with supporting legs which shall give a distance of at least 12 inches from the bottom of the tank to the floor. Blowoff tanks placed under ground shall be installed in a properly walled pit having space of not less than 18 inches between the tank and the wall.

Subp. 10. **Pressure gage.** The tank ~~shall~~ must be fitted with a pressure gage graduated from 0 to 30 pounds, the minor graduations indicating a pressure not greater than one pound. The pressure gage ~~shall~~ must be connected to a siphon, the opening of which shall be at least one-fourth inch inside diameter.

Subp. 11. **Water gage glass.** The tank ~~shall~~ must be fitted with a water gage glass of at least one-half inch diameter. The lower connection to the glass shall be made at a point about four inches below the water line and the upper connection about six inches above the water line.

Subp. 12. **Thermometer well.** The tank ~~shall~~ must be fitted with an opening for a thermometer well, located close to the water outlet connection and in contact with the water in the tank. If the outlet is not fitted with a water cooling device, the retained water ~~shall~~ must be reduced to at least room

Approved
by Revisor _____

temperature before blowing down a boiler.

Subp. 13. **Permissible types of tanks.** Blowdown centrifugal separator, closed, and other types of blowoff tanks are permissible when approved by the chief ~~of the Division of~~ boiler ~~inspection~~ inspector.

5225.3500 TABLE NO. 1.

Boiler Blowoff Inlet	Water Outlet	Vent
* 3/4	3/4	2
1	1	2-1/2
1-1/4	1-1/4	3
1-1/2	1-1/2	4
2	2	5
2-1/2	2-1/2	6

To be used only with boilers of 100 square feet of heating surface or less.

5225.4000 BLOWOFF TANKS.

~~Suggested~~ Sizes of blowoff tanks are given in the following table:

Up to three ~~HP-pipe~~ boiler horsepower pipes not to exceed 18 inches in diameter ~~has been~~ may be used, provided the volume of the water seal is at least equal to one gauge of water of the boiler to which it is connected and vapor space is at least 50 percent of the volume and boiler pressure is not over 100 pounds per square inch.

Boiler Rating	Tank Size
3 to 10 H.P.	24" x 36"
11 to 25 H.P.	24" x 48"
26 to 50 H.P.	30" x 36"
51 to 75 H.P.	30" x 48"
76 to 150 H.P.	36" x 54"
151 to 250 H.P.	36" x 60"
251 to 600 H.P.	42" x 66"
Over 600 H.P.	48" x 72"

5225.4100 SAFETY VALVES.

~~Each~~ Every high pressure or low pressure boiler ~~shall~~ must have at least one safety valve ~~and if~~. A high pressure boiler of more than 500 square feet of water heating surface ~~it shall~~ must have two or more safety valves. Safety valves must meet American Society of Mechanical Engineers Boiler and Pressure Vessel Code requirements and be so stamped.

Approved by Revisor _____

Every safety valve ~~shall~~ must be connected to the boiler independent of any other ~~steam~~ connections, and attached as close as possible to the boiler, without any unnecessary pipe or fitting and ~~shall~~ must stand in an upright position. No valve of any description ~~shall~~ may be placed between the required safety valve or valves and the boiler, nor on the discharge pipe between the safety valve and the atmosphere. All safety valves ~~shall~~ must discharge at a point of safety not less than seven feet from running boards, platforms, or adjacent areas. No reduction in pipe size is allowed in discharge piping from a safety valve.

5225.4200 WATER GAGE.

When the boiler operating pressure exceeds 100 ~~psi~~ pounds per square inch, the watergage glass ~~shall~~ must be fitted with a gate or plug-valved drain to ~~the ash pit or other~~ a safe discharge point.

The lowest visible part of the water gage glass ~~shall~~ must be at least two inches above the lowest permissible water level~~, which level shall be not less than one inch above the fire surface~~. If the lowest water gage shutoff valve is more than seven feet above the floor or platform from which it is operated, the operating mechanism ~~shall~~ must indicate by its position whether the valve is opened or closed.

5225.4300 WATER COLUMN SHUTOFFS.

When shutoffs are used in pipe connections between a boiler and water column or between a boiler and the shutoff valves required for the gage glass they ~~shall~~ must be either outside-screw-and-yoke or leverlifting type gate valves or stopcocks with levers permanently fastened ~~thereto~~ and marked in line with their passage, or ~~such~~ other through-flow construction ~~as~~ to prevent stoppage by deposits of sediment~~, and to~~. These valves must indicate by the position of the operating mechanism whether they are in open or closed position; and ~~such~~ the valves or cocks shall be locked or sealed open. Where stopcocks are used they ~~shall~~ must be a type with the plug held in place by a

Approved by Revisor _____

guard or gland.

