



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., SEPTEMBER 10, 2008
MILLENNIUM MAXWELL HOUSE HOTEL
2025 ROSA L. PARKS BOULEVARD
NASHVILLE, TN 37228**

- I. CALL TO ORDER – (235) – Chairman Lunn called the meeting to order at 9:00 a.m. (CST). He announced that a formal question and answer session would be held at the conclusion of the regular meeting and following a fifteen (15) minute recess.

- II. INTRODUCTIONS AND ANNOUNCEMENTS – (256) – Board members present: Eddie Lunn; Eugene Robinson; Ed Vance; Dr. Domenic Canonico; Dr. Glen Johnson; and Brian Morelock. Department of Labor & Workforce Development employees present: Arthur Franklin; Gary Cookston; Eslie Rogers; Carlene Bennett; Sydné Ewell; Neil Jackson; Sam Chapman; Bob Davidson; Deborah Rhone; Bill Anderson; Danny Peters; Guy Skeen; Tommy Spangler; James Casseday; Randall Kelly; Richard Dickerson; Jerry Evans; Dan Bailey; Al Smith and Dallas Word. Guest present: Gary Palmon; Jeff Gladson; John E. Rosenbalm; Randall Hillman; Robert Elliott; Terry Parks; Mike Davidson; Joe McLaughlin; Rocky Rhoton; Freddie Jones; Ricardo Bonilla; Jeff Estep; Mary Ann Snyder; Amanda Brown; Chad Shanks; Junior Little; Ken Jones; Larry Chandler; Allan McCoy; Stacey Hicks; Kenneth Simpson; Bob Stafford; Buddy Dobbins; Chris Gunnoe; Bruce Nelms; Stephen Merl; Harold Tyndall; John Lagen; B.J. Bennett; Don McIntyre; Michael Rehart; David Sliger; Don Comire; Raymond Knobbs; Larry Tucker; Frederick Scotts; James McGee; Dave Baughman; B.J. Packett; Roger Mauck; Scott Overturf; and Lonnie Williams.

Gary W. Cookston, Assistant Administrator, announced that in the event of a natural disaster or emergency, hotel personnel would direct attendees to a safe place either inside or outside the hotel.

- III. CONFLICT OF INTEREST REPORTS – (305) – Written conflict of interest statements 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 – (310) – Brian Morelock made a motion to amend the agenda to add the question and answer session immediately prior to the adjournment of the meeting. The motion was seconded by Dr. Canonico. The vote was taken and motion carried to amend the agenda.
- V. APPROVAL OF THE MINUTES FOR THE MEETING OF JUNE 11, 2008 – (332) – Domenic Canonico made a motion to adopt the minutes. The motion was seconded by Ed Vance. The vote was taken and the motion carried to approve the minutes as written.
- VI. (INTERIM) CHIEF’S REPORT – (343) - Given by (Interim) Chief Eslie Rogers.
 - NUMBER OF INSPECTIONS
 - 9,339 Total– 2,768 State Inspectors / 6,571 Insurance Co. Inspectors
 - DELINQUENTS
 - 2,346 Total – 1,644 State Inspectors / 702 Insurance Co. Inspectors
 - VIOLATIONS
 - 103 Total – 42 Uncorrected – 2 Quality Control – 3 Boiler Variance Inspection
 - Currently there are eleven (11) State Inspectors and one (1) Quality Control Consultant.
 - Congratulations to Jerry Cromwell who passed the National Board “A” Endorsement exam May 9, 2008.
 - Welcome to Neil Jackson, the new State of Tennessee Quality Control Review Consultant. Mr. Jackson replaced Bob Harrison who retired August 18, 2008.
- VII. OLD BUSINESS –

Item 08-12 – (391) - Review a request and documentation from R R 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 with this agenda item. No representative from R R Donnelley was present at the meeting.

(Interim) Chief Rogers said that Donnelley had been informed of the date and location. Brian Morelock pointed out that they are asking for "conceptual" approval. Since Donnelley currently has an existing variance, a letter should be sent asking them to clarify whether it is for approval of a new variance or if an existing variance is being modified. Dr. Glen Johnson made a motion to remove the variance request from the December 2008 Tennessee Board of Boiler Rules agenda. The State will contact R R Donnelley to let them know the item has been removed and that they will need to resubmit the variance request forty-five (45) days in advance of a future Board meeting as a request for a new variance or revision of an existing variance instead of a "conceptual approval" of a variance. Brian Morelock seconded the motion. The vote was taken and the motion carried to remove the item from the agenda.

