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

QUARTERLY MEETING OF THE
STATE OF TENNESSEE
BOARD OF BOILER RULES

January 19, 2023

ORIGINAL

CASSANDRA M. BEILING, LCR# 371
STONE & GEORGE COURT REPORTING
2020 Fieldstone Parkway
Suite 900 - PMB 234
Franklin, Tennessee 37069
615.268.1244

1 APPEARANCES:

2 Brian Morelock, Chairman
Owner-User Representative

3 David W. Baughman
4 Owner/User Representative
Allied Boiler & Supply, Inc.
5 4006 River Lane
Milton, Tennessee 37118

6 Jeffery Henry, Board Member
7 Boiler Manufacturer Representative
ATC-CES, Chattanooga, Tennessee

8 Micah Lashley, Board Member
9 Insurance Representative

10 Chris O'Guin, Chief Boiler Inspector

11 Philip Hickerson, Assistant Chief Boiler Inspector

12 Deniece Thomas, Commissioner
Tennessee Department of Labor

13 Dan Bailey, Esq., Legal Counsel
14 Tennessee Department of Labor

15 Dewayne Scott, Deputy Commissioner
Tennessee Department of Labor

16 Michele Irion, Boiler Board Secretary
17 Tennessee Department of Labor

18 Kenneth Nealy, Assistant Administrator
Tennessee Department of Labor

19 Mia-Lyn Wiley, Boiler Admin Staff Supervisor
20 Tennessee Department of Labor

21 Tia Xixis, Chief of Staff
Tennessee Department of Labor

22 Matthew Grove
23 Tennessee Department of Labor

24 James Neville, Neville Engineering

25 Matt Creager, Valero Memphis Refinery

1 Appearances continued:

2 Marty Toth, ECS Consulting

3 Chris Bradley, Communications

4 Brad Holloway, Mo's Mechanical

5 Mike O'Connor, Mo's Mechanical

6 Paul Moliski, Intertek

7 Tyler Milone, Sunbelt Marketing

8 Shannon Beason, Rinnai America

9 Rohan Scafe, Rinnai America

10 Branden Matue, FM Global

11 Allyson Lynch, Butler Snow

12 Ray Stephens, International Paper

13 Bryan Loder, International Paper

14 Tom Holly (via telephone)
BWXT Nuclear Fuel Services

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16 STONE & GEORGE COURT REPORTING
Cassandra M. Beiling, LCR

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1 A G E N D A

2 I. Call Meeting to Order

3 II. Introductions and Announcements

4 III. Adoption of Agenda

5 IV. Approval of the September 14, 2022 Meeting
Minutes

6 V. Chief Boiler Inspector's Report

7 VI. Variance Report

8 VII. Old Business
9 None10 VIII. New Business
11 22-10 Valero Memphis Refinery
12 22-11 International Paper
13 22-12 Mersen USA
14 22-13 BWXT Nuclear Fuel Services15 IX. Rule Case & Interpretations
16 BC 22-01 Intertek
17 BC 22-04 Clearance Requirements for Wall
18 Mounted Tankless Boilers19 X. Open Discussion Items
20 None21 XI. Announcement of Next Meeting
22 March 8, 2023
23 June 21, 2023
24 September 13, 2023
25 December 13, 2023

26 XII. Adjournment

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2 CHAIRMAN MORELOCK: Good
3 morning, everybody. I want to welcome you to the
4 January Tennessee Board of Boiler Rules meeting
5 today.

6 I hope you signed in when you came
7 in. If not, please do. We're going to try to
8 make sure we've got everybody's names and
9 everything. It will be good to get a record that
10 you're here, and it will also help with the court
11 reporter as we do the minutes.

12 So we'll -- here in a little bit,
13 we'll have introductions. And when you do
14 introduce yourself, do as best you can to be
15 heard, and between that and signing in, I think
16 we'll be able to get a record of your attendance
17 here today.

18 I hope you do have an agenda.

19 I'm going to call the meeting to
20 order. And I do have just a quick safety item and
21 just some information. This is a big room, so
22 like I said, please speak up. We do have
23 microphones, when I turn mine on, but -- so that
24 we can capture the conversations and the
25 questions. So please do that.

1 Again, we do have an agenda. We're
2 going to adopt that here in just a few minutes.
3 But, please, for the courtesy of those that are
4 presenting and just for the conversations that
5 we're going to have today, please silence your
6 cell phones.