Apparatus which does not permit the escape of an appreciable amount of steam ~~therefrom,~~ may be placed in the pipes connecting a water column or gage glass to a boiler.

The steam and water connections to a water column, including all pipe, fittings, valves, and drains~~,~~ ~~shall~~ must be ~~such that they are~~ readily accessible for internal inspection and cleaning by providing a cross or fitting with a back outlet at each right-angle turn, or by using pipe bends or fittings which will permit the passage of a rotary cleaner. The water column shall be fitted with at least a three-fourths inch pipe size cock or drain with a suitable connection to ~~the ash pit, or other safe point of waste~~ a safe discharge point.

5225.4400 STEAM GAGE.

Each steam gage ~~shall~~ must be connected to a siphon of at least one-fourth inch pipe size and be fitted with a cock provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open. If the pipe is longer than ten feet, a shutoff valve or cock arranged so that it can be locked or sealed open may be used near the boiler.

The dial of the steam gage ~~shall~~ must be graduated to approximately double the pressure at which the safety valve is set but in no case to less than 1-1/2 times this pressure.

5225.4500 VALVES AND FITTINGS.

Valves and pipe fittings ~~shall~~ must conform to the American ~~standards~~ National Standards Institute for the maximum allowable working pressure. Fusion welded joints are permitted if the welding procedure and operator are qualified.

All valves and fittings on all feedwater piping from the boiler up to and including the first stop valve and the check valve ~~shall~~ must be equal at least to the requirements of ~~any~~ the standard accepted by the ~~ASME~~ American Society of Mechanical Engineers Boiler and Pressure Vessel code for pressure 1.25 times the maximum allowable working pressure of the boiler.

Approved by Revisor _____

All valves and fittings for feed-water piping between the required check valve and the globe or regulating valve, and including any bypass piping up to and including the shutoff valves in the bypass, ~~shall~~ must be equal at least to the saturated requirements of any standard accepted by the ~~ASME~~ American Society of Mechanical Engineers Boiler and Pressure Vessel code ~~for a~~. The pressure rating must be equal to the expected operating pressure required to feed the boiler for a saturated steam temperature corresponding to the minimum set pressure of any safety valve on the boiler drum or the actual temperature of the water, whichever is greater.

Valves and fittings made of any material permitted by the ~~ASME~~ American Society of Mechanical Engineers Boiler and Pressure Vessel code for pressure ratings of 125 pounds or more and marked as required by the code may be used for feed line and blowoff service up to 80 percent of the rated pressure.

5225.4600 STOP VALVES.

Each steam-discharge outlet, except safety-valve, reheater inlet and outlet, or superheater inlet connections, ~~shall~~ must be fitted with a stop valve located at an accessible point in the steam-delivery line and as near to the boiler nozzle as convenient and practicable. When ~~such~~ the outlets are over two inches pipe size, the valve or valves used on the connection ~~shall~~ must be the outside-screw-and-yoke rising-spindle type ~~so as~~ to indicate at a distance by the position of its spindle whether it is closed or open. A plug-cock-type valve may be used provided the plug is held in place by a guard or gland, and it is equipped to indicate at a distance whether it is closed or open and it is equipped with a slow-opening mechanism.

5225.4700 COMMON MAIN CONNECTION.

When two or more boilers are connected to a common steam main, the steam connection from each boiler having a manhole opening ~~shall~~ must be fitted with two stop valves having an ample free-blow drain between them. The stop valves ~~shall~~ must consist preferably of one automatic nonreturn valve, set next to

Approved by Revisor _____

the boiler and a second valve of the outside-screw-and-yoke type; or as an alternative, two valves of the outside-screw-and-yoke type ~~shall~~ must be used.

5225.4800 BLOWOFF PIPING.

Each boiler ~~shall~~ must have a bottom blowoff pipe fitted with a valve or cock in direct connection with the lowest water space practicable.

All fittings between the boiler and valves ~~shall~~ must be of steel for pressure over 100 ~~psi~~ pounds per square inch. For pressures up to 200 ~~psi~~ pounds per square inch cast iron valves may be used if they meet the requirements of the American Standard for 250 pounds; and if of steel ~~shall~~ must be equal to the requirements of the American Standards as given in the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code. For pressures over 200 ~~psi~~ pounds per square inch the valves or cocks ~~shall~~ must be of steel and at least equal to the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code standard.

