STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
BOARD OF BOILER RULES

QUARTERLY MEETING OF THE
STATE OF TENNESSEE
BOARD OF BOILER RULES
ZOOM VIDEOCONFERENCE
SEPTEMBER 16, 2020 - VOLUME 1

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APPEARANCES: (VIA ZOOM VIDEOCONFERENCE)

Brian R. Morelock, Board Member
Owner-User Representative

David W. Baughman, Board Member
Owner/User Representative
Allied Boiler & Supply, Inc.
4006 River Lane
Milton, Tennessee 37118

Dr. S. Keith Hargrove, Board Member
Mechanical Engineer Representative
Goodlettsville, Tennessee

Harold Bowers, Board Member
Insurance Representative
Centerville, Tennessee

Jeffery Henry, Board Member

Terry Fox, Board Member
Boilermaker Representative
Chattanooga, Tennessee

Sam Chapman, Chief Boiler Inspector

Christopher OGuin, Assistant Chief Boiler Inspector

Thomas Herrod, Assistant Commissioner, WRC
State of Tennessee

Deborah Rhone, Boiler Office Supervisor
State of Tennessee

Jamie Presson, Executive Admin. Asst.
State of Tennessee

Daniel A. Bailey, Legal Counsel
State of Tennessee

Tiffany Baker, Boiler Office Staff
State of Tennessee

Deonne Bell, Boiler Office Staff
State of Tennessee

APPEARANCES CONTINUED
Carlene T. Bennett, Board Secretary
State of Tennessee Workplace Regulations &
Compliance Division

GUEST APPEARANCES:
Ivan Clipse with Crown Laboratories
Johnson City, Tennessee

Josh Beatty, Crown Laboratories
Jason Woodby, Crown Laboratories
Jeff Dan Makey, Crown Laboratories

Marty Toth with ECS Consulting and Boisco
Training Group

COURT REPORTING SERVICES AND ZOOM
VIDEOCONFERENCING:

Jennifer Haynie, LCR, Stone & George Court Reporting

Nan George, Stone & George Court Reporting
MS. GEORGE: Good morning, everyone.
I'm Nan George with Stone & George Court Reporting, and I am the Zoom host today. Our Court Reporter is Jennifer Haynie, who is also with Stone & George, and our job is to ensure that a verbatim transcript of the proceedings is produced.

So because of the number of attendees today, we will mute everyone until you're called on to speak. If you have something to say before you're called on, just please use the raise-hand function that's located in the participant screen down at the bottom of the screen.

We want to make sure that everyone that's on the Zoom is set up properly prior to this meeting starting so that we don't have any issues with audio or video once the meetings begin.

So if you haven't done so, we'll ask you now to, please, go and click on the chat box and enter your name and the company that you represent, and when you're called on, please unmute yourself and verbally state your name and your company.
Thanks, everyone and, Chairman Morelock, I'll turn it over to you.

CHAIRMAN MORELOCK: Thank you very much. As Nan said, if -- when we go through these items, if you want to participate in a conversation, just click the raised hand, which is at the bottom. And Deborah will help me make sure I don't overlook someone, so I'll be looking and Deborah will be looking to make sure we give you an opportunity to have the floor to speak, and that's pretty much it.

So I have 10:17 a.m. Eastern Standard Time, 9:17 a.m. in Nashville. So I'm going to call the meeting to order. This is the September 16, 2020, meeting of Boiler Board Rules.

We had really hoped that we would be in Nashville today meeting face-to-face, but due to COVID-19 and wanting to keep people safe and healthy, we're having an electronic meeting today.

So as far as announcements go, in the form of safety item, we would typically talk about how, if you had an emergency, to go to a safe place in the building or go outside the
building. But in this time of the year, with
the storms and stuff, just be mindful of the
weather. I don't know about you-all, but we get
weather alerts, and those have been very
beneficial. So that's my safety item for this
meeting is make sure you make yourself available
to -- even your smart phone, you can get weather
alerts local and -- please, please use those.
It could be a life-saver if it's severe weather.
So that's my safety topic for today.

As far as -- we'll go around and do
introductions here in a minute, but as far as
announcements, I did want to congratulate Dr.
Hargrove and Mr. Jeff Henry. They have been
reappointed to the board for another term, as I
have too, and so I wanted to congratulate them
for their service and continued service on the
board. So we appreciate your willingness to
serve. We really value your expertise and
input, and it just makes our board that much
stronger. So thank you.

Does anybody have an announcement
that they would like to share before I move on
to introductions? Okay. Hearing none, what I'm
going to do is let everyone introduce
themselves.

We'll start with the board members, and so I'm Brian Morelock. I work for Chemical Company. I serve as Chair on the Tennessee Board. And, Nan, you've introduced yourself already, but you can go ahead and do that again, if you'd like.

MS. GEORGE: I'm Nan George with Stone & George Court Reporting.

CHAIRMAN MORELOCK: Okay. Carlene, you're muted.

MS. BENNETT: Carlene Bennett, Board Secretary.

CHAIRMAN MORELOCK: Okay. Sam?

MR. CHAPMAN: I'm Sam Chapman, Tennessee Chief Boiler Room Inspector.

CHAIRMAN MORELOCK: Okay. Chris OGuin?

MR. OGUIN: Chris OGuin, Assistant Chief Boiler Room Inspector.

CHAIRMAN MORELOCK: Mr. Bailey?

MR. BAILEY: Dan Bailey, Legal Counsel.

CHAIRMAN MORELOCK: Thank you, sir.

Mr. Baughman?
MR. BAUGHMAN: Dave Baughman, Allied Boiler and Supply, Board Member.

CHAIRMAN MORELOCK: Okay. Deborah?

MS. JONES: Deborah Jones, Boiler Office Supervisor.

CHAIRMAN MORELOCK: Thank you, Mr. Bowers?

MR. BOWERS: Yes, Harold Bowers, Board Member, FM Global Insurance Company.

CHAIRMAN MORELOCK: Thank you.

Jamie?

MS. PRESSON: Jamie Presson, Executive Admin Assistant, WRC.

CHAIRMAN MORELOCK: Okay.

Mr. Henry?

MR. HENRY: Jeff Henry, ATC, Board Member.

CHAIRMAN MORELOCK: Okay. Jennifer?

MS. HAYNIE: Jennifer Haynie, Court Reporter for today with Stone & George.

CHAIRMAN MORELOCK: Okay. Mr. Fox?

MR. FOX: Terry Fox, FM Civil Mechanical, Board Member.

CHAIRMAN MORELOCK: Mr. Clipse?

You're muted, Ivan. I still can't hear you.
There we go. I heard something.

MR. CLIPSE: Ivan Clipse with Crown Laboratories in Johnson City, Tennessee.

CHAIRMAN MORELOCK: Thank you, sir. And who's in the room with you?


CHAIRMAN MORELOCK: Thank you.

MR. WOODBY: Jason Woodby, Crown Laboratories.

CHAIRMAN MORELOCK: Jason.

MR. MAKEY: Jeff Dan Makey, Crown Laboratories.

CHAIRMAN MORELOCK: Okay, thank you for introducing yourself. Mr. Toth?

MR. Toth: Yes, Marty Toth with ECS Consulting and Boisco Training Group.

CHAIRMAN MORELOCK: Thank you. Have I left anybody out?

MR. HERROD: Mr. Chairman?

CHAIRMAN MORELOCK: Yes?

MR. HERROD: Tom Herrod, Assistant Commissioner for Workplace Regulations and Compliance.

I spoke to you earlier this morning;
do you remember?

    CHAIRMAN MORELOCK: I'm having short-term memory problems.

    MR. HERROD: That's all right. Sometimes I have trouble recalling, but I don't have same-day service all the time.

    CHAIRMAN MORELOCK: Well, I get to watching in this participant list, and then it slips, and then inevitably I leave somebody out. But it wasn't intentional.

    MR. HERROD: I understand.

    CHAIRMAN MORELOCK: Well, thank you for your patience with me on that. Okay. So that's all the introductions.

As far as the agenda, I hope everyone has a copy of the agenda. And as far as adoption of the agenda, there is a couple of corrections under Section 8 for old business. Item 20-01 AO Smith Corporation, that item has been moved to the December 9th agenda, and also old business Item 20-02 Stairs Corporation, that item has been moved to the December 9th Tennessee Board agenda.

Are there any other questions or comments about the proposed agenda? Okay.
Hearing none.

Do I have a motion to the -- to adopt the agenda?

UNIDENTIFIED SPEAKER: So motion.

CHAIRMAN MORELOCK: Okay. I've got a motion.

Do I have a second?

MR. BOWERS: Second.

CHAIRMAN MORELOCK: Thank you, Mr. Bowers. Just as a point of order, when we do vote items, it will be by roll call. And so we'll do that here in just a minute.

Are there any other comments or additions or deletions to the agenda.

Okay. I'm going to call the question, then. So the way we'll do this is it'll be yeah/nay, extension, or not voting.

So, Mr. Baughman?

MR. BAUGHMAN: Aye.

MR. MORELOCK: Okay. Mr. Bowers?

MR. BOWERS: Aye.

CHAIRMAN MORELOCK: Mr. Fox?

MR. FOX: Aye.

CHAIRMAN MORELOCK: Mr. Henry?

MR. HENRY: Aye.
CHAIRMAN MORELOCK: Thank you. So we do have an agenda.

Okay. Moving on to Item 4, we are going to have a rule-making hearing this morning and this will be to hear changes to Rule 0800-03-03.14, Fees, and I am going to have Mr. Tom Herrod to present this item.

MR. HERROD: Thank you, Mr. Commissioner. This morning as part of our meeting we will be presenting the proposed rule changes for fees structure increases to our board inspections and certifications fees. It's been approximately ten years plus since we've had any fees increases, and these fees are modest in nature, but are necessary to continue funding -- providing sufficient revenue for the boiler unit.

Just recently we have been given by the legislature approval for four additional positions for boiler inspectors with the understanding that our fees would be increased sufficiently to cover those costs.

So what we're presenting today are fee increases of about 20 percent for certification fee and all the different
inspection fees associated with the vessels that we inspect. None of these fees exceed the statutory limits that are in place at this time. So we have some modest increases but necessary, as I say, which will raise about $450,000 in additional revenue annually.

So with that we want to present this as an opportunity for those that want to make comments or have questions to what we propose, and at this time I'll turn it over to Mr. Dan Bailey, who will discuss the process for the completion of the rule-making hearing.

MR. BAILEY: First of all, is there anybody who is in attendance at this meeting here to comment on the rules?

MR. BOWERS: Could you say that again, Mr. Bailey?

MR. BAILEY: I said is there anybody who is in attendance at this meeting wish to comment on the rules?

MR. BOWERS: Is this in regard to a question on the process or any discussion on the rules, Mr. Bailey?

MR. BAILEY: I'm sorry. I didn't hear you.
MR. BOWERS: Is this to open discussion on the rule change? Or just, let's say we have questions about the process, I guess you're going to talk about the process, correct?

