



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
BOARD OF BOILER RULES
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE 37243
(615) 741-2123

MINUTES

**QUARTERLY MEETING OF THE STATE OF TENNESSEE
BOARD OF BOILER RULES, 9:00 A.M. (CST), DECEMBER 3, 2008
1ST FLOOR TOSHA CONFERENCE ROOM
220 FRENCH LANDING DRIVE
NASHVILLE, TN**

- I. CALL TO ORDER – (9) – Chairman Lunn called the meeting to order at 9:09 a.m. (CST).
- II. INTRODUCTIONS AND ANNOUNCEMENTS – (13) – Board members present: Eddie Lunn; Dr. Domenic Canonico; Dr. Glen Johnson; Eugene Robinson; and Brian Morelock. Department of Labor & Workforce Development employees in attendance: Arthur Franklin, Jr.; Gary W. Cookston; Sydné Ewell; Neil Jackson; Deborah Rhone; Eslie Rogers; and Carlene Bennett. Guest present: Doug Sellers; Blake Neville; Dewayne Bingham; Jerry Forsyth; John Newby; and Harold Bowers.

(27) - Gary W. Cookston, Assistant Administrator, announced that in the event of a natural disaster or emergency, building security guards would direct attendees to a safe place inside the building or ask them to evacuate to the parking lot located on the Rosa Parks side of the building.

(39) – Mr. Cookston announced that Don Tanner, Executive Director of the National Board passed away. Mr. Tanner was from Tennessee and the Chief Boiler Inspector for many years. He represented Tennessee well as Executive Director and was a friend to the State of Tennessee while in that position, he will be greatly missed. A moment of silence was observed in memory of Mr. Tanner. Mr. Lunn said flowers were sent from the Board to Geraldine Tanner and she wrote back a note expressing her appreciation.

- III. CONFLICT OF INTEREST REPORTS & ANNUAL DISCLOSURES – (75) – Annual Conflict of Interest Acknowledgements and Disclosures were completed by Board members. Chairman Lunn asked Board members to verbally disclose any conflict of interest with agenda items prior to discussion.
- IV. ADOPTION OF THE AGENDA – (127) – Chairman Lunn requested that the adoption of the ASME Code Addendum be added as a new agenda item 08-18. Brian Morelock made a motion to adopt the agenda with the added item. The motion was seconded by Dr. Glen Johnson. The vote was taken and motion carried to adopt the revised agenda.
- V. APPROVAL OF THE MINUTES FOR THE MEETING OF SEPTEMBER 10, 2008 – (110) – Mr. Morelock said that in the Introductions and Announcements Section of the September 10, 2008 minutes, under “Guest Present”, Gary Palmon should be changed to Gary Palmer. Dr. Canonico made a motion to adopt the minutes with the revision. The motion to approve was seconded by Eugene Robinson. The vote was taken and the motion carried to approve the September 10th minutes with the requested revision.
- VI. (INTERIM) CHIEF’S REPORT – (173) - Given by (Interim) Chief Eslie Rogers.
- The third quarter National Board violation report was received by (Interim) Chief Rogers. One State had sixty-five percent (65%) violations but the State of Tennessee had eight-thousand five-hundred and ninety-five (8,595) inspections with seventy four (74) violations which is one percent (1%). (Interim) Chief Rogers attributed it to the good job the Inspectors are doing in the field as well as the good job being done by Insurance Inspectors.
 - Valero Refining Company in Memphis asked to come before the Board in order to give their annual report but they did not submit their request in time so their report will be given at the March meeting.
 - (Interim) Chief Rogers’s office sent a directive to the Insurance Companies stating that as of January 1, 2009 external inspections performed by State Inspectors will incur a two-hundred and fifty dollar (\$250.00) per vessel fee which will be charged to the Insurance Company and not to the owner/user. An invitation was sent to Insurance Inspectors to attend a training session on December 10, 2008 from 9:00 a.m. to noon at the office of the Department of Labor & Workforce Development regarding this issue. So far only eight (8) Insurance Company Inspectors have

signed up for the training. The directive was in response to an audit report performed where the findings showed that external inspections were not being performed when the law specifically states they will be.

- (Interim) Chief Rogers asked Neil Jackson, Quality Review Team Leader, to address the Board concerning the variance program. Mr. Jackson stated that in his personal and professional opinion the state of the program is alarming. For example, recently four (4) inspections were performed:
 - First one was in compliance;
 - Second one had changed their system but had not resubmitted to the Board as required;
 - Third one had five (5) locations, three (3) which had been accepted for variance. Two (2) locations had gone through a complete manual revision which changed the whole system and program putting it under new direction;
 - Fourth one was unaware of a variance program or a manual regulating operation due to an almost complete turnover in staff. Mr. Jackson provided the company a copy of the manual and the law.