5225.4900 BLOWOFF VALVES.

On all stationary boilers, when the allowable working pressure exceeds 100 ~~psi~~ pounds per square inch, each bottom blowoff pipe ~~shall~~ must have two slow-opening valves, or one slow-opening valve and a quick-opening valve or a cock complying with the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code requirement.

The bottom blowoff pipes of every traction and/or portable boiler ~~shall~~ must have at least one slow-or-quick-opening blowoff valve or cock conforming to the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code requirement.

Blowoff valves and cocks ~~shall~~ must be located in ~~some~~ a convenient and accessible place, using extension valve stems if necessary to secure safe operation.

5225.5000 FEED PIPING.

The feed-pipe ~~shall~~ must be provided with a check valve

Approved by Revisor _____

near the boiler and a valve or cock between the check valve and the boiler, and when two or more boilers are fed from a common source, there ~~shall~~ must be a globe or regulating valve on the branch to each boiler between the check valve and the source of supply. Wherever globe valves are used on feed piping, the inlet ~~shall~~ must be under the disk.

A combination stop-and-check valve in which there is only one seat and disk, and a valve stem is provided to close the valve when the stem is screwed down, ~~shall~~ must be considered only as a stop valve, and a check valve ~~shall~~ must be installed as provided in the first paragraph of this part.

5225.5100 FEEDWATER SUPPLY.

A high pressure boiler having more than 500 square feet of water heating surface (50 BHP) ~~shall~~ must have at least two means of feeding~~,-one-of-which-shall-be-a-pump,-inspirator,-or injector.--Where-a-source-of-feed-is-available-at-a-sufficient pressure-six-percent-higher-than-that-at-which-the-safety-valve is-set-to-blow,-this-may-be-considered-one-of-the-means.--For boilers-other-than-those-fired-with-spreader-type-stokers-or with-gaseous,-liquid,-or-pulverized-fuels,-if-pumps-only-are used,-one-shall-be-steam-driven~~. Each source of feeding must be capable of supplying water to the boiler at a pressure of three percent higher than the highest setting of any safety valve on the boiler. For boilers that are fired with solid fuel not in suspension, and for boilers whose setting or heat source can continue to supply sufficient heat to cause damage to the boiler if the feed supply is interrupted, one such means of feeding must not be susceptible to the same interruption as the other, and each must provide sufficient water to prevent damage to the boiler.

When electrically-driven feed pumps are used and there is no other reliable independent source of electrical supply, there ~~shall~~ must be maintained ready for service steam-driven feed pumps or injectors (inspirators) of sufficient capacity to safeguard the boilers in case of failure of electric power.

Approved
by Revisor _____

5225.5200 ELECTRICALLY HEATED GENERATORS.

All appliances required for electric steam generators shall be attached in accordance with the following:

A cable at least as large as one of the incoming power lines to the generator ~~shall~~ must be provided for grounding the generator shell. This cable ~~shall~~ must be permanently fastened on some part of the generator and ~~shall~~ must be grounded in an approved manner. A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen or guard ~~shall~~ must be ~~so~~ located so that it will be impossible for anyone working around the generator to accidentally come in contact with the high tension circuits. ~~When adjusting safety valves, the power circuit to the generator shall be open. The generator may be under steam pressure but the power line shall be open while the operator is making the necessary adjustments.~~

Each kilowatt of electrical energy consumed by an electric steam generator, operating at maximum rating, ~~shall~~ must be considered the equivalent of one square foot of heating surface of a fire tube boiler when determining the required amount of safety valve relieving capacity.

5225.9000 TRACTION ENGINE ATTENDANCE REQUIREMENTS.

A traction engine (hobby boiler) may not be left unattended when in operation and members of the public are present. For purposes of this part, a traction engine may be considered as not being in operation when all of the following conditions exist:

A. the water level is at least one-third of the water gage glass;

B. the header or dome valve is in a closed position;

C. the draft doors are closed;

D. the fire is banked or extinguished; and

E. the boiler pressure is at least 20 pounds per square inch below the safety valve relieving pressure.

Approved by Revisor _____

REPEALER. Minnesota Rules, parts 5225.0800; 5225.2000; 5225.2500, subparts 1 and 2; and 5225.2800; are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Boilers and Power Boats

AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapter 5225

INCORPORATIONS BY REFERENCE:

Rule Number: Part 5225.0090
Material Incorporated: The American Society of Mechanical Engineers Boiler and Pressure Vessel Code published by American Society of Mechanical Engineers.

