



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
BOARD OF BOILER RULES
ANDREW JOHNSON TOWER, 3RD FLOOR
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-0657
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MINUTES

**QUARTERLY MEETING OF THE STATE OF TENNESSEE
BOARD OF BOILER RULES, 9:00 A.M., DECEMBER 6, 2006
2ND FLOOR HEARING ROOM, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY, NASHVILLE, TN**

- I. CALL TO ORDER – (12) - Chairman Lunn called the meeting to order at 9:00 a.m.
- II. INTRODUCTIONS AND ANNOUNCEMENTS – (19) – Board members present: Eddie Lunn; Dr. Domenic Canonico; Dr. Glen Johnson; Wayne Hiter; and Brian Morelock; Ed Vance. Department staff present: Martin Toth; Arthur Franklin; Gary Cookston; Sydné Ewell; Deborah Rhone; Eslie Rogers; Carlene Bennett. Guest present: Allen Tripp; Brian Blair; Leonard Vaughen; Eli Matijevich; Chuck Stieg; Rodney Addison.
- III. CONFLICT OF INTEREST DISCLOSURE – (31) – Conflict of interest disclosure statements were completed by Board members. Also, each Board member will verbally disclose agenda items for which they have a conflict before each business item. Annual conflict of interest acknowledgements will be completed each year in December.
- IV. ADOPTION OF THE AGENDA – (93) – Dr. Johnson made a motion to adopt the agenda and the motion was seconded by Dr. Canonico. The vote was taken and the motion carried unanimously.
- V. APPROVAL OF THE MINUTES FOR THE MEETING OF SEPTEMBER 20, 2006 – (106) – Chairman Lunn requested that wording be added to Old Business Item 06-16 to clarify that the Board did discuss this item before voting to accept. Brian Morelock made a motion to approve the minutes as

amended and the motion was seconded by Ed Vance. The vote was taken and the motion carried unanimously.

VI. CHIEF'S REPORT – (182) – Given by Chief Toth and attached to these minutes.

VII. OLD BUSINESS

Item 06-21 – (292) - Eastman Chemical Co., Kingsport, TN has submitted Rule Interpretation BI06-21 requesting the Board to give an interpretation on the use of Non-Destructive Examinations (NDE) in lieu of hydro or pneumatic pressure tests to repairs and alterations of boilers and pressure vessels in Tennessee. **Brian Morelock verbally acknowledged his conflict with this agenda item and announced his intention of abstaining from the discussion and voting. After much discussion it was decided that the reply in Rule Interpretation BI06-21 should read as follows:**

Reply: Yes, per RC-2051(e) for repairs and per RC-3031(c) for alterations per the National Board Inspection Code (NBIC) that complies with Rule 0800-3-3.02, Rule 0800-3-3-.03(15), and Rule 0800-3-3-.4(5)(e). Only the following NDE methods are accepted by the Board as suitable for providing meaningful results and verifying the integrity of the repair or alteration for use in Tennessee as an alternative to hydrostatic or pneumatic pressure tests for repairs and alterations of boilers and pressure vessels accepted by the Inspector. The Inspector must make the determination that pneumatic or hydrostatic tests are impracticable:

- 1. Dye Penetrant Examination (PT)**
- 2. Magnetic Particle Examination (MT)**
- 3. Radiographic Examination (RT)**
- 4. Ultrasonic Examination (UT)**

A motion to accept was made by Ed Vance which was seconded by Glen Johnson. The vote was taken and carried with Brian Morelock abstaining.

VIII. NEW BUSINESS

Item 06-26 – (799) - Mr. Rodney Addison, Valero, Memphis, TN will present an annual report of their accepted Risk Based Inspection (RBI) program to the Board. **No Board member verbally expressed a conflict of interest with this agenda item. Mr. Rodney Addison,**

Valero Chief Inspector and Brian Blair, Young Technical Services presented this item to the Board. After presentation and discussion, Dr. Canonico made a motion to accept. The motion was seconded by Wayne Hiter. The vote was taken and the motion carried unanimously. A motion was made by Brian Morelock to extend the Risk Based Inspection Program for one year with an annual report to the Board from a Valero representative. The motion was seconded by Ed Vance. The vote was taken and carried unanimously.