MR. BAILEY: Well, this is the point in time where if there's anyone who wishes to comment on the proposed rule changes, it's open for public comment. This is that time. If anybody wishes to make a comment about the proposed fee increases. If nobody is here to make a comment on it, then we can move on.

However, prior to this meeting adjourning, I do need the board to vote whether to approve or disapprove the fee increases, so we can leave it open, and that way, if somebody joins the meeting at a later time and wishes to comment, then we can still take the comment. But before we adjourn this meeting, I've got to have a board vote on whether you-all approve or disapprove of the proposed fee increases.

MR. TOTH: Mr. Chairman and Mr. Bailey, just as a citizen in the industry and the public, I'll be honest, I think this is a great move by the department. Something that probably needed to be done.
I know that I was a part of the some of the last increases, and everybody that's on the call knows how long it's been since I've been away from the department. So this is something that I think is going to be great for the department to move forward and get the inspectors in that the department needs. So thank you.

CHAIRMAN MORELOCK: Thank you, Mr. Toth. Mr. Bailey, I would add to Mr. Toth's comment on the fact that when we reorganized 0800-03-03 in 2015 and got it approved in 2016, those fee increases were included in that action, and it was removed from that action, so it's -- it is overdue. And so I think this is a proper time for this to be presented. And it's been a while. It's been more than a while, so thank you for presenting this item.

MR. BAILEY: Okay. Thank you. Mr. Toth, if you would -- for the record, would you state who you represent.

MR. TOTH: I represent ECS Consulting and Boisco Training Group.

MR. BAILEY: Okay. Thank you. Is there anyone else at this time that wishes to
comment on the proposed fee increases?

MR. BOWERS: The only question --
this is Harold Bowers, Board Member.
The only question I have, if the board approves this, what is the next process after the board approves this?

MR. BAILEY: I have to submit it to the Attorney General's office along with a red-line version. They will review it, and if they approve it, they'll send it to back to me, and then at that time I can file it with the Secretary of State's office. And once it's filed with the Secretary of State's office, it typically would go -- normal rules would go into effect 90 days after you file it with the Secretary of the State's office, but with any kind of a fee increase, it would not go into effect until July 1 of 2021, which would be more than 90 days. But by statute it cannot go into effect until July 1, the new state fiscal year basically. So that would be the earliest that it would take effect.

MR. BOWERS: The way I understand the process, even if we approve it, it's still going to be six months to a year before it would
actually come into play, correct?

MR. BAILEY: Yeah, the earliest it could come into effectiveness would be July 1 of 2021. And that's -- also I did leave out one step of the process. After I file it with the Secretary of State's office, Tom and I will have to appear before the Government Operations Committee who will, you know, usually have questions about it. Now, they can -- they can disapprove it. So they can veto it basically. So assuming it gets through all that, July 1 of 2021, would be when they would be effective. If you-all approve first of all.

MR. BOWERS: Thank you for your information. Thank you.

CHAIRMAN MORELOCK: So just another piece of information for everyone who's attending today virtually, on August 12, 2020, a public notice was sent out to the people in Tennessee that this was going to happen today.

So certificate holders and people who would be affected by this have received a public notice. So they've had the opportunity to either attend through this Zoom meeting or contact the Department of Labor, so it's not
like this is being done without the public being aware of it. So that I wanted to make that point as well.

So, Mr. Bailey, if you think it would be prudent, we could hold this item until the end of the agenda if you want to see if other people show up that would want to make a comment. I don't think any of the board members would be opposed to that. Is that your preference?

MR. BAILEY: That would be what I recommend. Yes, sir.

CHAIRMAN MORELOCK: Okay. All right. All right. So what we will do is, we will hold voting on Item 4 until we get to the end of the agenda, and that way it will give people an opportunity to logon to this meeting if they do have a public comment.

So any concerns or opposition to that? Okay. Then we're going to hold Item 4 and move on to Item 5.

Item 5 is approval of the June 24, 2020, Meeting Minutes. I do have one spelling correction that needs to be made in reading through the notes. Mr. Ivan Clipse is here
today. And we need to put "E" at the end of his name in the June 24th meeting minutes because it's spelled in the minutes as C-L-I-P-S and it needs to be C-L-I-P-S-E, so add an E to that.

Are there any questions, comments, additions, deletions to the June 24, 2020, minutes?

MR. FOX: Brian, Terry Fox, Board Member.

They had -- in the meeting minutes, they had my address listed as Chattanooga, Tennessee.

CHAIRMAN MORELOCK: Okay.

MR. FOX: Which is incorrect.

CHAIRMAN MORELOCK: Okay.

MR. FOX: That needs to be corrected.

CHAIRMAN MORELOCK: So what should it be?

MR. FOX: Kingston Springs, Tennessee.

CHAIRMAN MORELOCK: Okay. So we'll capture that in these minutes.

MR. FOX: There you go.

CHAIRMAN MORELOCK: Any other
questions or comments about the June 24th minutes? All right. Hearing none.

Do I have a motion to accept the June 24th meeting minutes as commented and amended?

MR. FOX: I make a motion to accept.

CHAIRMAN MORELOCK: Do I have a second?

MR. BAUGHMAN: Second.

CHAIRMAN MORELOCK: Mr. Baughman seconds that. Any questions or comments? I'm going to call the question. Mr. Baughman?

MR. BAUGHMAN: Aye.

CHAIRMAN MORELOCK: Mr. Bowers.

MR. BOWERS: Aye.

CHAIRMAN MORELOCK: Mr. Fox?

MR. FOX: Aye.

CHAIRMAN MORELOCK: Mr. Henry?

MR. HENRY: Aye.

CHAIRMAN MORELOCK: All right. So the June 24th minutes have been approved as amended. That will take us to Item 5, which is the Chief Boiler Inspectors Report. I'll hand that over to Chief Sam Chapman.

MR. CHAPMAN: Thank you, Chairman.
Member of inspection performed was -- gosh, that's hard to read -- September 1st through the 14th. There was 323 performed. State performed 154 -- 51. I'm sorry. Insurance inspector performed 172. As of the June -- September the 14th, we have 72,770 active vessels. Total delinquents: September the 14, 2020, State inspector, 1,212; insurance agents, 1,828 -- 24; giving us a total delinquents, 3,036, which give us 4.1 percent -- 1.7 percent delinquent. There's 226 delinquent high-pressure inspections that's due.

Members of coal violation found between September 1st through September 11th was eight.

Tom mentioned that we have in the process of hiring two inspectors, one for east Tennessee and one for middle Tennessee. Chris OGuin will give the variance report, and that the Chief's report.

CHAIRMAN MORELOCK: Thank you, Chief Chapman. Assistant Chief OGuin, do you have your variance report?

MR. OGUIN: Yes, sir. As of today we've got 134 known variances. Eight of those
requiring a follow-up inspection. Seventy-seven are active. Nineteen require reinspection, and 37 of those are dormant. This quarter we completed two variance audits and two approved at St. Thomas West and US Nitrogen. That's all the variance report.

CHAIRMAN MORELOCK: Thank you, Mr. OGuin. I do have a comment, and it's just a reminder in the vein of the variances, the attendant variances have a renewal frequency of every three years. And the boiler unit -- we just want to encourage those variance holders to make sure that they follow up with the boiler unit when they are coming due for renewal, and that they also make sure that they've updated their manual and make sure that they've also met the requirements to schedule their review before the Tennessee board 45 days in advance.

And so I just wanted to provide that as just some information. And also with the internal boiler inspection variance, we have the same comments as well for that. So we just want to make sure that our variance holders are being aware of their renewal dates, and that they're following up with the boiler unit to get that
work done in a timely manner.

So that's only comment I have for that, Mr. OGuin.

MR. BOWERS: I have a question on the -- not a question, more of a statement.

This is Harold Bowers.

I wish there was place that we had that we could access the list of the variances outlines, where we could look at who has a variance and the expiration dates of the variances, you know.

I'm hitting a lot of sites and some of them, I'm not always aware they have variances or where the expiration dates that us inspectors could -- especially the insurance inspectors, could follow up on some of these that are starting to become delinquent and push to get these people to follow through with that before they become delinquent.

MR. CHAPMAN: Chairman, may I speak to something on that.

CHAIRMAN MORELOCK: Yes, sir.

MR. CHAPMAN: Mr. Bowers, this is Chief.

We do now send a letter out to them.
They should have that letter in their boiler room, and it states when it expires and everything on that. So, you know, because if you ask them do they have a variance, they should be able to show you that letter. Also with the manual.

MR. BOWERS: Yeah, they're supposed to. It's a good process. I think y'all are doing an excellent job.

Sometimes at the locations, it's not always -- sometimes getting them to comply is not always as easy as finding the manual or finding when the expiration date is. And I know it's their responsibility. It's their variance; they're the owners, they're responsible. But, you know, we like to push them to make sure they're compliant to the state law.

MR. TOTH: Mr. Chairman, this is Marty Toth, ECS Consulting.

One of the things, Mr. Bowers, I know if you requested that from the State, they will provide that list to you. I would assume, and I don't want to speak for the department, but I would assume that any inspector that's commissioned in the state, they could get that
report if they requested.

    I do agree with you. It would be
nice if there was a clean list, such as we have
with the board interpretations and board cases,
but I believe that all the inspector would have
to do is call in to the State and be able to get
that list.

    On another subject, Mr. Chairman,
you mentioned that time for notification -- just
for the record, I want to make sure we're clear,
that time for notification for a new variance to
appear on the agenda and notification for
reinspection of a variance is two different
times. And I want to make sure for the record
that we have clarity that states when somebody
is requesting a reinspection, what timeframe
they have to have their manual in. And from my
understanding, it's pretty extensive. I believe
it's six months. So I just want to make sure
we're clear on that. Thank you, sir.

    CHAIRMAN MORELOCK: Thank you.
    MR. HERROD: Mr. Chairman?
    CHAIRMAN MORELOCK: Yes?
    MR. HERROD: This is Tom Herrod,
Assistant Commissioner.
I think that's a great suggestion is to have that available. We can do that on our website. And I'm going to volunteer a few folks to do that. I won't name them, but their initials are Carlene Bennett, Jamie Presson, Deborah Rhone, Sam Chapman, and Chris OGuin. And I think by the next meeting, we can have that -- at least by the next meeting, we can have that available on the website for anybody to view and keep that current. That's a great suggestion. Thank you.

CHAIRMAN MORELOCK: All right.

MR. TOTH: And then, Mr. Chairman, if I could add to that? I want to make sure for the record that it's stated that Mr. Harold Bowers requested that, not Mr. Marty Toth.

MR. BOWERS: I do want to make one point, kind of, now. Mr. OGuin and Mr. Chapman has always bent over backward to give you information. If you ever have a question about variance, Mr. OGuin is very good about getting the information, follow up.