National Board Inspection Code published by National Board of Boiler and Pressure Vessel Inspectors.

The American Society of Mechanical Engineers Codes and Standards submitted for publication to the American National Standards Institute.

The attached rules are approved for publication in the State Register

John C. Fuller
Assistant Deputy Revisor

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 THESES 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 CONVERSATION 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.

In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division, Governing Boilers and Power Boats

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

B. James Berg, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Department of Labor and Industry Code Enforcement rulemaking mailing list is accurate, complete, and current as of this 6th day of October, 1988.

That on the 6th day of October, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

B. James Berg

Director, Code Enforcement

JEANNE A. GEHRMAN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES SEPTEMBER 18, 1991

Subscribed and sworn to before me this 6th day of Oct., 1988.

Jeanne Gehrman
Notary Public

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jim Schmidt.

Adoption of these rules will not result in additional spending by local public bodies.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Jim Schmidt.

Sandra S. Gardebring
Commissioner

REVISOR INSTRUCTIONS

The revisor of statutes is instructed to change in *Minnesota Rules* the following terms and statutory references to the Public Welfare Licensing Act, *Minnesota Statutes,* sections 245.781 to 245.812, which was repealed in Laws of Minnesota 1987, chapter 333. The revisor shall replace the following terms and statutory references with terms and statutory references that conform to the Human Services Licensing Act, *Minnesota Statutes,* sections 245A.01 to 245A.16.

Wherever the term "day care facility" or "residential facility" appears in *Minnesota Rules,* the revisor shall replace the term with "nonresidential program" or "residential program" or similar terms, where appropriate.

Wherever a term is used in *Minnesota Rules* to refer to "day care facility" or "residential facility," the revisor shall replace the term with "nonresidential program" or "residential program" or similar terms, where appropriate.

Wherever the term "day care and residential facilities," or "day care or residential facilities" is used in *Minnesota Rules,* the revisor shall replace the term with "residential and nonresidential programs" or "residential or nonresidential program" or similar terms, where appropriate.

Wherever the term "facility" or "facilities" is used in *Minnesota Rules* to refer to residential or nonresidential programs, the revisor shall replace the term with "residential and nonresidential programs" or "residential or nonresidential program," or similar terms, where appropriate.

The revisor shall replace references to repealed *Minnesota Statutes,* sections 245.781 to 245.812, with references to the proper sections in *Minnesota Statutes,* sections 245A.01 to 245A.16, or, where appropriate, with "chapter 245A."

Department of Labor and Industry

Proposed Permanent Rules Relating to Boilers and Power Boats

Notice of Intent to Adopt Amendments to Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry, Code Enforcement Boiler Inspection Division, intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes,* sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* § 183.44, subd. 2 (1986), *Minnesota Statutes* § 183.465 (1986) and *Minnesota Statutes* § 183.466 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes,* sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Charles Curren, Assistant Commissioner
Department of Labor and Industry
4th Floor—443 Lafayette Road
St. Paul, Minnesota 55101
Phone: (612) 296-6529

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from the Department of Labor and Industry at the above address. A Statement of Need and Reasonableness that describes the need for an reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is also available from the Department of Labor and Industry at the above address upon request.

The rules proposed for adoption relate to 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 disciplinary and due process procedures for owners and license holders. 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 *Minnesota Statutes* § 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 disciplinary and due process rules include 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 business would be minimal.

The owner/user 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 documented its consideration of methods for reducing the impact of the rules on small business in the Statement of Need and Reasonableness.

The Department has considered the effect of the rules on local public bodies, agencies and school districts under *Minnesota Statutes* § 3.982 (1986) and *Minnesota Statutes* § 14.11, subd. 1 (1986), and has determined that no fiscal note is needed. No significant expenditures will be required by local governmental bodies and the rules do not establish a new program or require an increased level of service.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Department of Labor and Industry, Code Enforcement Boiler Inspection Division, at the above address.