7 And the safety item is, we had some
8 storms come through last night, and so just in the
9 event we would have a weather event or something
10 here, we have security personnel that would either
11 take us to a safe place in the building or, if
12 need be, take us out to the Rosa Parks side of the
13 building for a safe assembly. So that's just a
14 little bit of a safety item.

15 So with that, I'm going to go down to
16 introductions and announcements.

17 So with that said, Micah, I'll let
18 you start with the introductions.

19 MR. LASHLEY: Micah Lashley,
20 insurance representative, Chubb Insurance.

21 MR. BAUGHMAN: Dave Baughman,
22 Boiler Rules board member with Allied Boiler and
23 Supply out of Murfreesboro.

24 And before it moves on, I want to
25 congratulate Brian on his first grandchild being

1 born.

2 CHAIRMAN MORELOCK: Thank you.
3 I do not have any pictures or any slides, so
4 you're safe. I'll bore you to tears with them
5 later. I am very blessed for that, and it's a
6 great journey so far, so thank you for that.

7 I am Brian Morelock. I'm the board
8 chair, and I work for Eastman Chemical Company.

9 MR. HENRY: Jeff Henry, board
10 member with ATC Chattanooga.

11 THE REPORTER: Cassandra
12 Beiling, Stone & George Court Reporting.

13 MR. BAILEY: Dan Bailey, legal
14 counsel.

15 MS. THOMAS: Good morning. I
16 am Deniece Thomas, Commissioner of the Tennessee
17 Department of Labor & Workforce Development.

18 MR. SCOTT: Dewayne Scott,
19 Deputy Commissioner for the Department of Labor.

20 MR. O'GUIN: Chris O'Guin,
21 Chief Inspector.

22 MR. HICKERSON: Philip
23 Hickerson, Assistant Chief Inspector.

24 MS. WILEY: Mia-Lyn Wiley. I
25 am the Boiler Admin Staff Supervisor.

1 MR. BRADLEY: Chris Bradley,
2 Communications.

3 MR. TOTH: Marty Toth, ECS
4 Consulting and the Boisco Training Group.

5 MR. CREAGER: Matt Creager,
6 Chief Inspector, Valero Memphis Refinery.

7 MR. HOLLOWAY: Brad Holloway,
8 Mo's Mechanical from Knoxville, Tennessee.

9 THE REPORTER: Remember to
10 speak up, please.

11 MR. O'CONNOR: Mike O'Connor,
12 Sr., with Mo's Mechanical Company.

13 MR. MOLISKI: Hi. Good
14 morning. My name is Paul Moliski. I'm with
15 Intertek. I'm Vice President of Accreditation.

16 MR. NEVILLE: James Neville,
17 President of Neville Engineering.

18 MR. MILONE: Tyler Milone,
19 Sunbelt Marketing.

20 MS. BEASON: Shannon Beason,
21 Rinnai America.

22 MR. SCAFE: Rohan Scafe, Rinnai
23 America.

24 MR. MATUE: Branden Matue,
25 FM Global, boiler inspector.

1 MS. LYNCH: Allyson Lynch,
2 Butler Snow.

3 MR. GROVE: Matthew Grove,
4 Tennessee Department of Labor & Workforce
5 Development.

6 MR. STEPHENS: Ray Stephens,
7 International Paper Murfreesboro.

8 MR. LODER: Bryan Loder, Site
9 Manager, International Paper Murfreesboro.

10 MR. NEALY: Kenneth Nealy,
11 administrative with WRC.

12 MS. XIXIS: Tia Xixis,
13 Tennessee Department of Labor & Workforce
14 Development.

15 CHAIRMAN MORELOCK: All right.
16 Thank you, all.

17 Our next item is adoption of the
18 agenda. And so before we vote that, we have a
19 couple of changes that we need to make to this
20 agenda.

21 The first item being is that we will
22 not have a variance report at this meeting, so we
23 will move that to the March agenda.

24 And we also have a change on the
25 agenda, which is Mersen, which is Item 3. They

1 have requested to table this item and put it on
2 the March Tennessee Board Meeting agenda.

3 Are there any other changes to the
4 proposed agenda?

5 (No verbal response.)