It's kind of amazing because, you know, we're -- as insurance inspectors, we're responsible for the whole southeast. And it's
amazing, I tell people how -- in Tennessee how
easy and smooth it is compared to other states,
getting the information. You know, I've just
got to call Mr. OGuin or Mr. Chapman, and
they're like, "Oh, yeah, okay. This is the
information," you know. I said, "We got one
that's going to expire like next week," and they
said, "Well, they'll have to get on the agenda."
And then they explain how to do it, you know.

But, yeah, they're all very -- and
Deborah is always very cooperative to get things
done here. Never have a problem getting things
done. So as an insurance representative, I
really always appreciate the effort the staff
makes to help us.

CHAIRMAN MORELOCK: Okay. Carlene,
you had a comment?

MS. BENNETT: Yes. I know with some
of the other units of WRC, we post monthly
updates, if there are any. So do we want to
make this list updated monthly, Chris or Sam?
Or just as it comes -- you know, once it's been
changed? How would you like to do that?

MR. CHAPMAN: I think -- this is Sam
Chapman, Chief.
I think it would be once something is changed on it. Because if not, you know what I'm saying? It would be the same list if nothing hadn't changed.

MS. BENNETT: Right. Right. Okay.

Thank you.

Great comment, Sam. Yes.

CHAIRMAN MORELOCK: Excellent.

Excellent conversation. There's some very good items come from that.

Okay. So this will take us to Item 8, which is old business, and as I said, Items 20-01 and 20-02 have been moved to the December 9th agenda, so that takes Item 20-06, which is Crown Laboratories located in Johnson City, Tennessee requesting a new variance for one high-pressure boiler to operate under the requirements of Chapter 0800-03-03.811.

So Mr. Clipse, if you-all want to introduce everybody that's going to participate in this presentation.

And before you do that, I need to ask the board members, is there anyone that has a conflict of interest on this item? Okay.

Hearing none or seeing no hand waving, I'm going
to say there are no conflicts.

So, Mr. Clipse, you present your item, please.

MR. CLIPSE: I'm Ivan Clipse with Crown Laboratories in Johnson City, Tennessee.

As I stated in the June 24th meeting, Crown is one of the leaders in skin care products -- one of the fastest growing companies in northeast Tennessee. Matter of fact, since the last board meeting, we probably added 50 new employees or more.

We have a high-pressure boiler that we have requested a variance for, and which heats our solutions so they gel together to make our products.

And the last board meeting, you had certain questions and comments. And on the new variance that I sent to you-guys, I did a revision of the operation manual.

In Table of Contents, I added a partial floor plan. Last time it was hard to read, so I said I would enlarge it and put some dimensions on there, so I added that to the table of contents, removed the statement on page 1 that said the boiler would be on standby,
which was confusion -- which created confusion
to people. They thought the boiler was off, but
it's really on even when it's in standby. And
it -- let's see -- revised the microprocessor
location and approximate dimensions to have a
larger print.

I revised the Figure 2 to be a
partial floor plan to give the location and
approximate dimensions to each remote station.
I added training to the implementation on the
page 1. And added hard wire on page 2 to the
remote locations. I added training, again, on
page 2. Page 4, I added training again.

And in the Appendix 8, I added the
information on the relief valves -- both relief
valves, what their capacities are and when we
checked them. We check them once a year. We
lift them before we shutdown for our annual
cleaning and inspection, and we log it and we
also -- I also have a verification signature in
there with me to show that I'm not the only one
that saw them being lifted.

Also added -- in Appendix J, added
training remote station personnel, and I added
"Attendance Branch Request Checklist" with our
responses. And that was -- according to my notes, that was what all the questions or comments that was brought up last board meeting.

And I guess I'll turn it over to you-all to see if you have any questions for me, and then I can answer it. And once this is over with, I have one question for you-guys.

CHAIRMAN MORELOCK: Okay. So. Thank you, Mr. Clipse. That's a very good explanation. I did go through the manual and also the minutes, and your revision sheet is very helpful to show all the changes that you've made into this next revision.

And what questions or comments do the board members have?

MR. BOWERS: We have to open the discussion on this.

CHAIRMAN MORELOCK: Yes, so do I have a motion to discuss?

MR. BOWERS: I motion to discuss.

CHAIRMAN MORELOCK: Okay.

MR. BOWERS: Harold Bowers.

CHAIRMAN MORELOCK: Do I have a second?

MR. HENRY: Second.
CHAIRMAN MORELOCK: I've got a second from Mr. Henry. Okay. So what are your comments?

MR. BAILEY: Did we ask for a conflict of interest on this item?

CHAIRMAN MORELOCK: I did. Believe it or not, I remembered that.

MR. BAILEY: You need to vote on the motion, though, first.

CHAIRMAN MORELOCK: Okay. All right. So roll call for the board discussion. Mr. Baughman?

MR. BAUGHMAN: I vote aye. We're out keep you straight.

CHAIRMAN MORELOCK: That's good. Mr. Bowers?

MR. BOWERS: I vote aye.

CHAIRMAN MORELOCK: Mr. Fox?

MR. FOX: Aye.

CHAIRMAN MORELOCK: Mr. Henry?

MR. HENRY: Aye.

CHAIRMAN MORELOCK: All right.

Thank you very much. So now, what questions or comments do you have? Mr. Clipse, the only comment that I would add is, in your
organizational chart -- it would be nice to
denote on your organizational chart who was
serving as a remote monitor and who was serving
as boiler attendants.

    MR. CLIPSE: Okay.

    CHAIRMAN MORELOCK: What comments do
the board members have?

    MR. BAUGHMAN: This is Dave
Baughman, Board Member.

    I just noted in the manual checklist
itself that there's no references listed for any
of the items. In other words, as you go
through, it says it's got the applicant
response, but next to it we don't have the
manual reference for that response.

    And so it makes it a little bit
difficult to go back in -- as a checklist -- see
whether responses are listed. Is that something
that we want to address or talk about?

    CHAIRMAN MORELOCK: If you look on
page 3 of 4, you do have some responses from
Crown on the checklist.

    MR. BAUGHMAN: Oh, I see that,
Brian. It's under the applicant response, but
not the manual -- it doesn't show the manual
reference -- under the manual reference, but it
does show it under the applicant response.

CHAIRMAN MORELOCK: Yes.

MR. BAUGHMAN: For some of the
items, not all the items.

CHAIRMAN MORELOCK: Some of the
items, yes.

MR. BAUGHMAN: Is that mandatory?

CHAIRMAN MORELOCK: Well, I mean,
that's a question for Crown to answer. Did the
checklist -- did they respond to all the
checklist items?

MR. CLIPSE: I thought I responded
to the all the checklist items. Yes, I did.

CHAIRMAN MORELOCK: As far as your
yes/no answers, all the boxes are checked, and
there are some references on page 3 of 4 that
would provide some additional information.

MR. CLIPSE: Correct.

MR. BAUGHMAN: I'm sorry. I didn't
mean to step on you. So on page 1 and page 2,
there's no manual references listed. On page 3,
there is some, and page 4, there is not. So for
the majority, I'm just wanting to know, for our
own end of it, as far as moving forward and
setting the precedent, is it required to have
the manual references identified for each one
these questions? So I'll leave that up to those
in power to be.

MR. TOTH: Mr. Chairman, can
Mr. Baughman repeat his question? I missed that
one.

CHAIRMAN MORELOCK: Mr. Baughman's
question is since the checklist does not have
manual references, do we require those as part
of the completion of the checklist. And the
only statement I have is there is no "Thou
shall" verbiage in the guidance to fill out the
checklist. It's just -- you use the checklist
as a guide to complete the manual. So.

MR. MR. BAUGHMAN: And that's
sufficient for me, CHAIRMAN MORELOCK. I just
wanted to address it. It makes it easier for us
as board members, instead having to go back
through the manual to find where that reference
is at, to have it already listed. If it's not a
"Shall item" in our requirements, then, yeah, so
be it. So that kind of answers that for me, I
think.

Next question, Mr. Clipse, is, is
this monitoring already in place?

MR. CLIPSE: Not yet. We are getting quotes on it as we speak. Don't really know at this time what the deadline is going to be on it. I do know that all the remote station's wiring has -- is in the panel itself, but has not been hooked up at this time because we're waiting on the remote -- waiting on the microprocessor.

MR. BAUGHMAN: Very good. Next question I have relates to the emergency procedure on page 6. And it not so much a question, I guess, as just trying to understand. The last number, which is Number 4, states: "If the boiler attendant is unable to restart the boiler, he or she will call cell phones from the boiler emergency call list." And I don't quite understand that inasmuch as why the boiler attendant is calling cell phones to the boiler emergency call list. So could you clarify that for me a little bit?

MR. CLIPSE: If the boiler attendant is unable to take care of the problem when was the boiler goes into alarm, if they're unable to take care of the alarm, then they can get on
the -- they go to the emergency call list, and
they call the people that are qualified to make
decisions on what to do with that emergency.

MR. BAUGHMAN: To try to
troubleshoot the problem or get the boiler back
online. Okay.

MR. CLIPSE: Yes. Yes. All the way
to calling the independent contractor in.

MR. BAUGHMAN: Which is not on the
emergency call list, so that's what I --

MR. CLIPSE: No, but we should -- so
far we've been able to correct anything that has
been -- that's gone up with the boiler, with the
new controls, with this list that we have here.

MR. BAUGHMAN: Very good.

MR. CLIPSE: And it's actually
management's decision to call a contractor.

MR. BAUGHMAN: Very good,

Mr. Clipse. On Appendix F-1, the manufacturing
associate -- I was looking for where he's listed
in the manual.

MR. CLIPSE: Manufacturer's
associate, that's the remote station -- that is
the ones at the remote stations. That's the
people who make the product. They're in there,
when they're making the product, if that
alarm -- the manufacturer's associate is the one
that will shut down the boiler. I mean, the
boiler will be shut down, but he or she will
push the stop -- remote stop and page the boiler
attendant. If the boiler attendant does not
respond to them within a minute to tell them
that they are on their way to take care of the
problem, then they start paging the boiler
attendant.

MR. BAUGHMAN: Very good. He's not
listed as a remote attendant under Appendix F
for his accountabilities, job duties, so forth.
He's just listed, but it doesn't have anything
associated with remote attendants or boiler
attendants or anything on that. At least not --
unless I'm missing it.

MR. CLIPSE: No, it's not listed
there. It's going to be added -- it will be
added to his duties as we go.

MR. BAUGHMAN: Okay. The same would
apply to G-1, Appendix H-1, and Appendix I-1?

MR. CLIPSE: Correct.

MR. BAUGHMAN: Okay. That I would
suggest and, again, input from others needs to
be added into the descriptions.

    CHAIRMAN MORELOCK: Yes,

Mr. Baughman, that's a question -- a comment
that I also had. You know, on page 4 for remote
monitoring system, the first sentence describes
the fact that the remote monitor is the
manufacturing associate, but it'd also be good
to have linkage in Appendix G, so that it cross
references each other, the text as well as the
job requirements, and to also show it on the
Appendix D organizational chart as well.

    MR. CLIPSE: We can do it.