Dated: 21 September 1988

Ray Bohn, Commissioner of the
Department of Labor and Industry

Rules as Proposed

5225.0010 SCOPE.

This chapter only addresses the manufacture, installation, repair, operation, safety, and inspection of boilers and pressure vessels pursuant to *Minnesota Statutes*, sections 183.375 to 183.62. Other related codes on high pressure piping, building, electrical, and

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Labor and Industry, Code Enforcement, Boiler Inspection Division Governing Boilers and Power Boats

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on October 10, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on October 6, 1988. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The agency received 19 requests for a public hearing. Therefore, the agency did not receive requests for a public hearing from 25 or more persons which were not withdrawn.

No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find that the following nonsubstantial changes are appropriate:

FINDINGS OF FACT

1. Part 5225.0010. SCOPE. "This chapter only addresses the manufacture, installation, repair, operation, safety, and inspection of boilers and pressure vessels as defined in parts 5225.0090 to 5225.9000 pursuant to Minnesota Statutes, sections 183.375 to 183.62. Other related codes on high pressure piping, building, electrical, and plumbing are available from state documents, Department of Administration, 117 University Avenue, St. Paul, Minnesota, 55155."

This change further clarifies that the standards contained in these rules apply to the objects defined by the rules. A modification was requested in the public comments received.

2. Part 5225.0550 DOCUMENTATION OF EXPERIENCE REQUIREMENTS FOR LICENSURE AS A BOILER OPERATOR

"Subp. 5. Chief class experience requirements.

A. (3) five years of actual experience operating a boiler of sufficient size to ~~quality~~ qualify for a chief class license under Minnesota Statutes, section 183.51, of which at least two years must have been in a supervisory capacity either as a shift engineer in charge or as the chief engineer of the facility from which the claimed experience was obtained."

This change merely corrects a typographical error, making the meaning of the sentence clear.

3. Part 5225.2600 REPORTING REPAIRS AND ALTERATIONS

"Subpart 1. Prior notice of repair or alteration. The owner or person in charge of a boiler, steam generator, or pressure vessel shall notify the Boiler Inspection Division or if the object is insured, the owner or person in charge shall notify the insurer before each repair not of a routine nature and all alterations made to the pressure containing parts of a boiler or pressure vessel, and the authorized inspector will compute the safe working pressure of the repair or alterations.

Subp. 2. Standard of repairs.

(Paragraph 3) Repairs or alterations must be reported to the authorized inspection agency responsible for the inservice inspection of the boiler or pressure ~~vessels~~ vessel by the repair firm as required by the National Board Inspection Code. Required certification of repairs and alterations must be made by an inspector holding a National Board of Boiler and Pressure Vessel Inspectors commission, who is employed by an authorized inspection agency under contract with the firm doing the repairs. Authorized inspection agencies are:

A. a jurisdictional authorized inspection agency;
B. the Minnesota Department of Labor and Industry, Division of Boiler Inspection; and
C. ~~the~~ an authorized inspection agency which insures the boiler or pressure vessel."

The change in subpart 1 is simply a more specific description of the current rule which requires "major repairs" to be reported to the Department. The phrase "not of a routine nature" is addressed in the National Board Inspection Code and repairs "of a routine nature," are defined in the code. There is a general understanding that repairs of a routine nature are only those that do not alter the basic pressure containing parts of the object. As noted in a public comment received, it would be impractical and a burden on business to report every repair to the Department.

The first modification to subpart 2 simply corrects a grammar error so that both "boiler" and "pressure vessel" are singular.

4. Part 5225.2610 OWNER REPAIR PROGRAM

"An owner with boilers exceeding 200,000 pounds per hour may perform repairs ~~or alterations~~ to their boiler systems, excluding high pressure piping under the authority of Minnesota Statutes, section 326.461, subject to written approval of their repair program from the Department of Labor and Industry."

The phrase "or alterations" is deleted from the first sentence of this subpart. Its inclusion in the proposed rules was an error; this rule concerns repairs only. The language of the remainder of the rule references repairs only. Alterations are covered in other parts, such as part 5225.2600.

Based upon the Findings of Fact, I make the following:

CONCLUSIONS

1. That the Department gave proper notice of the proposed amendments to all interested persons and groups.

2. That the Department has fully complied with all procedural requirements of law or rule in adopting the proposed amendments.

3. That the Department has acted within its statutory authority in adopting these proposed amendments.

4. That the proposed amendments as modified are needed and reasonable and fully comply with substantive requirements imposed by law or rule.

NOW, THEREFORE, IT IS ORDERED that the rule identified as part 5225.0010-5225.9000 as modified is adopted this 19th day of December, 1988, pursuant to authority vested in me by Minnesota Statutes, sections 183.44, subd. 2 (1986), 183.465 (1986), and 183.466 (1986).