Mr. Jackson said the rules and regulations are being followed by industry for the most part but long standing variances are where a lot of the issues exist. One of the last items on the Boiler Variance Implementation Flowchart is the tri-annual inspection. His recommendation is that after the tri-annual inspection, inspections be performed regularly to ensure continued compliance. Also, in his opinion the system operation manuals submitted to the Board should contain more specific information such as identifying the physical address of the boilers as opposed to only the mailing address of the company because the two could be different. (Interim) Chief Rogers said that at the present time when variances are issued, they stand indefinitely. He asked for the guidance and support of the Board for a reasonable inspection program for variances and asked that this issue be added to the March, 2009 agenda for further discussion. Chairman Lunn agreed that in an attempt to make things safer, all potential outcomes had not been considered. Some companies aren't aware of the existence of a variance issued to them or many may have elected to abandon it at some point in time. Mr. Morelock stated that the Board would have the task of reviewing this issue to put teeth behind the tri-annual inspection so that the Inspector will have something to enforce continued compliance. (Interim) Chief Rogers said he could provide the number of variances of record but couldn't honestly say how many were active; any Tennessee number of a boiler that has a "V" in front of it has a variance issued to it. He believes there is verbiage in the law already for enforcement; the process just needs

to be defined. Sydné Ewell, Legal Counsel, suggested that before the March meeting to discuss this issue, the Board should thoroughly review the laws, regulations and guidelines.

VII. OLD BUSINESS – (536) - NONE

VIII. NEW BUSINESS - (539)

Item 08-15 – (540) – Review a request and documentation from RR Donnelley, 801 Steam Plant Road, Gallatin, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22). Chairman Lunn verbally expressed a conflict of interest and announced that he would not participate in the discussion, deliberation, recommendation, or vote on this agenda item. Dr. Canonico went on record stating that frequently due to the Departmental Conflict of Interest Policy; Chairman Lunn’s expertise was lost even though he was appointed by the Governor for his vast knowledge. He suggested something be done to revise the policy to allow him the freedom to participate in the discussion even though he may not be able to vote on the agenda item. Jerry Forsyth, Vice President of Manufacturing and Dewayne Bingham, Building Equipment Operator presented this item to the Board. The Company has installed the Auto-flame, microprocessor-based integrated boiler monitoring and control system for two (2) high-pressure boilers. These boilers had variances issued at the December 4, 1974 Board of Boiler Rules meeting. The system and manual have been updated and RR Donnelley request the Board’s review and approval to bring the variance current. Brian Morelock stated at on the cover page of the System Operation Manual the Boiler Attendant Rule reference needed to be changed to read Paragraph 0800-3-3-.04(22) instead of Paragraph 0800-3-3.044(22). On page eight (8), first paragraph, under the “Training” heading”, information was obviously omitted which needs to be completed. Everything in the manual pertaining to the guard station is fine but on page eight (8), first sentence under “Personnel Type at Guard Station” for the first time, it mentions a receptionist. He asked if the receptionist was going to be part of the remote monitoring function. Mr. Forsyth said the guard station is manned twenty-four (24) hours per day, seven (7) days per week and during the hours of 8:00 a.m. until 5:00 p.m. on normal business days a receptionist in the guard station will perform remote monitoring functions. Mr. Morelock asked that the receptionist responsibilities be outlined in an appendix of the manual and added to the organizational chart. If both the guard and the receptionist have the same remote monitoring duties the appendix and organizational chart could be revised to read “Guard/Receptionist”. Mr. Morelock

also suggested the following additional revisions: Figure one (1) on page thirty one (31) is difficult to read, it should be made legible; the emergency procedures in the manual should be colored page or tab the page for quick reference in the event of an emergency; during the discussion it was verbally mentioned that a placard was in place outlining how to respond to an emergency but there is no mention of it in the manual, so it should be added. Dr. Canonico asked about the diagram on page ten (10) of the manual which shows computer prompts which ask: "BOILER SHUTDOWN", "Are You Sure?", "Yes" or "No". He asked what would happen if the boiler attendant selected "No"? Mr. Forsyth said that screen is displayed when the attendant takes the initiative to shut the boiler down, he has to select if he really wants to or not. If there was a true alarm condition and the attendant selected "no", the system would continue to alarm indicating it should be shut down and in certain instances it would shut itself down regardless of what the attendant did. If the boiler shuts down it must be restarted by a boiler operator working in tandem with the boiler attendant, neither one can start it by themselves. Dr. Canonico suggested that the list of Operations Support Building Equipment Operators on page twelve (12) and the Boiler Plant Responsibility list on page nineteen (19) include a date and/or revision date to assist in maintaining accuracy. Mr. Morelock made a motion to approve the modification of the existing variance to bring it up to date contingent on (Interim) Chief Rogers review once the manual corrections are made and contingent upon his inspection of the facility. Dr. Canonico seconded the motion. The vote was taken and the motion carried with Chairman Lunn abstaining.