    MR. BAUGHMAN: And I know under
Appendix G it lists boiler attendant/maintenance
personnel duties, but it doesn't specifically
list the duties of boiler attendant. It's under
the description up at the top, but it doesn't
actually list that under "scope of position"
on -- so forth anywhere. So I would ask for
that addition also.

    CHAIRMAN MORELOCK: Yeah, and, Mr.
Clipse, I mean, if you would just tie in the
verbiage in the front of the your manual for the
responsibility for remote monitoring station,
the boiler attendant, tie that into your
Appendix G "scope of position," as well as the training requirements that you've added on pages 4 and 5. I think that would just make your manual more cohesive.

You've got the statements in there; you just link them all together. I think it'll make your manual read better because you know what your folks are doing, but when we read the manual as an outsider, we don't necessarily have the knowledge you have. So that's why you're seeing these little disconnects when we're reading the manual. Does that make sense?

MR. CLIPSE: It does.

MR. BAUGHMAN: Thank you, Mr. Clipse. That's all I've got.

MR. CLIPSE: I really thought about that before the meeting --

CHAIRMAN MORELOCK: What other comments --

MR. CLIPSE: -- when I was going through it again, you know.

CHAIRMAN MORELOCK: Any complaints from the board members?

MR. TOTH: Mr. Chairman, this is Marty Toth.
I have a question, if you don't mind. I think I heard the gentleman speak of have not received or not been sold or purchased the microprocessor yet, and I was a little curious what he meant by that? Just for my future reference.

(Indiscernible.)

MR. CLIPSE: We have filler -- we have people quoting on the microprocessor. We have an IT department here, but they're so busy with our growth that's taking place, and now they don't really have time, so we were going outside to try to get someone else to supply us with a microprocessor and printer that will monitor what goes on and due to alarms and print them out for us.

MR. TOTH: If I could add to that, just in general knowledge. That is inside your boiler operation right now. That's your burner management control system. Just want to make sure that the understanding there is hardwire connection to the remote station. That's just -- I know that's a consulting side, the board, you know, wouldn't tell you that, but I just overheard that, and it brought some concern
in making sure you're going down the right road.
That's all I have.

MR. CLIPSE: I do state that there
is the hardwired. Our control system does have
all the stuff on it. All we're going to be
doing with microprocessor is monitor what goes
on with the controls.

CHAIRMAN MORELOCK: Yeah, on the
page 2 of the manual, under Item 3 in the first
paragraph, it states that the remote station
would be hardwired.

MR. CLIPSE: Is there anything else?

CHAIRMAN MORELOCK: Let's see.

Mr. Baughman, as we've been going through this
conversation, I did want to share something with
you too. When you look at the first page of the
checklist in this manual, it says: "This
checklist has been developed to assure the
basics of the guidelines for the computerized
monitoring. Boiler system is included in the
system operating manual."

So it's a guideline, so it's not a
"Thou shall"; it's a guideline. I just want to
make sure we all understand that.

MR. BAUGHMAN: Thank you for that.
CHAIRMAN MORELOCK: You're welcome.

Any other questions, comments? Hearing none, do I have a motion from the board members?

MR. BOWERS: Yeah, I motion that we approve on the conditions of -- of course getting all the equipment in before the inspection and any updates that they need to make on this manual that's per this discussion.

CHAIRMAN MORELOCK: Thank you, Mr. Bowers.

Do I have a second to Mr. Bowers' motion?

MR. BAUGHMAN: I'll second the motion.

CHAIRMAN MORELOCK: Thank you, Mr. Baughman. I do have a second. Any last comments or questions?

MR. CLIPSE: I will have a question at the end.

CHAIRMAN MORELOCK: Okay. So do we need to hear the question before we vote or after?

MR. CLIPSE: I don't want to make you change your mind. But we -- as I told you before, we are growing fast. So, you know,
there will be revisions to this that have to take place. Especially the remote stations as we grow, and I'm wondering how -- if I revise the locations of the remote stations, do I come back before the board, revise it, send it back to board --

CHAIRMAN MORELOCK: Yes.

MR. CLIPSE: -- and go through all this all over again, I guess.

CHAIRMAN MORELOCK: Yes. Any technical change to your manual will have to come back to the board. So if you expand, if you add more remote stations, more boilers, more controls -- anything that would change from this manual would require it to come back to the board for reapproval.

MR. CLIPSE: Correct. 45 days in advance of the meeting, correct?

CHAIRMAN MORELOCK: Yes.

MR. CLIPSE: Okay. That was my question.

CHAIRMAN MORELOCK: And if you'll hang tight with us, we've got a couple items coming up discussing the time that you have to get stuff into the state. So that's coming up.
But it's a good question, and that's good
problem to have; that's means you're growing.
It's good to hear.

MR. CLIPSE: Correct.

CHAIRMAN MORELOCK: That's good
news. Any other questions or comments? Hearing
none, I'm going to call for the vote.
Mr. Baughman?

MR. BAUGHMAN: Aye.

CHAIRMAN MORELOCK: Mr. Bowers?

MR. BOWERS: Aye.

CHAIRMAN MORELOCK: Mr. Fox?

MR. FOX: Aye.

CHAIRMAN MORELOCK: Mr. Henry?

MR. HENRY: No.

CHAIRMAN MORELOCK: Mr. Clipse, you
and Crown have a contingently approved variance
for your business, and it is contingent on
making any additional corrections to the manual
based on the comments provided by the Tennessee
Board today and a future site visit from the
boiler unit, okay?

MR. CLIPSE: Okay. When we get
everything in place, I'm to notify the -- do I
notify the Boiler Board in writing, or call?
CHAIRMAN MORELOCK: You can call Chief Chapman or Assistant Chief OGuin and work with them to get a site visit scheduled.

MR. CLIPSE: Okay.

MR. BOWERS: Yeah, the only comment I wish to make -- this is Harold Bowers, Board Member.

The only comment I was going to make is if you do any changes before the Chief makes it out there, I'd call the Chief and say "Hey, we've made these changes, so we're not going to waste your time, you coming out here to do an approval when it's not going to be like it says in the manual."

That way -- 'cause it looks like you're going really quick, and you might actually may save -- I know Mr. Chapman and Mr. OGuin are kind of backed up right now, and it might be a little bit before they get out there, and if you go make any changes, notify them to save a them little time coming out there.

MR. CLIPSE: I understand that. I wasn't going to do last minute changes and change on them and waste our time coming out.
CHAIRMAN MORELOCK: That is good. Any other comments? Well, gentlemen, thank you for working with us on this. You've got a much improved manual, and it's good to see that, so go back and take all these comments and make your revisions to the manual again.

And make sure you've got a good clean manual that reflects everything that we voted and discussed and share that with the boiler unit when they do their site inspection. So thank you.

MR. CLIPSE: So I don't have to send the manual in? Just revise it and have it ready for the inspection?

CHAIRMAN MORELOCK: No, if y'all revise it and send to the boiler unit to Chief Chapman or the Assistant Chief OGuin, send that to them so that they'll have it when they come to the site --

MR. CLIPSE: For the visit.

CHAIRMAN MORELOCK: Yes.

MR. CLIPSE: Okay. I'll do that.

CHAIRMAN MORELOCK: Thank you.

MR. CLIPSE: Thank you, guys.

CHAIRMAN MORELOCK: Thank y'all.
MR. OGUIN: Chairman, I've got (indiscernible) all they'll need is two copies of the variance instead of ten when they resubmit them to the boiler unit.

CHAIRMAN MORELOCK: You're correct. That's a good add. Thank you for that comment. Okay. So that completes our old business. Moving on to new business.

Our next item, our first new business is Item 20-08, and this is review of Workplace Regulation and Compliance Boiler Unit Policy WRC 010 regarding procedures for submission of documentation to Board of Boiler Rules. And who is go to present that item?

MR. OGUIN: I will, Chairman. Chris.

CHAIRMAN MORELOCK: So Assistant Chief OGuin will present that item.

MR. OGUIN: Chairman, I found a typo on the rules. In the first paragraph, it should be 08000303-08, Section 11, paragraph B. I left the "03" out.

CHAIRMAN MORELOCK: Okay.

MR. OGUIN: All right. Boiler Board Rules Policy No. WRC 010. The purpose of this
policy to establish a procedure for submitting a
written request to be placed on Board of Boiler
Rules meeting agenda pursuant to Tennessee
Department of Labor and Workforce Development
Division of Work Place Regulation and
Compliance. Boiler unit Board of Boiler Rules,
Rule 0800-03-03-08, second, paragraph B. "It is
good of the board to conduct business in the
orderly, productive and timely manner.
Therefore a written request needs to be
submitted to the Chief Inspector, his Designee,
45 days prior to the next scheduled Board of
Boiler Rules meeting. In order for the board
members to have adequate time to familiarize
themselves with the specifics of the new agenda
item, the request should be accompanied by 10
copies of supporting documentation, i.e., board
interpretations, manuals, presentations, et
cetera. Failure to submit this supporting
documentation may result in request being place
on a future board meeting agenda."

And, Chairman, we would like y'all's
approval before we actually make this policy
effective. This is the way we've been
conducting business. We just put it in a policy
CHAIRMAN MORELOCK: Thank you, Mr. OGuin.

So do I have a motion to discuss?

MR. BAUGHMAN: Motion to discuss.

CHAIRMAN MORELOCK: Thank you, Mr. Baughman. Do I have a second?

MR. BOWERS: Second.

CHAIRMAN MORELOCK: Thank you, Mr. Bowers. So what comments do you have on this proposed Boiler Rules Policy?

MR. BOWERS: How does the Boiler Rules Policy come into play? Would this be -- you know, like our -- would this go into our boiler rules or would this be as Martin has -- Mr. Toth has submitted, an interpretation? How would this come to play? Be open to the public? You know, if it's interpretation which should be posted the on the website, or if this is going to be a rule, a policy rule, does this actually have to go into the boiler rules?

CHAIRMAN MORELOCK: So, Mr. OGuin, can you or Mr. Chapman or Mr. Herrod help us? How would this be published?

MR. OGUIN: The way we would handle
this, it would be attached to the checklist. So when they print the checklist out, it would be with it.

MR. BOWERS: But I'm not sure -- I guess we need to take it to an attorney. If this is not in the rules, can we just make rules without doing an interpretation? Because we can arbitrarily make rules as we go along if this is not documented under the boiler law and under the boiler rules. Am I correct or not correct?

MR. OGUIN: Mr. Bowers, Chris OGuin. Dan Bailey, Legal Counsel, was involved on writing this the policy, so he may be able to speak more on your question.

MR. BAILEY: Well, first of all, it is policy, which is not a rule. A rule will trump a policy, and a statute will trump a rule. So as far as being enforceable, it really is more of a suggestion if this is how we want to the process to proceed. But because it's not a rule, it really is not -- there is no rule enforcement mechanism to it. It's more of a this is how, you know, we would like the orderly process of the events to occur to bring something to an agenda item for the next board.
meeting.