- VIII. NEW BUSINESS - (495) - NONE
- IX. RULE CASES & INTERPRETATIONS - THERE ARE NO RULE CASE & INTERPRETATIONS – (497) -
- X. (500) - WERE TWO (2) APPLICANTS WHO SAT FOR THE NATIONAL BOARD COMMISSION EXAMINATION
- XI. (504) - THE NEXT BOILER BOARD MEETING IS SCHEDULED FOR WEDNESDAY, DECEMBER 3, 2008 at 9:00 A.M. (CST) IN THE TOSHA CONFERENCE ROOM, FIRST FLOOR, 220 FRENCH LANDING DRIVE, NASHVILLE, TENNESSEE.
- XII. QUESTION AND ANSWER SESSION – (516)

This is the first time a question and answer session has conducted during a Board meeting. Chairman Lunn outlined the guidelines of the discussion: no motions will be made, no votes will be taken and questions considered interpretive will not be answered. He directed the attendees to the Department's website where information can be found regarding the interpretation procedure, rules, law, etc.

 - 1. Would the Boiler Board briefly identify their background, and experience?
 - Brian Morelock – Employed by Eastman Chemical Company; holds a Bachelors of Science degree in Mechanical Engineering from Tennessee Technological University; twenty-three (23) years experience working as a mechanical engineer, twenty (20) of those doing pressure vessel work; Professional Engineer in six (6) states; serves on a couple of committees for the A.S.M.E. Boiler and Pressure Vessel Code; serves on the

Advisory Committee for the National Board; participates on the Tennessee Board of Boiler Rules representing owner-users.

- Dr. Glen Johnson – Bachelors of Science degree in Mechanical Engineering from Worcester Polytechnic Institute; Master of Science degree from Georgia Institute of Technology in Mechanical Engineering; Doctor of Philosophy degree from Vanderbilt in Mechanical Engineering; worked at Tennessee Eastman Company many years ago in the Machine Design Group; has been Chair of the A.S.M.E. Design Engineering Division; Fellow of the American Society of Mechanical Engineers; registered as a Professional Engineer in Tennessee and Virginia; Mechanical Engineer representative on the Board of Boiler Rules; has been Editor for A.S.M.E. Transactions in the Journal of Mechanical Design and Journal of Mechanism and Machine Theory; teaches machine design and internal combustion engines at Tennessee Technological University at the present time.
- Dr. Domenic Canonico – Bachelors of Science, Master of Science and Doctor of Philosophy degree in Metallurgical Engineering; fifty-seven (57) years experience, seventeen (17) years at Oak Ridge National Laboratory in the nuclear arena; employed by Combustion Engineering for just under twenty (20) years in fossil, hired by Combustion as Director of the Metallurgical Laboratory in Chattanooga, Tennessee, retired from Combustion December 31, 2001; Chairman of A.S.M.E. Boiler and Pressure Vessel Code Main Committee for nine (9) years, 1992-2001; served in many different areas of A.S.M.E. Council on Codes and Standards also Chair of the Board on Pressure Technology, Codes and Standards; member of the Advisory Group for the Committees; now acts as a consultant.
- Eddie Lunn – Has a family owned business that has been in operation since 1942 in which he is second generation and currently serves as owner and Chief Executive Officer, the third generation is currently the President; active in numerous associations such as the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), A.S.M.E.; National Board; CBRA; American Boiler Manufacturers Association (ABMA); native Nashvillan; Baylor University; additional work at Belmont University in Business; in the field professionally since 1972; member of the Board of Boiler Rules since 1983; wife, two children, one who is president of the family business and three grandchildren.

- Ed Vance - Employed by the International Brotherhood of Boilermakers; Boilermaker for thirty-five (35) years; primary local is in Muscle Shoals, Alabama, Local 455 where he served as local business manager since 1993; in 2003 he became the district business manager which is comprised of five (5) locals: Local 263 in Memphis, Tennessee serving west Tennessee and northern Mississippi, Local 453 in Knoxville, Tennessee serving the eastern part of the state plus part of North Carolina, Local 455 which covers middle Tennessee up to Kentucky and down to northern Alabama, Local 454 which covers Chattanooga, Tennessee and Georgia, Local 687 which covers the whole state of South Carolina these Locals handle heavy industrial type boilers at paper mills and nuclear plants.

