



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
(615) 741-2123

MINUTES

**QUARTERLY MEETING OF THE STATE OF TENNESSEE
BOARD OF BOILER RULES, 9:00 A.M., SEPTEMBER 20, 2006
SHERATON READ HOUSE HOTEL, CONTINENTAL ROOM
827 BROAD STREET, CHATTANOOGA, TN**

- I. CALL TO ORDER – (120) - Chairman Lunn called the meeting to order at 9:00 a.m.

- II. INTRODUCTIONS AND ANNOUNCEMENTS – (123) – Board members present: Eddie Lunn; Dr. Domenic Canonico; Dr. Glen E. Johnson; Wayne Hiter; and Brian Morelock. Department staff present: Martin Toth; Arthur Franklin; Gary Cookston; Sydné Ewell; Deborah Rhone; Eslie Rogers; Carlene Bennett; Carolyn Sherrod; Bob Harrison; Chad Bryan; Randall Kelley; Richard Dickerson; Dallas Word; Jerry Evans; Jesse Smith; Guy Skeen; Bill Anderson; Jerry Cromwell; Jerry Bradwell; Danny Peters; Sam Chapman; and Jim Casseday. Guest present: Lonnie Williams; Allen Tripp; Scott Overturf; Brad Norris; James McGee; David Fox; Tim Newman; Bob Stafford; Luke O’Toole; Bob Cline; Curt Boyd; Johnny Mauldin; Marshall Smith; Randy Wilson; Steve Alexander; Floyd Donaldson; Steve Spence; Stephen Fryar; Venus Newton; Joseph Ball; Allen Gooch; B.J. Packett; Bob Davidson; David Parham; Jack Hibbard; Keith Butler; Randy Massingill; Jerry Godwin; Aaron Patterson; Jim Dye; E.W. Turner; Brian Blair; Joe McLaughlin; Robert Holmes; Paul Lewis; Neil Jackson; Bob Shipley; Freddie Harris; Gabriela Smith; Tom McGovern; Harold Bowers; Bob Hendrix; David Sliger; Jeff Estep; Freddie Jones; Chad Shanks; Jeff Gladson; Gene Caldwell; Mary Ann Snyder; Ruth Stanfill; Ricky Erwin; Tony Ennis; James Fred Allison; Eugene Robinson; Jimmy Hassell; Garry Tucker; Shawn Sarvela; Ken Jones; Gary Palmer; Randall Hillman; Allan McCoy; and James Johnson.

- III. CONFLICT OF INTEREST REPORTS – (150) – Conflict of interest statements were completed by Board members.
- IV. ADOPTION OF THE AGENDA – (175) – Dr. Canonico made a motion to adopt the agenda and the motion was seconded by Mr. Morelock. The vote was taken and the motion carried unanimously.
- V. APPROVAL OF THE MINUTES FOR THE MEETING OF MAY 31, 2006 – (181) – Mr. Morelock made a motion to approve the minutes as written and the motion was seconded by Dr. Johnson. The vote was taken and the motion carried unanimously.
- VI. CHIEF’S REPORT – (189) – Given by Chief Toth and attached to these minutes.

VII. OLD BUSINESS

Item 06-16 – (284 & 442) - Mr. Jerry Sturch, ARISE Incorporated, Charlotte, NC has submitted Rule Case BC06-16 requesting the Board to give a ruling on the internal inspection requirements of Thermal Fluid Heaters and Vaporizers. Chief Toth will report on the results of the letter ballot of BC06-16. After discussion of this agenda item, a motion to accept was made by Mr. Morelock, which Dr. Johnson seconded. The vote was taken and the motion carried unanimously.

VIII. NEW BUSINESS

Item 06-17 – (306) - Review request and documentation from St. Jude Children’s Research Hospital – Chili’s Care Center, 315 North Parkway, Memphis, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22). Dr. Johnson made a motion to discuss which was seconded by Mr. Morelock. Mr. Bill Dudley, Deputy Director, Facilities Operations and Maintenance for St. Jude’s Children Research Hospital appeared before the Board to present this request. The hospital is constructing a new patient care research building which will operate three (3) high-pressure boilers. These boilers will be operated on demand twenty-four (24) hours per day, seven (7) days per week and will be manned by a minimum of one licensed Boiler Attendant trained in accordance with State of Tennessee Law. Chief Toth suggested that some changes in the operations manual may need to be made for clarification purposes with regard to the checking of boiler alarms; the roving attendant not being allowed to leave his station while the variance is in effect; the boiler operator not leaving campus; and that the attendant must go back to the boiler every twenty minutes whenever the variance is not in effect. Chief Toth also confirmed that a placard will be posted at the

remote monitoring station as well as the central control station. The vote was taken on this item and the motion to approve carried with Chairman Lunn abstaining.