If it were, you know, I mean, if y'all want to make it a rule, we certainly can go through that process again. You know how lengthy it is, but we can certainly do that. Now, if an -- if somebody doesn't actually follow this policy, you know, we'd have to defer to the rules as far as to whether an item gets on the agenda.

The board would also have to decide whether or not they received it in time to thoroughly exam it so that, you know, they could address it at the next board meeting. If they don't feel like they can, then that item would have to be bumped to, you know, the following board meeting.

So I guess it's kind of a suggestion to the people that, "Look, if you want to make sure your item's on the next board meeting, here's the process. If you follow this process you will be there. If you don't, you might or you might not." It would depend on the comfortableness of the board and whether or not they got it early enough and had enough time to exam it, to feel like they could intelligently
discuss it at that next board meeting.

CHAIRMAN MORELOCK: Mr. Toth, were you raising your hand?

MR. TOTH: Well, I was. But I was actually talking to somebody else too. I'm glad you called on me. Thank you, sir. And I tell you, I absolutely agree with this. I know I am dead set in the middle of all this and necessity for this. And I think this is something that is necessary to make sure that it's not just a word of mouth that something is written. As Mr. Bowers has alluded to.

I do have the board interpretation that's out there for review later on in the meeting, and I think that's what perpetuated this line item. As Mr. Bailey did allude to, I'm very aware of the statute, rule, policy, how that here's goes and that was the intent of the interpretation submittal. And it really goes to the heart of "let's be clear, precise, give the communication out there." If we put it in a guideline, that's not even a policy, that's even below the policy.

So as we talked about under the last item where Mr. Bowers made reference to the
manual references and things of that -- because that's a guideline. I put it in there; other people that submit put them in there because it is helpful to the board members. And by all means, we want to be helpful to the board members so they give us a positive response to our submittals.

But where I'm going with this is that we need a way that we can require people to do it, right? But not go through the process of having to change the rule, per se. I know Mr. Bailey will probably object to that, but I believe that when we looked at interpretations in the past, that we had those pretty much carry a lot of weight, do they not? Because it's a rule by the board.

And I think Assistant Chief OGuin, Chief Chapman and rest of the boiler board will get the result that they want for interpretation, and that's why I submitted is because if the requirement is not only do you request 45 days in advance, you also supply the supplemental documentation. As everyone is aware -- and those that aren't aware, they are on the call -- as a former Chief Inspector
myself, there were many times that we would get
the request in 45 days in advance with the
understanding that the manuals and (inaudible)
have been following, to get those in. If they
don’t show up in a timely manner to where the
board members had a chance to review it, they
got bumped.

Well, now what we do, by the
interpretation stating "Yeah, everything has to
be turned in 45 days in advance," myself, my
clients, others that are submitting are held to
the same standard.

And that’s why I think it’s
critically important that we not just go by a
policy, but we are actually enforcing it through
the board, which is one step above a policy in
the way of interpretations. And I will go ahead
and return back to the chairman. Thank you.

MR. BAILEY: Mr. Chairman, if I
could address that a little bit. A board
interpretation doesn't overrule a written rule.
So a board interpretation is -- if it conflicted
with a written rule or statute it would the
statute or written rule would govern. So a
board interpretation in my view is not much
different than a policy. Neither one of them is really enforceable. If the rule addresses that issue and specifically addresses it or the statute specifically addresses it, then that's going to govern.

MR. TOTH: Mr. Chairman, if I may. Marty Toth, ECS Consulting.

I did not state that, Mr. Bailey, and I'm sorry if it came across that way. The purpose for board cases and board interpretations back when I was chief and we implemented that was for the purpose of clarity. It was not to trump rules.

If there is a written rule that is out there that stipulates a certain way that you're supposed to go, you have to go that way. The interpretations and board cases -- whereas this would technically be a board case, but could also be a board interpretation. That's why I believe the boiler unit is assigned to the BI number instead of BC number.

And the intent was to bring clarity to the existing rule. And that clarity is from Rule .08 paragraph 11B that states "45 days in advance." What we're saying is what is the
interpretation of that? The interpretation of
that is 45 days is X. "X" being that includes
not only the request, that includes all
supplemental documentation. So what we're doing
is, is we're interpreting what does 45 days
mean.

CHAIRMAN MORELOCK: Okay. Thank
you. I guess the thing that I would like to
clarify, I'm not opposed to the policy, but how
do we track the policies if we're going to use
this? And will they be published so the public
can see them like our board interpretations and
board cases are today?

How will we track them and how will
we publish them so that people can have access
to them and know what these policies are when
they're trying to comply with the Rule
0800-03-03.

Will these be published along with
the board interpretations and board cases? We
have board cases, board interpretations, and WRC
policies in this list now? Is that what we're
is striving to do?

MR. OGUIN: May I speak, Chairman?

CHAIRMAN MORELOCK: Yes.
MR. OGUIN: Majority of the people don't look at the interpretations. When we, you know, when they call about a rule, we will guide them to the interpretation so they can look at the board's decision on that rule when we changed it.

So the purpose behind this was they got a printed checklist to make a manual. So this policy prints off with this checklist out of our system, then they will see "Hey, this is what we got to do. You know, I don't have to call the chief or assistant chief to find out the policy I got to follow to be sure I'm on the board." They just kind of get a little more info with the checklist when they get it.

CHAIRMAN MORELOCK: So just bear with me here a minute. So what would be the difference in passing this policy or just changing the guidis document to the checklist and add this to that checklist as a revision? Because, I mean, based on what your telling me, this would go with the checklist, so you print that off. You get the guidis document; any changes to that guidis document and the form here as a policy and the checklist itself,
correct?

MR. OGUN: Yes, sir.

CHAIRMAN MORELOCK: Okay. I mean, that's very helpful and I'm on board with that. So that's my question.

So if we continue to do policies like this, just where will we put them once we get them passed? Like, this one will be attached to the guidis documents to the variances. So what if we had a policy pertaining to Empire Steam Boilers or something? Would we attach that to 0800-03-3? Where would put it once we passed it? And how would we track them to make sure we got a clear path to get to all these policies?

MR. CHAPMAN: It would be on the checklist.

CHAIRMAN MORELOCK: This one would go to the checklist, but it didn't pertain to the checklist -- if you had a policy that didn't pertain to the checklist, where would it go?

MR. BOWERS: I think there's really no problem with this one, per se, but we're talking about the policies in general.

CHAIRMAN MORELOCK: Yes.
MR. BOWERS: You know, we're starting to make policies. Where can the public access those policies to make sure which direction we're going to? Now, we do have an access to our board interpretation. We do have an access to the Board of Law. We have a board access -- the public has access to the board rules.

But when we start doing the policy, then you get sticky situation. Most clients -- most people would never question it, but there might be, if we have a particular policy come down a little later on, some corporation, some lawyer might say "How could this be a policy? It's not -- it's nowhere on your site, nowhere in your books. How do you come about this?"

And it's like -- may not be enforceable, but still it's a policy out there. And I think we have no problem with this one. This one here is just being defined to better level anyhow.

MR. HERROD: Mr. Chairman.

CHAIRMAN MORELOCK: Yes, sir.

MR. HERROD: Tom Herrod, Assistant Commissioner.
We can -- once again, we can update our website to include policies, make it available just like we do the other rules and the statutes and such. It would be a good upgrade once again to our website to have that quickly available. And that way everybody have the same opportunity to view that, and anything that's added will just be updated, and we adopt it through our boiler board meetings.

CHAIRMAN MORELOCK: Okay. Mr. Toth.

MR. TOTH: I just want to make sure it's enforceable. As Mr. Bailey said, policies can be very hard to enforce, and I want to make sure it's enforceable.

That's what I would like as a citizen in the industry, something that is enforceable. Well, it's not -- and the reason I say that is I'll say is because just last week, like, on the last item, the guidelines as -- just you said, Mr. Chairman, are guidelines.

CHAIRMAN MORELOCK: That's true.

True statement. Mr. Bailey, did you have a comment?

MR. BAILEY: Well, again, as far as it being enforceable, you'd have to put it in a
rule. And as Mr. Toth was stating earlier, that
this is an interpretation of the 45-day -- you
know, 45-day period that is already in the rule.
I can see that as being a valid argument for
that, but -- and as I said earlier, this is
letting people know that if you want to make
sure you're guaranteed to be on the very next
board meeting, this -- is follow this process
and you'll be there.

You know, if you don't follow that
process, there's no guarantee you will be on it.
You might; you might not. So, you know, in some
ways it is, as Mr. Toth said, an interpretation
of the 45 days. But, you know, if -- when you
say it's got to be enforceable, in other words,
you know, if somebody comes in and, you know,
and they submit -- and they submit everything
40 days ahead of time, you know, is it something
to where the board -- you know, if the board has
plenty of time to, you know, study it and be
prepared to address it at the next board
meeting, is it something that you just make
somebody wait just because they, you know,
missed five few days? I don't know. I guess
that's something the board would have to decide.
CHAIRMAN MORELOCK: Well, and Mr. Bailey that's the age-old question right there. It's like, where do you draw the line in the sand? And some of these manuals can be straightforward, some of them can be -- well, when we get to the Valero manual, you'll see it's pretty voluminous. So good discussion.

MR. HERROD: Mr. Chairman.

CHAIRMAN MORELOCK: Yes.

MR. HERROD: This is Tom Herrod again.

I would suggest that we go ahead and try to adopt it as a policy, put it on the website, and then, between now and the next meeting, decide the effectiveness of it, and whether or not we need to pursue a rule. We can at least put a policy in place and then get a proposal for a rule change that would make it enforceable if that's what we want to go to, which is fine. But I think we need a policy in place initially just to cover that time period between now and the rules change. So if we could go ahead and adopt a policy, I think that could get us at least halfway there.

MR. BAILEY: Mr. Chairman, I would
agree. I mean, it's, I guess, one of those things where, if it's not a problem, you know, if people follow that policy and it's not an issue, then it doesn't necessarily need to be addressed by a rule. But if it becomes an issue, we can always address it by rule.

And, you know, you're aware the rule making process is very cumbersome. It's even more cumbersome right now because the governor's office released a whole bunch -- it used to be six questions. Now, it's like 20 questions. And it's a whole analysis you got to go through just to get approval from the governor's office right now.

So unless it's something that it's like, "We got to put this in a rule," I would -- you know, if it's not broke, don't fix it is the old saying I'm getting at.

If this policy is -- doesn't become an issue, I would not recommend trying to put it into a rule. If it becomes an issue, we can put it in a rule at that point in time.

CHAIRMAN MORELOCK: Okay. I guess one thing I would say -- and I'll let the other board members speak -- if it's something that
people can find on the website under the boiler unit or Board of Boiler Rules or something -- if it's something they can find easily, I think that's fine. That's the biggest thing, if we do initiate this policy, we just have to make sure that people can find it and use it and understand it.

That's would be my only statement.

What do the other board members -- you've got comments that you want to make?

MR. BOWERS: This is Harold Bowers. Yeah, I totally agree. I don't think there will be any problem on this one. Because it pretty well says in the rule 45 days. And basically the policy's just saying, "Hey, if you want to comply to the rule, this is what we want." And I don't think there will ever be a problem in this situation.