- Eugene Robinson – Employed by Hartford Steam Boiler Insurance and Inspection Agency; ex-military 1976-1980 aboard the USS John F. Kennedy; college in Cleveland, Ohio in the Mechanical Engineering field; went into nuclear construction, Section III A.S.M.E. disciplines included Section V A.S.M.E.; Electric Power Research Institute (EPRI) Visual Examination Certification; started performing in-service inspections; worked for a subsidiary of Cleaver-Brooks Division, Aqua-Chem, Inc., building reverse osmosis systems for both military and commercial industry servicing nuclear powered submarines, carriers, fast frigates, guided missile destroyers, and mine sweeps performed technical inspections and contract review for various clients and did a lot of international work for Denmark and other countries under contents of A.S.M.E. Section VIII, Section I, Section V and Section VIII; moved to Nashville, Tennessee to pursue a career with Lockinvar Corporation as a quality assurance manager for seven (7) years; sat on a subcommittee for A.S.M.E. Section IV; became a member of the Hartford Steam Boiler Inspection Team; American Welding Society (AWS) certification; Certified Welding Inspector (CWI); certified auditor but has relinquished that certificate.

2. What is the difference between rules and regulations and the law?

- The laws are enacted by the General Assembly. The Rules and Regulations are adopted by the Board of Boiler Rules. The Rules and Regulations interpret the law.

Chairman Lunn prefaced the next two questions by saying that they may or may not be answered because they could possibly be considered interpretive in nature. He invited anyone on the Board or in Administration to answer them. He reminded everyone that

interpretations are welcome but there a process is in place for them and the biggest issue is the forty-five (45) day submission requirement for an interpretation. Furthermore, no votes will be taken during the question and answer session.

3. Clarify T.C.A. 68-122-110(2) low pressure boiler internal inspection requirements specific to cast iron, domestic water boilers, hot water heating steel construction. Eugene Robinson said he had a copy of the requirement which states: "Low pressure heating boilers shall be inspected both internally and externally biennially where construction will permit;"
4. Should tank less water heaters be considered in the same category as pool heaters? Eugene Robinson read from a memo dated May 23, 2006 from former Chief Boiler Inspector, Martin Toth and the requirements written on that date state: "There is nothing that exempts these (instantaneous water) heaters from being inspected or even being built to the A.S.M.E. Code, except for the limits of less than 200,000 BTU/Hr. With our rules requiring anything over 100,000 BTU/Hr. to be inspected; this would allow those heaters to be non-Code. With that said, from this day forward, all water heaters that are classified as either instantaneous, on demand, or tankless that are to be installed in Tennessee shall receive a permit, inspection, and certificate of inspection prior to operating in the State. These heaters are exempt from the requirements of CSD-1, and at this time do not include those heaters that heat liquid for carwash flooring, that free flows into an open air holding bath, and has no outlet stop vessels between the heater and the bath." Mr. Robinson said that copies of the memo could be provided to interested parties at the conclusion of the meeting.
5. With there being more deaths and injuries attributable to carbon monoxide poisoning than pressure vessel accidents what is being considered to address this? Chairman Lunn said that in the brief time that he had to poll people in attendance, no one is aware of anything being done on the issue of boiler room injuries due to carbon monoxide. (Interim) Chief Boiler Inspector Rogers said that Inspectors following the requirements of the State require a certain amount of ventilation and as long as they meet that requirement, the Boiler Division doesn't get involved regarding carbon monoxide. He stated that it might fall under TOSHA requirements or Environmental Health. A gentleman in the audience said that Tennessee OSHA has more stringent requirements on hazardous chemicals than Federal OSHA. In Tennessee it is required that employees be trained on chemical and if carbon monoxide is present they must have signs posted, warning employees of its

presence and the dangers. Dr. Canonico asked Terry Parks, Chairman of the National Board Inspection Code, if there is anything in the NBIC about this issue and his response was that there was not. Chairman Lunn said that from the Board of Boiler Rules and the Tennessee Inspector point of view, ventilation is addressed specifically. The Rules and Regulations outlines what proper ventilation is and it is a requirement that Inspectors do check. A gentleman from the audience suggested that during the Inspection process Inspectors ask that a report be provided showing the level of carbon monoxide.

- XIII. ADJOURNMENT – (994) – Dr. Johnson made a motion to adjourn. The motion was seconded by Dr. Canonico. The vote was taken and motion carried.