Ken Peterson
Commissioner

PJ/cj

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division Governing Boilers and Power Boats

DECLARATION OF COUNSEL

I, STEVEN M. GUNN, ~~Special~~ Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0602.

~~Special~~ Assistant Attorney General

Dated: 12/27/88

PJ/cj

STATE OF MINNESOTA
Department of Labor and Industry

In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division, Governing Boilers and Power Boats

ORDER FOR PUBLICATION OF NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

IT IS ORDERED this the 9/21/88 that a Notice of Intent to Adopt Rules Without a Public hearing in the above-captioned matter be published in the State Register and given to all persons and groups who have requested that their names be placed on the list maintained by the Minnesota Department of Labor and Industry for that purpose pursuant to Minn. Stat. § 14.22 (1986).

STATE OF MINNESOTA
Department of Labor and Industry

9/21/88

Ray Bohn
Commissioner

Minnesota
Department of Labor and Industry

Labor and Industry Building
443 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-6107
TDD (612) 297-4198

December 28, 1988

The Office of the Attorney General
Public Finance Division
515 Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division, Governing Boilers and Power Boats

Dear Sir or Madam:

Enclosed please find the following rulemaking documents in the above-captioned matter for your review and submission for final approval:

1. The Notice of Solicitation of Outside Information or Opinion as published in the State Register on May 16, 1988 and a copy of the original Notice of Solicitation of Information or Opinion.

2. A copy of the rule as proposed (Revisor's draft dated September 26, 1988).

3. The Notice of Intent to Adopt Amendments to Rules Without a Public Hearing as mailed.

4. The Order for Publication of Notice of Intent to Adopt Rules Without a Public hearing.

5. The Statement of Need and Reasonableness.

6. The Affidavit of Mailing the Notice of Intent to Adopt a Rule Without a Public Hearing and Certificate of Mailing List.

7. A copy of the Notice of Intent to Adopt Rules Without a Public Hearing as published in the State Register on October 10, 1988.

8. Four copies of the Rules as Adopted (Revisor's draft dated December 1, 1988).

9. The Findings of Fact, Conclusions, and Order Adopting Rule without Public Hearing.

10. The written requests for hearing and public comments.

11. The Declaration of Counsel.

If you need anything else, please do not hesitate to contact me at 297-4791.

Sincerely,

Penny Johnson

Penny Johnson
Compensation Attorney

PJ/kh

Enclosures

cc: Jim Berg (letter only)

Minnesota
Department of Labor and Industry

Labor and Industry Building
443 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-6107
TDD (612) 297-4198

RECEIVED
DEC 2) 1988
ATTORNEY GENERAL'S OFFICE
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155

Steve Gunn
Assistant Attorney General
Attorney General Office
520 Lafayette Road
St. Paul, MN 55101

RE: In the Matter of the Proposed Adoption of Amendments to Rules of the Minnesota Department of Labor and Industry, Code Enforcement Boiler Inspection Division, Governing Boilers and Power Boats

Dear Mr. Gunn:

Enclosed please find the following rulemaking documents in the above-captioned matter for your review and submission for final approval:

1. The Notice of Solicitation of Outside Information or Opinion as published in the State Register on May 16, 1988 and a copy of the original Notice of Solicitation of Information or Opinion.

2. A copy of the rule as proposed (Revisor's draft dated September 26, 1988)

3. The Notice of Intent to Adopt Amendments to Rules Without a Public Hearing as mailed.

4. The Order for Publication of Notice of Intent to Adopt Rules Without a Public Hearing.

5. The Statement of Need and Reasonableness.

6. The Affidavit of Mailing the Notice of Intent to Adopt a Rule Without a Public Hearing and Certificate of Mailing List.

7. A copy of the Notice of Intent to Adopt Rules Without a Public Hearing as published in the State Register on October 10, 1988.

8. Four copies of the Rules as Adopted (Revisor's draft dated December 1, 1988)

9. The Findings of Fact, Conclusions, and Order Adopting Rule without Public Hearing.

10. The written requests for hearing and public comments.

11. A proposed Declaration of Counsel.

If you need anything else, please do not hesitate to contact me at 297-4791.

Sincerely,

Penny Johnson

Penny Johnson
Compensation Attorney

PJ/cj

Enclosures

cc: Jim Berg (letter only)