CHAIRMAN MORELOCK: Okay. Any other comments. Do I have a motion for this item?

MR. BAUGHMAN: So moved.

CHAIRMAN MORELOCK: So, Mr. Baughman, what are you moving?

MR. BAUGHMAN: Do we accept WRC 010 policy?
CHAIRMAN MORELOCK: Thank you, sir. Do I have a second?

MR. FOX: I second that.

CHAIRMAN MORELOCK: All right. Last call for comments or questions. All right. I'm going to call the question. Mr. Baughman?

MR. BAUGHMAN: Aye.

CHAIRMAN MORELOCK: Mr. Bowers?

MR. BOWERS: Aye.

CHAIRMAN MORELOCK: Mr. Fox?

MR. FOX: Aye.

CHAIRMAN MORELOCK: Mr. Henry?

MR. HENRY: Aye.

CHAIRMAN MORELOCK: All right. The item passes, and I'm showing 10:42. I think people would probably like to take a 10 or 15-minute break. So let's reconvene right at 11. Give you a few minutes.

(Brief break was observed.)

CHAIRMAN MORELOCK: Okay. I think pretty much everyone is back on, so let's go to our next new business item, which is the 20-09 Honest Origins in Antioch is requesting a new variance for two high-pressure boilers that operate under requirements that check the
0800-03-03.811.

So, Mr. Toth, if you and representatives from Honest Origins will introduce yourself and present your item.

MR. TOTH: Hello, Chairman, members of the board. Again, my name is Marty Toth. I'm with ECS Consulting & Boisco Training Group. My pleasure to have with me Mr. Ken Rich. Ken Rich is over the maintenance department there at Honest Origins.

We request for the approval of remote variances for the boiler operations there at Honest Origins. As you see, we have two high-pressure burning boilers that are used for the process there at the plant. They are not operated 24/7. They're operated as necessary, usually during normal working hours. Mr. Rich will be able to elaborate further on that.

What we have is we have a remote station that's located at the main reception, which you'll see from the site plan, it's very close proximity of the boiler room itself.

At that station we have an administrative assistant who will man that post. If for any reason she is outside of the range of
that post for an extended period of time, being anything over the allotted 20-minute period, we will go back to the 20-minute rule or on another individual who is qualified as a remote attendant will be in that position. At the current time, Mr. Rich would serve that role. His office is in the vicinity of the reception area, so he will man that post.

If at any time in the future it is felt that we need to extend those qualified individuals, we have it in place. We would revise the manual. And that would be an editorial not a technical change with that. I have spoken with the client about that possibility in the future.

The maintenance tech personnel are the qualified boiler attendants that will be performing various duties throughout the plant. During the operation of the variance, they will be visiting the boiler room and taking readings within every four hours. If for some reason we do not have that remote station manned, they will go back to the 20-minute rule and monitor those boilers once every 20 minutes and document their visits there. The manual has an example
of our four-hour log that is required for each boiler variances.

Honest Origins is a food processing location that works within -- I would want to say rehydration of bean products at this time. And it's a nice looking boiler room as well. As you'll see from the manual, we provided some photographs of not only the two burning boilers but also the registered aerator that is located at the facility. And we are open to any questions that you may have.

CHAIRMAN MORELOCK: Thank you, Mr. Toth. Let me ask the board members, does any board member have a conflict of interest on this particular item? All right. Hearing none. Do I have a motion to discuss this variances?

MR. BAUGHMAN: So move.

CHAIRMAN MORELOCK: Thank you, Mr. Baughman.

Do I have a second?

MR. BOWERS: Second.

CHAIRMAN MORELOCK: Thank you, Mr. Bowers. What questions or comments do you have for this proposed attendant variances?
While you-all are thinking, Mr. Toth, if you look at Appendix J, it states that -- the title is "Glossary Terms," but actually, it's your checklist.

MR. TOTH: I do apologize, sir. We'll make sure we revise that.

CHAIRMAN MORELOCK: No problem.

MR. TOTH: I did list -- the contents is listed. I'm going to have fire my administrative assistant on that.

CHAIRMAN MORELOCK: So Appendix I will be your Glossary of Terms. And the only other comment I have is Item 32 on the checklist is requesting a record log listing of manual holders. And I found a narrative in Section 1 paragraph 2, but I -- and I may have overlooked it -- but I don't see a -- I don't see a log for the manual holders.

MR. TOTH: Thank you, Mr. Chairman, for bringing that up. There is not a log, nor have as any manuals that have been submitted to the board thus far have a log. Again, this is a guideline.

What we do is we mention the actual locations within Section 1 as you alluded to.
That stipulates where those manuals will be stationed that are mandatory. In this case, it will be the remote station, Mr. Rich's office, and also the boiler room. Those are the mandatory requirements. There may be logs located elsewhere, such as the electronic portal that Mr. Rich and members of their management company will have access to.

Again, this is something that ECS -- I know I can't speak for other companies, but this is something we've done for quite a while now.

CHAIRMAN MORELOCK: Okay. I just revised the your checklist to strike Appendix H as a manual reference.

MR. TOTH: Say that again, sir.

CHAIRMAN MORELOCK: In the checklist you listed the manual reference as Appendix H, so you just need to take that out.

MR. TOTH: Thank you.

CHAIRMAN MORELOCK: Thank you. What other questions do the board members have?

MR. BAUGHMAN: Mr. Rich, this is Dave Baughman, Board Member.

To the operations of the plant
itself, we said it operates on demand during normal weekday work hours. Are there any other hours that there might be -- that would fall under abnormal, in other words, is there ever a time when the boiler would operate during the evening or in hours that wouldn't be considered normally during the day?

MR. RICH: Yes, sir. It does but we -- since we only have an administrative support within a certain -- because we're so small, we have administrative support, including myself, in that -- within that window that you see in the manual, we go back to the 20-minute inspections at that point.

MR. BAUGHMAN: So there would be personnel there at the plant 24/7 that would be considered operating the boiler under the 20-minute rule during that the time when there's not an administrative assistant or somebody listed as a remote attendant.

MR. RICH: That is correct.

MR. BAUGHMAN: Very good. It states that Honest Origins has certified boiler remote and boiler attendants. How does Honest Origins certify or what certification does Honest
Origins provide?

MR. RICH: Us the company.

MR. BAUGHMAN: And I was just interested in what that criteria was, how that certification -- what that process is?

MR. RICH: We go through Marty's company to assist us with that.

MR. BAUGHMAN: Okay. So Mr. Toth is providing certification then that they're qualified as boiler attendants and remote attendants?

MR. RICH: That is correct.

MR. BAUGHMAN: I guess I have a question on why the remote station is not located somewhere else besides the administrative assistant's office? In other words, it just seems like an area that -- let's say that during the day the administrative assistant, who by description has a lot of different tasks, whenever they leave and if by chance you're not in your office, somebody's on the time clock then as far as the 20-minute rule, and so how is that all attended to because that's a very difficult proposition?

MR. TOTH: Mr. Baughman, I'd like to
allude to that and answer that question. It was something that was discussed during the development of this process, and the young lady that occupies that position does have responsibilities, but because of the placement of the remote panel, it was sought that that would be the best position because of the necessary operation of the boiler during the day shift.

We have discussed other opportunities as the company grows. And as the company goes to a more operating shifts within the necessity of the boiler, at that time we would come back to the board with those revisions and those updates to the system.

It was just felt that as a business decision with Mr. Rich and the plant manager that this location would be the best location. I definitely grilled them quite extensively as to the operations, when will this individual be leaving? Would they leave the location for more than 20-minute period? Would somebody be occupying -- if there's other individuals that are located within the area such as the inventory manager that's within the area of the
reception.

It would prudent for us to maybe look at extending her responsibilities as also remote attendant.

So this is something we have talked very extensively about. And it was just a business decision to put her at the remote station because Stephanie is at that location pretty much the majority of her time. But we also have it in place how to handle the situations if she has to leave for an extended period of time.

Of course it means right now at this juncture that Mr. Rich will be responsible for manning that post. Okay? If he is unavailable to man that post, that's when was the communication goes out. That's when we start occupying the boiler at the 20-minute rule, which is how they handle it right now. So they are very aware of rules.

MR. BAUGHMAN: Because I can foresee if Mr. Rich is out on vacation or whatever the situation may be, if Ms. Stephanie -- and I take it we've got more than one administrative assistant because, if she's out, then that
leaves us with no administrative assistant to
man that remote station, and then it falls upon
Mr. Rich's shoulders. And if he happens to be
out, then I take it we're operating under the
20-minute rule. And so I understand how the
flow goes. Whether that happens in real life or
not is another thing that you hope it does and
that's why all these mechanism are in place.
The next question I have is: Is that remote
station -- I take it because it's at the
reception area, and I take it the reception area
is locked at certain times -- is there a time
when the doors are locked during times that
you're not there, or that she's not there, or
both, that don't give us access to that remote
station or during that time that we are actually
operating under that 20-minute rule?

MR. TOTH: If I may, I'll allude
to that, and if you want Mr. Rich to elaborate
further, we can.

The reception station area is
open-air station. The only access, the locked
access, that you'll see is there is an entrance
going into the building. That building has a
magnetic mechanism that will lock behind. There
is no individual office for the reception station. As I said, it's open air. Behind the reception desk is the inventory manager. To the right of the reception area as you're walking in, is the plant manager's office. Mr. Rich's office is right there within the vicinity. So at no time would we find ourselves in a situation where this would be locked and unavailable if the case needs.

MR. BAUGHMAN: Is the boiler room itself ever locked?

MR. RICH: It is not.

CHAIRMAN MORELOCK: Very good.

Thank you, Mr. Rich. Thank you, Mr. Toth.

MR. TOTH: You're welcome, sir.

CHAIRMAN MORELOCK: Any other questions or comments on this proposed variance? Hearing none.

Do I have a motion for this variance.

MR. FOX: This is Terry Fox, Board Member.

I make a motion to approve of this variance.

CHAIRMAN MORELOCK: Thank you, Mr.
Fox. Do I have a second?

MR. BAUGHMAN: Second.

CHAIRMAN MORELOCK: Thank you, Mr. Baughman. I do have a second. Any last comments?

MR. BAILEY: Mr. Chairman, did you ask about conflicts?

CHAIRMAN MORELOCK: I did.

MR. BAILEY: Okay.

CHAIRMAN MORELOCK: Thanks for the reminder.

MR. TOTH: You didn't get him that time, Dan.

CHAIRMAN MORELOCK: He'll have plenty of opportunity. Don't worry.

I'm going to call the question then. Mr. Baughman?

MR. BAUGHMAN: Aye.

CHAIRMAN MORELOCK: Mr. Bowers?

MR. BOWERS: Aye.

CHAIRMAN MORELOCK: Mr. Fox?

MR. FOX: Aye.

CHAIRMAN MORELOCK: Mr. Henry.

MR. HENRY: Aye.