6 CHAIRMAN MORELOCK: All right.
7 Hearing none, do I have a motion to approve the
8 amended agenda?

9 MR. HENRY: So moved.

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

12 MR. LASHLEY: Second.

13 CHAIRMAN MORELOCK: I've got a
14 second. Any comments or questions?

15 (No verbal response.)

16 CHAIRMAN MORELOCK: Hearing
17 none, I'm going to call the question. All in
18 favor say "aye."

19 (Affirmative response.)

20 CHAIRMAN MORELOCK: Opposed,
21 abstentions, not voting?

22 (No verbal response.)

23 CHAIRMAN MORELOCK: We have an
24 approved agenda.

25 That takes us to the next item on the

1 agenda, which is approval of the meeting minutes
2 for the September 14, 2022 meeting. Are there any
3 questions, corrections to the September meeting
4 minutes?

5 (No verbal response.)

6 CHAIRMAN MORELOCK: Okay.
7 Hearing none, do I have a motion to approve the
8 September 14, 2022 minutes?

9 MR. BAUGHMAN: So moved.

10 CHAIRMAN MORELOCK: I've got a
11 motion. Do I have a second?

12 MR. LASHLEY: Second.

13 CHAIRMAN MORELOCK: Second.
14 Last call for comments or changes, corrections.

15 (No verbal response.)

16 CHAIRMAN MORELOCK: Hearing
17 none, I'll call the question. All in favor say
18 "aye."

19 (Affirmative response.)

20 CHAIRMAN MORELOCK: Opposed,
21 abstentions, not voting?

22 (No verbal response.)

23 CHAIRMAN MORELOCK: We have
24 approved minutes for September 14.

25 That will take us to the Chief Boiler

1 Inspector's Report. I'll turn that over to
2 Chief O'Guin.

3 MR. O'GUIN: Thank you,
4 Chairman.

5 I would like to start off with, we've
6 been fortunate enough to hire two additional
7 inspectors in Shelby County, so that brings us to
8 a total of four. That's the first time since I've
9 been with the Department, in six years, that we've
10 been fully staffed in Shelby County. So that's
11 showing a good path we're headed in the western
12 area.

13 We've hired two additional inspectors
14 for Davidson County. Both of those inspectors
15 have passed the National Board exam. So
16 mid-February we should have four inspectors in the
17 Davidson County area.

18 We have hired one apprenticeship
19 program, so they're starting off as a boiler
20 assistant. They'll be on probation for a year,
21 going through the 800-hour training program
22 through the National Board. Once done, they'll
23 become a Boiler Inspector 1.

24 We're in the process of hiring a
25 second boiler apprentice, so we've got a good path

1 going forward, getting inspectors and starting the
2 training program.

3 For the BEAD system we're currently
4 on, we have been having some issues that we're
5 trying to work through. But we're looking at a
6 June date for JRS, which is the National Board
7 system, with the possibility of going live in
8 March. So I kind of want to get that out so the
9 owner-operators and insurance companies can be
10 looking for a path with the JRS system.

11 If anybody has any questions, they're
12 welcome to come to me after the meeting. We'll
13 discuss it.

14 That's all for the Chief's report.

15 CHAIRMAN MORELOCK: Thank you.

16 Any questions of Chief O'Guin?

17 (No verbal response.)

18 CHAIRMAN MORELOCK: All right.

19 Thank you.

20 That will take us to old business,
21 which we have no old business.

22 Moving on to the next item, which is
23 new business, the first item we have is
24 Item 22-10, Valero Memphis Refinery, located in
25 Memphis, Tennessee. They will present their

1 included unit outages on the CCR naphtha
2 hydrotreater, west crude and sulphur recovery
3 number one units. Planning efforts are ongoing
4 for our scheduled 2023, 2024, and 2025 maintenance
5 outages.

6 The site underwent a corporate
7 hydrochloric acid unit network assessment. This
8 evaluation is completed on a three-year interval.
9 This comprehensive survey is conducted by a team
10 of Valero corporate subject matter experts on all
11 aspects of hydrochloric acid unit safety,
12 corrosion, operation, and inspection.

13 The Memphis site showed measurable
14 improvement from previous assessments and scored
15 the highest in the Valero circuit. Gap closure
16 items have been input into a corrective action
17 plan for further improvements.

18 The Memphis refinery has been a TOSHA
19 VPP Star site since 2017 and achieved milestones
20 for 1 million man hours' work without a reportable
21 injury by both site contractors and Valero
22 employees in 2022.