Item 06-18 – (477) - Review a request and documentation from UCAR Carbon Company, Inc., 791 Santa Fe Pike. Columbia, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22). Chairman Lunn stated for the record his conflict with this agenda item and announced that he would abstain from discussion and voting as a result. A motion was made to discuss by Dr. Johnson and it was seconded by Mr. Hiter. Brad Norris of Boiler Supply Company presented this request for UCAR Carbon Co., Inc. Dr. Canonico expressed concern about the possibility of the remote attendant being called away from his station since he is also the security guard for the facility. Mr. Norris said that the attendant, when away from his station, carries a device that the boiler has the ability to call. Mr. Morelock had three comments:

- **The response to item 31 on the Checklist for Variance Request Review states that the system operating manual includes an organizational chart on page 29 but page 29 is Appendix G, not an organizational chart.**
- **The answer to item 11 of the same checklist is rather vague; there is no clear description of who is responsible for keeping the variance manual current.**
- **Page 4, paragraph 3 of the manual states “Central Security” office, is this the same as the “Main Security” office on map in Appendix H and on page 9?**

Mr. Norris said the answer to the last item was yes and that the other two items would be addressed and reported to Chief Toth upon correction. The vote was taken and the motion to approve carried with Chairman Lunn abstaining.

Item 06-19 – (922) - Review an application and documentation from WSF Industries, Inc., Tonawanda, NY, for a license to engage in repairs and alterations on boilers and pressure vessels in Tennessee. A motion was made to approve by Dr. Johnson and seconded by Dr. Canonico. The vote was taken and carried unanimously.

Item 06-20 – (922) - Review an application and documentation from Phillips Fabrication & Welding Co., LLC. (PFWC), Byhalia, MS, for a license to engage in repairs and alterations on boilers and pressure vessels in Tennessee. A motion was made by Mr. Morelock and Mr. Hiter to discuss. Dr. Canonico felt that the application had not been completed correctly. Chief Toth told the Board that this is a new company and assured them that he would work with Mr. Jackson to address any item needing correction or clarification. A motion was made by Mr. Morelock and seconded by Dr. Canonico to approve contingent upon Chief Toth’s

further examination of the records. The vote was taken and the motion carried unanimously.

IX. RULE CASES & INTERPRETATIONS

Item 06-21 – (931) - 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. **Mr. Morelock announced that he had a conflict with this agenda item and would abstain from discussion or voting. Mr. Bob Hendrix made the presentation to the Board. Dr. Johnson made a motion for discussion which was seconded by Mr. Hiter. After much discussion the motion was withdrawn and the decision was made to table this item until the next quarterly meeting which will be held in December, 2006. Chief Toth will work on a response for the Board to consider at its next scheduled meeting on December 6, 2006.**

Item 06-22 – (1238) - Eastman Chemical Co., Kingsport, TN has submitted Rule Interpretation BI06-22 requesting the Board to give an interpretation on the use of the 3.5 Design Margin for repairs and alterations of pressure vessels in Tennessee. **Mr. Morelock announced that he had a conflict with this agenda item and would abstain from discussion or voting. A motion was made by Dr. Canonico to discuss and the motion was seconded by Dr. Johnson. Mr. David Sliger read the request for Rule Interpretation for Eastman Chemical Co:**

- ***Inquiry (1): May an ASME Section I boiler to Section VIII, Division 1 pressure vessel built prior to 1998, having a design margin of 4.0, be rerated or recalculated using the 1998-to-present editions of ASME Section I and ASME Section VIII, Division 1, with the 3.5 design margin, to take advantage of the higher allowable stresses for the materials of construction? Reply (1): No***
The vote was taken and the motion to accept passed unanimously with Mr. Morelock abstaining.
- ***Inquiry (2): May pressure-retaining items designed to the 1998-to-present editions of ASME Section I and ASME Section VIII, Division 1, with a 3.5 design margin, be used for repairs of pressure vessels built prior to 1998, having a design margin of 4.0, for use in Tennessee? Reply (2): Yes, provided that all requirements for repairs per the National Board Inspection Code (NBIC) are met and there is no change in the dimensions (i.e. thickness) or contour of the pressure-retaining item.***
The vote was taken and the motion to accept passed unanimously with Mr. Morelock abstaining.
- ***Inquiry (3): May pressure-retaining items designed to the 1998-to-present editions of ASME Section I and ASME Section VIII, Division***