CHAIRMAN MORELOCK: Gentlemen, have
you contingently approved boiler attendant
variance subject to any revisions to the manual
based on the comments from the Tennessee board
meeting today and a successful site visit with
the boiler unit.

    Thank you, gentlemen.

MR. TOTH: Thank you, gentlemen.

MR. RICH: Thank you.

CHAIRMAN MORELOCK: So that takes us
to new business Item 20-10, Boiler of Memphis
Refinery is requesting renewal of a boiler
inspection variance for two gas-fired boilers,
boiler number 10 and boiler number 11. So do we
have representatives to present this variance?

    Do we know if Valero was going to
make it to the Zoom meeting today? Do we have
any confirmation from them? None?

    MR. OGUIN: I haven't heard either
way. Chairman, this is Chris.

    CHAIRMAN MORELOCK: Thank you, sir.

Well, since we don't have any representatives
for this, I am going to move this item, 20-10,
to the 12/9/2020 meeting.

    So Item 10 on our agenda is board
interpretation 20-01 to be presented by
Mr. Toth, ECS Consulting. You have the floor, sir.

MR. TOTH: Thank you, Mr. Chairman. I'm kind of -- I would say at a loss for words, but then everybody on the board would start laughing out loud. But, I'm just kind of curious where we're going to go with the requirements for the WRC policy, things like that.

But I would like to address some of these questions, some of these interpretations, and handle it as we intended back at December 2019 meeting. What I have is -- I do have the letter from of -- the submittal from November 2019, and I guess I can share my screen.

Is that normal process? Do we want to do it that way and kind of go through the document since we're not in person? Does all the members still have that document from 2019 that they can look at? But then also have it available for those others that are on the call. How would you like to proceed, sir.

CHAIRMAN MORELOCK: Well, I know that board members have the November 15, 2019,
document. It was part of our packet. However, if there are people that do not have access to that document, I'm certainly agreeable to you sharing your screen to discuss the item -- or present the item, and then we can stop sharing so I can see how the board members want to vote.

MR. TOTH: I'm going to go ahead and hit the share screen button. Hopefully it works; I'm not as up to speed on Zoom. You would think that in the last six months we would be. Let me see if I can locate it. I had it up just a moment ago. I've got too many things open on my screen.

CHAIRMAN MORELOCK: It should be at the very bottom. There you go.

MR. TOTH: As we can see here the request that I have for this --

CHAIRMAN MORELOCK: Shrink it down a little bit.

MR. TOTH: Shrink it down?

CHAIRMAN MORELOCK: Yeah, look up at the top. It's like at 153 percent. There you go.

MR. TOTH: You do realize I turn 52 this year, right, Mr. Chairman? So I'm --
CHAIRMAN MORELOCK: Hey, you have no excuse. I turn 58 in March, so.

MR. TOTH: Goodness. I didn't know if you were like a grandfather like Mr. Fox yet though.

CHAIRMAN MORELOCK: Not yet.

MR. TOTH: (Indiscernible) Terry. Anyway, so what we have here is a request to provide interpretation of -- submission of request of the Boiler Board rules.

There has been some confusion, and I would say that I'm probably the lead in that confusion as to the requirements surrounding the request to appear before the board and/or the supporting documentation submission. In recent years there's been verbiage included in the rules that require 45 days prior to the next meeting. I'm kind of subphrasing there a little bit. We talked extensively about that earlier so I don't think I need to bring that up again.

The confusion is neither the statute rule or the board guidelines stipulates the supporting documentation are required for submitting at the time of the request. The hope is that the following interpretation inquiries
will clarify any confusion, submission requirement consistency, and to be more uniform.

Let me just kind of elaborate. As we mentioned, board interpretations is something that is not new. It's something that's been around for a number of years. It was not utilized as a tool for a number of years. I think we turned the corner on that, and we'll go back to it. I would like to hope that we promote that to the public. And it sounds like Mr. Tom is really thinking that's very important as well. And so I think there will be some more marketing of that out to public.

If we could go to -- Inquiry Number 1 is a required for the submitter or his representative of a request to appear before the Board of Boiler Rules to make sure such request in writing to the Chief Inspector or his Designee 45 days prior to meeting. I think we're all agreement that's a yes.

And again, I want to emphasize that when I put together an inquiry like in this, this is not my personal beliefs as to how it should be handled, it's my personal interpretation of how the rule is written. So
the next inquiry is a great example of that.

Is it required for the submitter or variance representative of a request to appear before the Board of Boiler Rules to include supporting documentation at the time of the request? The reply is: No. However, the supporting documentation must be submitted in an adequate and timely matter to allow all members the opportunity to review the documents prior to the scheduled meeting. Failure to do so may result in a delay in approval acceptance of the submitter's request.

Again, it's not a personal belief, it's an interpretation as to operations in the past and also how I read that reply.

Inquiry Number 3: Is it allowed for the submitter or his representative of a request or to appear before the Board of Boiler Rules to submit supporting documentation directly to board members? Reply 3: Yes, but only at the direction and/or authorization of the Chief Inspector or his Designee.

Inquiry 5: Is it required for the submitter of a board case or interpretation to submit the inquiry to the Chief Inspector or his
Designee 45 days prior to scheduled board meeting? No, however the supporting documentation must be submitted in an adequate and timely manner to allow all members the opportunity to review the inquiry and prepare prior to the scheduled meeting. Failure to do so may result in delay in a response by the board to the inquiry.

Number 5: Is it allowed for remote variance manuals to be submitted to a Chief Inspector or his Designee in electronic format for distribution to board members? No.

Seven -- 7: Printed copies of manual must be submitted to Chief Inspector or his Designee. However, an electronic copy may also be included optionally.

Number 6 and final: Is it required for an individual to request in writing to the Chief Inspector or his Designee 45 days prior to board meeting for an open-discussion item to be added to the board meeting agenda? No, however the request at the meeting must be made prior to the adoption of the agenda, and it is at the discretion of the board chairman to accept the addition at such time.
So, Mr. Chairman, I request -- or I suggest that we the board looks at each inquiry individually and accept individually any suggestions we can make to this document at this time. We would vote in for acceptance or we can handle it at the next meeting, however the board so chooses.

CHAIRMAN MORELOCK: The question I have is this interpretation goes exactly with that policy then we're just making the interpretation kind of a redundant, but does it -- be contrary to that policy statement earlier that we talked about?

MR. TOTH: Are you asking me that question, Mr. Bowers?

MR. BOWERS: Yes.

MR. TOTH: My knee jerk reaction to that would be yes and no. I hate to say it that way. Yes, there is some redundancy there. Let's realize that this is interpretation request was submitted November 2019 for the December 2019 meeting. The policy that was put together by the boiler unit was done so afterwards.

I think that Chief Chapman and his
staff looked at the opportunity to handle it
other than in interpretation. And, you know,
however the board sees fit, I'm all in favor.
Again, we go back to a WRC policy is WRC policy.
And maybe Mr. Bailey can educate me on that. Is
a WRC policy a Board of Boiler Rules policy as
well? And that is a question.

MR. BOWERS: But the question I had
is -- this is Harold Bowers.
The question I have is, you know --
well, my statement, I guess, is if this
interpretation was exactly as the policy, I see
no problem with that. But you can't have --
talks about the policy of being ten copies, and
we're talking about the interpretation being
seven copies. It has to match exactly what the
policy says. We can't have a conflict between;
we got interpretation saying one thing, and then
we have a policy saying something else.

MR. TOTH: I absolutely agree with
Mr. Bowers. And that's why I said, at the time
of writing this, the initial requirements --
because the number of copies has changed over
the years, okay? The numbers of copies has went
from seven copies because we have a Chief
Inspector and six board members, to nine copies to ten. At one point there was actually a number of 14 copies under a previous administration that blew my mind.

So when -- in writing this, I went back to the historical seven copies only as a, Hey, if it's ten, let's put that in writing, this ten copies. Because I understand that the ten copies we're distributed be that to a number of different people now. I know the Chief Inspector, the assistant Chief Inspector, that takes us to eight. If it goes to the board secretary, that takes us to nine. If it goes to records that takes -- whatever it is, okay?

But to answer your question, I'm absolutely in favor of that. And I agree 100 percent. If there's policy that is out there that handles the submission of various documentation that goes into the guidelines for variance documentation, it needs to be exactly what we have in this interpretation. Verbatim verbiage, no confusion whatsoever.

Let's recognize though, too, we have additional interpretations within this that are not technically covered under the guidelines for
variances. That needs to be addressed as well.

CHAIRMAN MORELOCK: So what I'm hearing from Mr. Bowers and Mr. Toth is -- they need to agree. They don't need to contradict or negate each other. So with the November 15th request for interpretation, to me, Inquiry 1, you can leave as is. Inquiry 2, you would have to revise the proposed answer of no.

MR. TOTH: It would actually be yes, Mr. Chairman. So that would be simple because then that reply is a simple yes.

CHAIRMAN MORELOCK: You could just make that a yes. Three is fine. Four, you would have to change the reply to yes. And Inquiry 5, you would have to make the reply ten instead of seven. And then I think you would have harmony between the two documents.

MR. TOTH: Absolutely. Because Number 4 is, you know, the board -- if you feel that it is necessary to have any interpretation board cases, absolutely, because that goes out on the agenda. That is an agenda item. It gives board members the opportunity to look over, do their own research, and then we end up not spending as much time on the discussion.
during the board meeting. The work is done prior to.

So I agree 100 percent that Number 4 needs to be yes. I agree if that's what the board needs in regards to Number 5, if that helps support the operations of the boiler unit. If it needs to be ten -- ten, we have had ten. I just want to bring it to the board's attention and also the boiler unit's attention is that printing of these documents, okay, is not an extension. In the grand scheme of things, it is, but when your talking sending something like this out to a printer, you know, companies want to make it look good, the representation. You're talking about $30 a copy. Okay. So if we're taking these copies and just chucking them after everything is done, and nobody is looking at it -- I just want the board to take that into consideration when the decision is made.

So if it's ten, let's put ten and then that would be -- that would follow whatever is required in the guidelines, and I think that would be satisfactory.

MR. BAUGHMAN: This is Dave Baughman, Board Member.
Just to add my comment, just as I'm reading this. So that the WRC 010 policy really covers Inquiry 1; it addresses Inquiry 2; it addresses Inquiry 5, and so what we're looking at then is Inquiry 3, and 4, and 6. So we adopted WRC 010. One, 2, and 5 are addressed, and really we just need to look at 3, 5, and 6. I'm sorry. Three, 4, 5, and 6.

MR. TOTH: Here's the thing, if I may interrupt, Mr. Baughman. And this is where it gets back to is -- and I'm applying this interpretation. If your answer for 1, 2, 4, 5, 10 -- whichever one is, see policy WRC whatever, then you need to do that. Okay. If that's what you want.

We at (inaudible)IC, we have situations like Brian and I run up against all the time where people will ask a question that's already been asked and answered in past, and we'll point them in that direction. If you want to do that, that's fine.

