

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-028		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 41 and 45		Hearing Date: Wednesday, May 21, 2008	
Relating to: Boilers and pressure vessels and mechanical refrigeration			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1 Oral Testimony	Travis West Whyte Hirschboeck Dudek S.C. Madison, WI	Indicates he is an attorney representing Year-A-Round that is a manufacturing company for fabrication and sales of agricultural equipment since 1966. The company manufactures an extensive line of corn-burning furnaces that are non-pressurized and operate on principles of both forced air and radiant heat. The furnace heats a tank of water to a temperature no higher than 208 degrees and the warm water is then circulated through the structure to provide heat. Year-A-Round's product has received approval under the Underwriter's Laboratories' process but has not received approval from the American Society of Mechanical Engineers (ASME), which has been incorporated into the Wisconsin Boiler Code. Commends Department for recognizing the problems with the current code; however, they would like to see radiant heat furnaces permitted for installation indoors. Indicates that equipment installed out-of-doors means during cold winter months the equipment loses as much as 40% of their efficiency and requests that consideration be made for the adoption of standards for installing solid fuel-burning equipment indoors, and requests the acceptance of a UL Standard approved unit as an alternative to compliance with the ASME Standards.	The requirements for the solid fuel-fired water-heating appliance are to address this type of unit when installed outdoors. If this type of unit was to be installed indoors, the unit would need to be constructed to an ASME standard in accordance with s. Comm41.42, and additional requirements under the <i>Wisconsin Commercial Building Code</i> relating to fire safety, rated furnace room enclosure and exhaust ventilation. The agency believes this type of unit should be restricted to outdoor applications only.
2 Written Comment	Roger Bardo ISC Coordinator Point Beach Nuclear Plant Sheboygan, WI	a. Explains that due to the operation procedures dictated by the federal National Regulation Authority (NCR), nuclear power plants use a 10-year or longer term plan for compliance with the ASME Section XI. Indicates the federal regulations are at least 3 years behind and they are concerned their nuclear plant may in non-compliance with the state regulations under s. Comm41.10 (2) (a) when the new edition of the ASME Standard is adopted. Indicates they currently use the petition for variance procedure for an alternate form described under ASME Section XI Code Case N-532 and suggests the code be clarified to permit use of older national standards under these rare circumstances where compliance with state and federal standards may vary. b. Supports the rewording of s. Comm41.56.	a. Section Comm41.56 of the proposal has been modified to accept the forms described under ASME Section XI Code Case N-532. b. Support noted.