23 Table A at the top of the second page
24 outlines the inspections and types of inspections
25 performed in 2022 and planned for 2023.

1 Evergreen activities for the RBI
2 Program include reviewing the assigned damage
3 mechanisms and executing proper inspection
4 techniques, recording inspection results and
5 grading them per respective effectiveness tables,
6 scheduling the next inspection per RBI
7 methodology.

8 Nonintrusive inspection techniques
9 are executed during external inspections. Routine
10 corrosion monitoring and specialty nondestructive
11 testing are performed when required.

12 Revalidation of fluid properties and
13 operating conditions are ongoing and completed on
14 a five-year interval. Jurisdictional inspection
15 activities on registered equipment are maintained
16 with zero delinquencies. Process equipment is
17 circuitized and risk-ranked in the RBI Program.

18 Our data management software
19 integrates design data, visual inspection history,
20 thickness monitoring data, assigned damage
21 mechanism, inspection results, and inspection
22 scheduling within the RBI module.

23 The risk data and distribution is
24 outlined below with a comparison from the 2021
25 report to the current report and the net change in

1 each risk level.

2 Key inspection results from 2022
3 included an overall 185 internal, 318 external,
4 and 5 corrosion under insulation inspections
5 performed this year in accordance with the RBI
6 Program.

7 Jurisdictional inspections are
8 scheduled and current, were handled separately
9 from the RBI Program. We executed insulation and
10 fireproofing repairs based on CUI and external
11 visual inspection recommendations.

12 A full summary of our RBI Program for
13 the plant is outlined below with the total number
14 of pressure vessel equipments in the system, along
15 with the number of circuits applicable to those
16 assets.

17 CHAIRMAN MORELOCK: Any
18 questions for Mr. Creager on the Valero RBI
19 report?

20 MR. BAUGHMAN: Yes.

21 Dave Baughman.

22 MR. CREAGER: Yes, sir.

23 MR. BAUGHMAN: Were there any
24 mechanisms during the inspection or during the
25 operations in 2022 that were noteworthy of

1 mentioning?

2 MR. CREAGER: I don't recall
3 any significant surprise findings, I guess, on any
4 of our inspections. We had a few things that were
5 discovered on, I guess, not pressure vessels,
6 piping-type things that we elevated through our
7 engineering department that we monitor regularly.

8 There are a few items that we have in
9 our system that are monitored on a regular
10 frequency for corrosion that is known. They're
11 scheduled and reevaluated no more than annually
12 per our procedures. Sometimes it's -- the
13 interval is brought in to a shorter duration based
14 on engineering analysis.

15 So those items are scheduled to be
16 corrected prior to reaching any type of a minimum
17 required thickness or whatever damage that we
18 found.

19 MR. BAUGHMAN: As to be
20 expected. So nothing that was out of the
21 ordinary, kind of status quo?

22 MR. CREAGER: Yeah. It was
23 pretty -- so the CCR that was mentioned on the
24 first page, that was kind of our first go-around
25 on that unit. So we had a few abnormal things,

1 but they weren't so much corrosion-related as
2 opposed to -- they more operational issues.

3 MR. BAUGHMAN: So moving
4 forward to '23, our internal inspections are quite
5 fewer, that are scheduled or planned. Same thing
6 with our external, correct?

7 MR. CREAGER: Yes, sir. That
8 kind of reflects the spring of 2022. We had about
9 a ten-week-long outage that encapsulated the units
10 that were mentioned up there on the first page,
11 the CCR, our west crude unit and a couple others
12 that had partial unit outages. We have a couple
13 of small unit outages scheduled this year. Our
14 next major outage year is 2025, currently.

15 MR. BAUGHMAN: Great. Thank
16 you very much.

17 MR. CREAGER: Yes, sir.

18 MR. LASHLEY: I have a
19 question. Micah Lashley.

20 I see that you have three current,
21 medium high, and then that changed to zero from
22 2021. Are those the same three vessels?

23 MR. CREAGER: I believe so.
24 And I wish when I got here this morning that I
25 would have documented what three those were

1 because I thought that question might come up. I
2 can get that information out to you guys if you
3 would like to see what that is.

4 The medium high doesn't necessarily
5 reflect a potential loss of containment or
6 something hazardous. Many times the medium highs
7 reflect an economic risk to the refineries.
8 There's, obviously, several vessels out there that
9 affect multiple process units, so if there were to
10 be a mechanical issue with those pressure vessels,
11 it would shut down quite a bit of production.