Item 08-16 – (964) – Review a request and documentation from ConAgra Foods, Inc., 1500 North Central Avenue, Humboldt, TN, for a variance to Boiler Attendant Rule, Paragraph 0800-3-3-.04(22). Eugene Robinson and Chairman Lunn verbally expressed a conflict of interest and announced that they would not participate in the discussion, deliberation, recommendation, or vote on this agenda item. Doug Sellers, Engineering Manager for ConAgra Foods, Inc. and Blake Neville presented this agenda item to the Board. The plant currently operates two (2) high-pressure boilers producing high pressure steam for process heating. The larger boiler is operated twenty-four (24) hours a day, five days (5) a week, then shutdown on weekends. The variance request applies to the larger boiler since the control equipment will be installed on that boiler. This request is for on-demand operation, twenty-four (24) hours per day, seven (7) days per week. The smaller boiler will not be included on the variance and will be converted to a heating boiler which will be used to simply keep the process warm whenever the plant is not operating such as during shutdowns or holidays. The remote panel is located by the

Maintenance Department but the company could not be sure it would always be attended during production. As a result, the plant will signal alarms to a remote security monitoring company off campus which will be responsible for monitoring the boiler. Any time there is an alarm on the boiler, it will simultaneously alarm in the Maintenance Department and also at the remote security monitoring company location. The company will notify individuals on the plant property by telephone and ask them to respond to the alarm. The Maintenance Department is manned most times but the remote security monitoring company was added to ensure monitoring at all times. When the plant is not operating and producing products the power boiler will be shut down and the smaller boiler will be fired to keep process lines warm for when the plant is ready to go back into production. Mr. Morelock said page five (5) states that "These contract services and their job descriptions are found in Appendix H" but it should be Appendix G because H is the training log. In Appendix D, the organizational chart, the off campus remote monitoring should be shown in the chain of command. Dr. Canonico asked for more specifics about the remote monitoring company and Mr. Sellers said boiler monitoring would be performed by ADT who monitors all alarms from a security/fire perspective. (Interim) Chief Rogers asked what the response time would be and Mr. Sellers said it is usually within five (5) minutes. Mr. Morelock pointed out that on page eight (8), item seven (7) it says "If the alarm company is unable to communicate with the Boiler Attendant within two (2) minutes, they shall call the successive individuals on the Emergency Call List". Dr. Johnson made a motion to approve the variance contingent on (Interim) Chief Rogers review once the manual corrections are made and contingent upon his inspection of the facility. Mr. Morelock seconded the motion. The vote was taken and motion carried with Eugene Robinson, Chairman Lunn and Dr. Canonico abstaining.

Item 08-17 – (1216) – Review an application and documentation from American Autoclave Company, Sumner, Washington, for a license to engage in the repair of boiler and pressure vessels in Tennessee. Eugene Robinson verbally expressed a conflict of interest and announced that he would not participate in the discussion, deliberation, recommendation, or vote on this agenda item. Mr. Morelock asked if the company's address is Washington state, all their certificates are from Washington state, and the new address listed is Jasper, Georgia why they answered "No" to question four (4) on the application when it ask: "Does your company possess a repair license from any other state or jurisdiction?". He asked if Washington required a license because apparently they were performing work there using their stamps. Also, he wondered if the company had intentions of moving to Georgia. Dr. Johnson said he thought question four (4) was asking if

they were they licensed in any other state besides Washington. (Interim) Chief Rogers said the main manufacturing facility is in Washington. The normal repair procedure is to load the boiler on a truck and take it Washington. In this case, the boiler is over one-hundred (100) feet long so the company decided to do it onsite. Mr. Morelock made a motion to approve. Dr. Johnson seconded the motion. The vote was taken and motion carried with Eugene Robinson abstaining.

Item 08-18 – (1387) – Adoption of the ASME Code Addendum. Mr. Morelock made a motion to adopt. The vote was seconded by Dr. Canonico. The vote was taken and the motion carried.

- IX. (1401) - RULE CASES & INTERPRETATIONS – There were no Rule Cases & Interpretations.
- X. (1403) – One (1) applicant sat for the National Board Commission examination.
- XI. (1418) – The next Board of Boiler Rules meeting is scheduled for Wednesday, March 11, 2009 at 9:00 a.m. (CST) in the TOSHA Conference Room, First Floor, 220 French Landing Drive, Nashville, Tennessee.
- XII. ADJOURNMENT – (1800) – Dr. Johnson made a motion to adjourn. The motion was seconded by Brian Morelock. The vote was taken and motion carried. The meeting adjourned at 10:47 a.m.