The thing is this is an interpretation. Okay? I asked Mr. Bailey -- I have not received an answer back -- I asked Mr. Bailey if the WRC policy is the policy for
the boiler unit or boiler board or both. And that's the request that I have, because I am sending this request to the boiler board, not the boiler unit.

I agree with the policy -- putting the policy out there. Okay? But the boiler board is the overseeing body, I thought, of the rules and regulations. And that's where I'm coming with this. If we don't want to do interpretations anymore, don't do it.

MR. BOWERS: This is Harold Bowers, Board Member.

I agree as long as it's redundant, it doesn't hurt anything because a lot of people would access the boiler interpretations. That's how they get their information. So even if it -- as long as it doesn't conflict, it doesn't hurt to have it in the interpretation and have a policy. As long as -- if it is redundant, yes. As long as it's the same, it really didn't hurt anything to have it. Because a lot of people will go to -- when they go online, they will look at those interpretations.

And if you say, Well, you have to refer to this policy. You're just making Joe
Public make an extra step that they really don't have to do it. As long as it doesn't conflict, it doesn't hurt to have it in both places, as long as it's the same.

MR. BAUGHMAN: I guess my comment to that is that we want to limit the amount of interpretations that we have that coincide with things that we've already got. So -- and my end of it is as much information for the public is great, but I look at this from trying to put myself in the public's shoes also is, if we got a policy in place already, we could refer -- I don't know.

I'm just trying to limit the amount of redundancy that's really there, but maybe that's what we do need to have. And we've got two different things in this interpretation -- a request for interpretation, we've got some that refers to our boiler variances, and we've got some that refers to other items that don't --

MR. TOTH: But, Mr. Baughman, it all refers to submission of documentation. That's what it has to do. If the board sees fit that they want to remove this because, again, this something that put forth last year. It was
pushed off the agenda, okay, multiple times. I understand the pandemic. I get that, okay. But then it was brought up after the fact that we put in a boiler unit policy. If the board sees that we're answering that question fully, I'll pull it. That's fine. But what I don't want to get back to -- and I'm going to warn everybody here -- is we get back to the point where we have internal boiler unit control with no communication for the public.

I've lived under that, okay, when I was a deputy inspector, and I warn you of it. Because then you go down the road where you have individuals that are out there like Mr. Bowers said. People go out and look at interpretations. They read interpretations. Okay. I know Chief OGuin said that they don't, but they do. And so if we want to pull this, okay, go for it. If that's what you think is right -- if you think it's redundant, because the question was asked in 2019, and we feel that it's answered, answer it that way.

Just like with the MBIC, we get a submittal -- the submittal comes in, we'll even go to point where we have a committee that
changes the question. Okay. So that we can answer it properly. As I said to Mr. Baughman, if you want to take this, and you want your answers to be either, yes, or see policy whatever number you want to put out there, now, they get to go and try to find that policy, go for it.

MR. OGUIN: Chairman, this is Chris. May I speak?

CHAIRMAN MORELOCK: Yes.

MR. OGUIN: You know, everybody is talking about guiding people to the policy, if the policy is attached to the variance checklist, then they're going to have the policy when they're trying to make a manual because they have get the checklist to make a manual.

MR. TOTH: But how do you get to the checklist, Chris?

MR. OGUIN: I'm not done yet, Mr. Marty. If you hold on a minute.

And my other concern was Number 3 is already addressed in policy. Now, if you want to change Number 3, we need to address the policy because in the policy it has the request should be accompanied by ten copies to the
boiler unit. And that's to kind of address the confusion we had with the Mr. Fox two meetings ago. That's all I've got.

CHAIRMAN MORELOCK: Well, I guess the only comments I would add is, yes, ASM National Board has similar processes to process interpretations. The other thing that ASM National Board cautions people is that you do not want to have identical words two places, because if it gets updated in one place, it may not get updated in the other.

So I would be in favor of this inquiry that has the same goal that the reply would be "see WRC 010." That way you only got that information in one place, and you don't have a chance to change the information in one place and it not be changed in another. And we've seen, even in the Tennessee board, we went back and revised board interpretations, and we might not catch the linkage all the time if you got that same information in two places.

So with the policy being passed, I think it would make sense that we would have redundant language the reply here would be to see that WRC policy. If they're saying the same
thing, providing the usual with the same information, I think that would be probably clarify the concerns that I'm hearing. What do you-all think?

MR. TOTH: As the submitter, Mr. Chairman, I agree 100 percent. If that's what you want to do, do it. But that's responsibility of the board -- responsibility of secretary of the board to revise that information and then submit that information back to the submitter.

I'm perfectly fine with that if that is the case, as Mr. Tom put out there, that it's going to be something that going to be published on the website, I think that's great. And that does answer the questions. I've never had a problem with that.

Again, it's -- the response of these are simple yes and no. I think that there is a problem with having an interpretation as Mr. Baughman alluded to, to trying to get away from interpretation. No, I don't agree with that. I think the interpretation -- the only way you get interpretations is with rule changes. The only way you get away from board
cases, is with rule updates. Okay. You don't get away from them because those are intended for communication and getting the word out there. You don't want to get away from interpretations; you want to utilize those as a tool to make your document better. Okay?

And so in this case here, it's an interpretation that somebody goes out and sees that -- as I said to Assistant Chief OGuin -- and I do apologize for interrupting. I thought you were done -- was that when we talk about, okay, it's out on the guidelines. I was part of the creating those guidelines, so I agree with -- 100 with revising those guidelines that they need to be revised.

I've mentioned many times that those guidelines needed to also mention exactly what you as a board need. Okay? That looks like it's being done. Amen to that. But it doesn't mean that interpretation that's being asked by a citizen of the State of Tennessee isn't due it's due diligence of response, which is I asked a question; you respond to it. If it's "go see WRC 010," that's what the answer is. It could even say "Yes, go see" -- it doesn't matter.
All I'm saying is don't just disregard or we're not going to answer it. That's not the proper process in due diligence. Thank you.

CHAIRMAN MORELOCK: Thank you, Mr. Toth. What other questions or comments does the board have?

So based on what we discussed I think we would have agreement with the passage of WRC 010. And I think Mr. Toth would be agreeable where we have redundancy, we could revise the reply in his board interpretation to whatever redundant statement. Instead of having information two places, we could just point the user to the policy, and then the other ones we can revise as needed.

For instance, on reply Number 2 we could say "see Policy WRC 010," and you don't even have to have any more sentences after that. You just point to that policy. Reply 4 would be "yes." And that's all you would have to put there. And for Number 5, you would change 7 to 10. Four point -- I don't know if the policy covers all that or not, but it wouldn't take a lot of revision to get Mr. Toth's interpretation in good order.
MR. BAUGHMAN: Mr. Chairman. Dave Baughman.

So what I see is that we would reference WRC 010 to inquiry Number 1, inquiry Number 2, and inquiry Number 5. And then we still have to address these other inquiries individually; is that correct.

CHAIRMAN MORELOCK: That is correct.

MR. OGUIN: Chairman, Mr. Bailey never had an opportunity to answer Marty.

CHAIRMAN MORELOCK: Okay.

Mr. Bailey, we'll give you the floor.

MR. BAILEY: Well, the question was whether there is policy of WRC or the board. With the board voting to adopt that policy or accept that policy, then I say it's a policy of both of them.

CHAIRMAN MORELOCK: Thank you, Mr. Bailey. That's fair statement. So, Mr. Toth, this is your item. What is your recommended course to do this --

MR. TOTH: Mr. Chairman, but just as interpretation need to stand on their own.

CHAIRMAN MORELOCK: Yes.

MR. TOTH: I'll be back on the table
of the board to handle it as you see fit. I agree as Mr. Baughman alerted to 1, 2, and 5 are simply references to WRC. I'd say that I think I've spoken enough on this. I think that you summarized all the necessary changes. And now it's pretty much in the board's hands and the board secretary's hands to revise as to what your wishes are and then submit it back and publish.

CHAIRMAN MORELOCK: Well, as you well know, being on the national board committees, we would be asked to take this back and provide a clean copy before we decided on it.

MR. TOTH: Right. Are you wanting me to do a clean copy? I could do a clean copy right now if you'd like.

So if we go and we look at this document -- if we were to go up this here would be a simple change of WRC -- I probably need to go -- let me go to a different -- I'll have to pull it up. I'm sorry. I pulled up -- I should have pulled up the word document not the PDF document, but I -- this could be changed to WRC -- please give me the reference again.
CHAIRMAN MORELOCK: WRC 010.

MR. TOTH: All right. WRC 010. Is it a hyphen or anything?

MR. BAUGHMAN: Space 010.

MR. TOTH: Okay. Thank you, Mr. Baughman. (Indiscernible) to recognize your voice today without seeing your face.

Okay. So here, and then you said 5, Mr. Baughman? No.

CHAIRMAN MORELOCK: Yes, sir.

MR. TOTH: Which one was it?

MR. BAUGHMAN: Five.

MR. TOTH: Five is just to -- so this -- we don't need to put -- just say -- because the policy reads ten copies? Is that what the policy reads or what the guideline reads?

MR. BAUGHMAN: What the policy reads.

MR. TOTH: Okay. All right. And then, okay. Is this one satisfactory the way it's written?

MR. BAUGHMAN I don't believe so.

I'm sorry.

MR. TOTH: (Reading.) Okay. So
MR. BAUGHMAN: That's what I believe, Marty.

MR. TOTH: And so even if, okay. So even if the chief says send it directly -- okay. That sounds good. Okay. Is this one also C -- WRC 010 is this something different? Because I'm pretty sure this is covered by the policy as well; is it not?

MR. BAUGHMAN: Number 4 is relating to the board cases or interpretations, not the variances.

MR. TOTH: 010 is different then. I would say it needs to be 45 days. I'll be honest with you. Again, this is my personal opinion, not what I believe that the interpretation is. My personal opinion is that you should submit it for interpretations. You don't want to get a submission because -- for interpretation a week before the board meeting, and it's not on the agenda. And you as a board member haven't had time to review it. That -- again, that's my personal opinion, if you want to put no, however, it needs to be sent in the meantime, that's fine. And add it as an an item
under interpretations and cases.

CHAIRMAN MORELOCK: Well, the question is, is it required for submitter of the board case or interpretation to submit the inquiry to the Chief Inspector who has designated 45 days prior to the scheduled board meeting, and that would support the policy, so if you change the no to yes and strike all that language, it's just a yes for Number 4, right?

MR. TOTH: Well, I mean, we have seen the policy -- I didn't read the policy. I guess I didn't pay attention --

(Reporter emergency.)

(End of Volume I.)
REPORTER'S CERTIFICATE

I certify that foregoing Transcript was taken at the time and place therein named; that the testimony of said witnesses was reported by me, a Shorthand Reporter and Notary Public of the State of Tennessee authorized to administer oaths and affirmations, and said testimony, pages 3 through 104 was thereafter transcribed into typewriting.

I further certify that I am not counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand the 7th Day of December, 2020.

JENNIFER HAYNIE (License No. 403)
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