12 So I can't speak to say that those
13 are exactly what those are, but I can certainly
14 follow up with you.

15 CHAIRMAN MORELOCK: Okay. That
16 would be good. That would be good.

17 MR. HENRY: First of all,
18 congratulations on a million man hours. That's
19 impressive.

20 You mentioned the fact that the site
21 showed measurable improvement previous. Was that
22 based on results from previous RBI inspections
23 that you had identified areas that had to be areas
24 of focus?

25 MR. CREAGER: Are you referring

1 to the first page on the audit for the HR?

2 MR. HENRY: Yes.

3 MR. CREAGER: Yes, sir. So
4 that was -- that's an internal metric that Valero
5 uses as a corporation. Eight of our fifteen
6 refineries have a hydrochloric acid unit, so
7 there's a hydrochloric team at corporate and at
8 each of the sites. It measures safety,
9 procedures, but also reliability.

10 They go back and audit our MOC
11 process to ensure that we've followed everything
12 accurately and updated our records accordingly.
13 Our processes are audited to quality packages from
14 maintenance work, turnaround work to ensure that
15 everything was documented properly, we followed
16 our procedures, all NDE was proper and it was
17 graded proper. So as mentioned in here, that's
18 conducted every three years.

19 So each of the audits we've showed
20 score improvement. And we also, obviously, work
21 to gain additional traction in areas where they
22 find deficiencies in the subsequent years leading
23 into the subsequent assessment.

24 MR. HENRY: Thank you.

25 MR. CREAGER: Yes, sir.

1 CHAIRMAN MORELOCK: Any other
2 questions or comments?

3 (No verbal response.)

4 CHAIRMAN MORELOCK: Hearing
5 none, do I have a motion for the Board to accept
6 this report?

7 MR. LASHLEY: I motion.

8 CHAIRMAN MORELOCK: I've got a
9 motion. Second?

10 MR. HENRY: Second.

11 CHAIRMAN MORELOCK: Okay. Last
12 call for any comments or questions.

13 (No verbal response.)

14 CHAIRMAN MORELOCK: I'll call
15 the question. All in favor say "aye."

16 (Affirmative response.)

17 CHAIRMAN MORELOCK: Opposed,
18 abstentions, not voting?

19 (No verbal response.)

20 CHAIRMAN MORELOCK: All right.

21 MR. CREAGER: Thank you.

22 CHAIRMAN MORELOCK: Thank you
23 for the report. It's a good report.

24 Okay. So that takes us to our next
25 item, which is 22-11. International Paper

1 requests consideration for approval of a variance
2 to a boiler attendant.

3 While they're coming forward to
4 introduce themselves, does the Board have any
5 conflicts of interest on this item?

6 (No verbal response.)

7 CHAIRMAN MORELOCK: Okay. No
8 conflicts.

9 MR. NEVILLE: Hello. I'm James
10 Neville with Neville Engineering.

11 MR. STEPHENS: I'm Ray
12 Stephens, Maintenance Manager, International Paper
13 Murfreesboro.

14 MR. LODER: I'm Bryan Loder,
15 Site Manager, International Paper Murfreesboro.

16 MR. NEVILLE: Today we're
17 looking to request a variance for one boiler.
18 We've identified that boiler. Bryan may --

19 If you would give the Board just a
20 description of what your company does at your
21 location.

22 MR. LODER: Absolutely. So
23 we're a container and packaging facility. So
24 basic terms, we make corrugated boxes for our
25 consumers. Our process really consists of taking

1 rolls of paper, putting it on a corrugated
2 machine. We corrugate those to bond to make
3 sheets, and those sheets then go over to our other
4 converting department. And then at that point,
5 those converting machines convert those to boxes,
6 and then we'll prioritize those and ship those out
7 to our customers.

8 MR. NEVILLE: So in that, they
9 have one high-pressure boiler that will be part of
10 this variance. We've documented that in
11 Appendix A.

12 But if you'll look at page 2, it
13 shows the distance of the proposed remote station,
14 which is a control -- it's a control room in the
15 plant. It's about 125 feet from the boiler room.
16 That remote station will be manned by the slitter
17 operator.

18 And as far as the personnel that will
19 attend the boiler, there's two job descriptions
20 for that listed, the Maintenance Tech AAA and then
21 the Maintenance Manager. Those will be the two
22 that we've listed their job descriptions in
23 Appendix G.