1, with a 3.5 design margin, which would affect the minimum wall thickness, be used for alterations of pressure vessels built prior to 1998, having a design margin of 4.0, for use in Tennessee? Reply (3): Yes, provided that all requirements for alterations per the National Board Inspection Code (NBIC) are met.

The vote was taken and the motion to accept passed unanimously with Mr. Morelock abstaining.

Item 06-23 – (1346) - Staff has submitted Rule Case BC06-23 requesting the Board to give a ruling on the exemption of wall mounted low pressure hot water heating and hot water supply boilers from the requirements of Rule 0800-3-3-.04(13). A motion was made to discuss by Dr. Canonico and the motion was seconded by Dr. Johnson. Chief Toth presented this agenda item to the Board. The vote was taken and the motion to accept carried unanimously.

Item 06-24 – (1447) - Mr. Jeff Gatlin, PE, Thompson Engineers, Inc., Memphis, TN, has submitted Rule Case BC06-24 requesting the Board to give a ruling on the exemption of pre-existing buildings from the exit requirements of Rule 0800-3-3-.04(15) when the pre-existing boiler has been replaced. Chief Toth presented this agenda item to the Board. The Board stated that it would be more comfortable looking at these request on a case by case basis rather than giving a blanket approval. The vote was taken and the request failed, with all Board members in opposition.

Item 06-25 – (682) – The Division is requesting the Board to approve specific fee increases to assist in offsetting operational cost and salary increases for Divisional staff. Chief Toth outlined the proposed fee increases for the Board. He pointed out that it has been about six years since the last fee increase.

- **Boiler inspection fees (fired vessels):**
 - **Boilers of five (5) horsepower or less, or fifty (50) square feet or less of heating surface will increase from \$30.00 to \$35.00;**
 - **Boilers over five (5) horsepower or over fifty square feet of heating surface will increase from \$30.00 to \$35.00;**
 - **External inspections will increase from \$20.00 to \$25.00.**
- **Boiler inspection fees (unfired vessels):**
 - **Internal and/or external inspection of each unfired pressure vessel subject to inspection having a cross-section area of fifty (50) square feet or less will increase from \$15.00 to \$20.00**
- **Inspection certificate fees:**
 - **For power boilers will increase from \$25.00 to \$30.00;**
 - **For low pressure heating boilers and unfired pressure vessels will increase from \$40.00 to \$45.00.**
- **For special inspection fees based on the number of working days notice of inspection:**

- **More than 30 working days: For one-half (1/2) day minimum will increase from \$30.00 to \$35.00 and for one (1) day maximum will increase from \$60.00 to \$70.00.**

All fees are within the maximum allowed by law. A motion was made to approve by Dr. Johnson and seconded by Dr. Canonico. Dr. Johnson and Dr. Canonico asked why the fees were not increased more. Chief Toth replied that these fees are for service provided to the public for public safety. The Division's goal in raising fees is not for it to be a revenue generator as much as being able to take care of the cost of operating the Division. A roll call vote was taken the motion passed unanimously.

- X. **THERE WERE FOUR (4) APPLICANTS THAT SAT FOR THE NATIONAL BOARD COMMISSION EXAMINATION HELD SEPTEMBER 6 & 7, 2006.**
- XI. **THE NEXT BOILER BOARD MEETING IS SCHEDULED FOR DECEMBER 6, 2006 IN NASHVILLE, TN. THIS MEETING WILL BE HELD AT 9:00 A.M. IN THE 2ND FLOOR HEARING ROOM OF THE ANDREW JOHNSON TOWER.**
- XII. **ADJOURNMENT. A motion was made by Dr. Canonico to adjourn which was seconded by Mr. Hiter. The motion carried unanimously and the meeting adjourned at 11:25 a.m.**