Item 06-27 – (1320) - Review a request and documentation from St. Mary’s Health System, 900 E. Oak Hill Avenue, Knoxville, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22).

Chairman Lunn verbally expressed a conflict of interest with this agenda item and announced his intention of abstaining from the discussion and voting. Mr. Eli Matijevich and Leonard Vaughn presented this item to the Board. Brian Morelock had four editorial questions:

- 1. Section A-14: Boiler Fireman, Normal Operations, Normal Duties – Bullet point number one (1) differs from bullet point number nine (9). Mr. Morelock felt that “periodically” used in number nine (9) would be more accurate than “constantly” in number one (1). Also, the same comment would apply to the first page of Appendix J.**
- 2. Section B018-1: Last paragraph, sentence four, should read “GREETER or ER RECEIPT”.**
- 3. Section D: The placards should be labeled: D-39, D-40, D-41.**
- 4. Section B-17: The power piping diagram looks too simplistic.**

Chief Toth asked when the boilers were scheduled to be installed. The response was that they had already been installed. Chief Toth confirmed with them that the boilers had been installed after April 1, 2006. Chief Toth informed them that an application to install should have been completed for permission to install a boiler and that it would have to be submitted before the variance, if approved, would go into effect. Appendix A-1 and A-2 gave it away when it stated: “State of Tennessee Number: not available until boiler has been started and inspected”. Upon checking for a permit, Chief Toth’s office did not find one.

Brian Morelock made a motion to accept contingent on his and Chief Toth’s concerns being addressed and corrected. Wayne Hiter seconded the motion. The vote was taken and carried with Chairman Lunn abstaining.

Item 06-28 – (1275) – Review an application and documentation from Miller Mechanical Services, Inc., Glen Falls, NY, for a license to engage in erection, repairs, and alterations on boilers and pressure vessels in Tennessee. No Board member verbally expressed a conflict of interest with this agenda item. A motion to approve was made by Dr. Canonico and was seconded by Wayne Hiter. The vote was taken and carried unanimously to approve.

Item 06-29 – (2997) – Chief Toth will present the Board with a revision to form LB-0386, “Application for License to Engage in the Erection and/or Repair of Boilers and Pressure Vessels in Tennessee, for discussion and approval. No Board member verbally expressed a conflict of interest with this agenda item. Chief Toth said the draft of form LB-0386, provided to the Board, showed the revisions which deleted some questions on the original that allude to experience, past history, etc. That information isn’t needed since this application would be submitted by a company that had already gone through an A.S.M.E. or National Board quality control review and has received a certificate of authorization. Page one (1) contains information on who is applying and the information that is available on the certificate of authorization. Page two (2), question two (2) was added for a mailing address and an email address because it’s sometimes different than what is listed on the certificate of authorization. Questions three (3) list the person responsible for the Quality Control program. Question four (4) list license from other jurisdictions. Question five (5) asks if they have ever been licensed through the State of Tennessee Boiler Division. Also, it was noted that in question five (5) the word “possess” should be changed to read “possessed”. Question six (6) asks if the company has ever been denied a license. Question seven (7) asks if the company possesses a Mechanical Contractors license in the State of Tennessee. Also, it was noted that the word “license” should be added after the words “Mechanical Contractors”. Question eight (8) asks whether the company has ever had a contractors license denied, suspended, or revoked. It was decided that question eight (8) should read: “contractors license or certificate of authorization”. Page three (3), question nine (9), asks about the company’s knowledge of laws, rules, and codes. Question ten (10) asks if the company intends to engage in the erection of boilers and/or pressure vessels in the State of Tennessee. If the answer is yes, they must supply a copy of their A.S.M.E. Certificates of Authorizations and which stamps they

possess and the expiration date of them. Question eleven (11) asks if the company intends to engage in repair or alterations of boilers and/or pressure vessels in the State of Tennessee. If the answer is yes, they must supply a copy of their National Board Certificate of Authorization and which stamps they possess and the expiration date of them. Question twelve (12) asks for the company's authorized inspection agency of record. Also legal counsel will assist with adding notary information to the document. The form will then be sent to the Forms Review Committee. In summary, the Board requested the following things be added or changed:

Question 5: word "possess" changed to "possessed";

Question 7: add the word "license" after the words Mechanical Contractors;

Question 8: should read "contractors license or certificate of authorization";

Question 9(b): should read "Tennessee Board of Boiler Rules and Regulations (Chapter 0800-3-3)";

A motion was made by Dr. Canonico to accept the form as modified. Dr. Johnson seconded the motion. The vote was taken and the motion carried unanimously.

Item 06-30 – (1500) – Mr. Chuck Stieg, Manufacturers Chemical LP, Cleveland, TN, is requesting for the Board to review documentation to assess the possible authorization of a 1953 unfired pressure vessel not registered with the National Board to be installed and operated in the state of Tennessee. No Board member verbally expressed a conflict of interest with this agenda item. Chuck Stieg and Allen Tripp presented this agenda item to the Board. Information was presented showing the current stamps found on the vessel; a report from Exam, Inc., an NDE company, who performed ultrasonic test on the vessel, nozzles, and steam jacket; and a copy of the last registration on this vessel before it was shut down in Augusta, Georgia before being moved to Tennessee during the 1990's. Direction was being sought as to what information was needed by the Board before allowing this vessel to be installed and operated. A lengthy discussion ensued with Dr. Canonico stating that even though it may have been built in 1953, it was designed prior to that year, probably in 1950. Dr. Canonico provided copies of pertinent pages of the 1949, 1950, and 1951 editions of A.S.M.E. Boiler Construction Code for unfired pressure vessels for the Board's review. Chief Toth suggested reverse engineering on the vessel and Dr. Canonico agreed that would be a good idea. The consensus was that it would be difficult for the Board to give a definitive list of criteria

that should be met in order for this vessel to be accepted. Besides the fact that the vessel is fifty (50) years old, the Board also had questions regarding: how Dupont, the previous owner, used the vessel; how the current owners had used the vessel while it was being operated in Georgia; and since it had not been in use since 1996, had steps been taken to protect it from internal corrosion while not in use. Ultimately, there is no proof that this vessel was built to code. The Board suggested that the company get an estimate on the purchase of a new vessel for the sake of comparison and then added that they would certainly review, at future meetings, any additional information the company wanted to submit. A motion was made by Dr. Johnson to not authorize the 1953 unauthorized vessel, not registered with the National Board, be installed and operated in the State of Tennessee. The motion was seconded by Dr. Canonico. The vote was taken and the motion carried unanimously.

IX. RULE CASES & INTERPRETATIONS

Item 06-31 - (3591) Staff has submitted Rule Interpretation BI06-31 requesting the Board to give an interpretation on the exemption of hot water supply boilers (water heaters) that are 100,000 BTU/Hr and greater, and located within a private residence or in apartment houses of less than six (6) families. **No Board member verbally expressed a conflict of interest with this agenda item. Chief Toth informed the Board that with the advent of the Boiler Installation permit these are being inspected along with the ones in commercial and industrial businesses. This would clarify that these would be exempt and no longer be required to be inspected or permitted. A motion was made by Ed Vance to approve the interpretation as submitted. The motion was seconded by Wayne Hiter. The vote was taken and the motion carried unanimously.**

- X. There were no applicants sitting for the National Board Commission examination this quarter.
- XI. The next Board of Boiler Rules meeting is scheduled for March 7, 2007 in Nashville, Tennessee. This meeting will be held at 9:00 a.m. in the 2nd floor hearing room of the Andrew Johnson Tower.

XII. ADJOURNMENT – (3617) - A motion was made by Dr. Canonico to adjourn which was seconded by Mr. Hiter. The motion carried unanimously and the meeting adjourned at 12:13 p.m.