24 As part of this, this is an existing
25 boiler. They plan to upgrade the controls on this

1 boiler. In Appendix B we've listed those new
2 controls that they will be installing. They have
3 not been installed yet, but the plan is to install
4 those controls. That's the Cleaver-Brooks CB780E
5 controller.

6 Are there any questions from the
7 Board?

8 CHAIRMAN MORELOCK: Do I have a
9 motion to discuss?

10 MR. HENRY: So moved.

11 CHAIRMAN MORELOCK: Second?

12 MR. LASHLEY: Second.

13 CHAIRMAN MORELOCK: Okay. What
14 questions does the Board have for this proposed
15 variance?

16 Mr. Neville, a question I have is, on
17 page -- well, looking at the checklist, it's on
18 page 5, but can you elaborate on the annual
19 training and who does it, what records are kept
20 and all that, please?

21 MR. NEVILLE: So in our form
22 chart on Appendix D, so the maintenance manager
23 will be in charge of that training. And that
24 would be kept, Appendix H, as a log of that annual
25 training. And the job description of each annual

1 training is mentioned. That's an annual event.

2 CHAIRMAN MORELOCK: Okay. And
3 so you've got a process to have documentation of
4 the training and all that?

5 MR. NEVILLE: Yes. On page 5
6 under Training. We list that.

7 CHAIRMAN MORELOCK: The
8 documentation log? Is that --

9 MR. NEVILLE: Yes.

10 CHAIRMAN MORELOCK: Okay.

11 MR. NEVILLE: So Appendix H is
12 the log that would be for that training. And we
13 can reference that in page 5 if that's...

14 CHAIRMAN MORELOCK: Yeah, okay.
15 I see that. Thank you.

16 What other questions does the Board
17 have?

18 MR. LASHLEY: What's the
19 anticipated date of installation for your new
20 controller?

21 MR. STEPHENS: Tentatively,
22 February 11 and 12.

23 MR. LASHLEY: Thank you.

24 MR. HENRY: Mr. Chairman?

25 CHAIRMAN MORELOCK: Yes.

1 MR. HENRY: Mr. Neville, first
2 of all, on page 5, I think there's just a bit of
3 an error where you referenced the operator, that
4 should be Appendix G, I believe.

5 MR. NEVILLE: Yes.

6 MR. HENRY: And on page 6, you
7 reference the boiler attendant, in case of an
8 emergency, will attempt to notify other
9 individuals on emergency call list.

10 Is that call list identified
11 anywhere, or can you give us some indication of
12 who those individuals would be?

13 MR. NEVILLE: The emergency
14 call list is on page 11. The Maintenance Tech AAA
15 and Corrugated Supervisor, Maintenance Manager.

16 MR. HENRY: Oh, okay. Sorry.
17 I missed that. Thank you.

18 Thank you.

19 CHAIRMAN MORELOCK: Okay.

20 What other questions?

21 MR. BAUGHMAN: Glad you guys
22 are here. Dave Baughman.

23 What controllers are on the boiler
24 presently if you're updating it to the 780?

25 MR. STEPHENS: It's actually --

1 they call it the Hawk system and it really
2 doesn't -- it's not working properly. It's
3 outdated. So the upgrade is to bring it up to
4 date and make it easier to control.

5 MR. BAUGHMAN: Got you. A
6 Cleaver-Brook Hawk system not operating properly.

7 But that Hawk system already has its
8 own programmer with it also. So I was kind of
9 interested in -- so you're updating the Hawk,
10 going to the newest Hawk, but you're updating the
11 programmer also.

12 MR. STEPHENS: Correct.

13 MR. BAUGHMAN: And I was
14 interested in what programmer is on it presently.

15 MR. STEPHENS: I can't think of
16 the name of it. It's Cleaver-Brooks...

17 MR. BAUGHMAN: That's okay.

18 MR. STEPHENS: I can't think of
19 the name of it right this minute, but yeah.

20 MR. BAUGHMAN: That's
21 all right. It's more of a curious thing on the
22 system being here. That boiler has been there a
23 while. So I was kind of -- it's operated under
24 the previous rules of attendance that we've had in
25 the state of Tennessee, and now we're implementing

1 the variance.

2 I don't see an example of the remote
3 station in the manual. Did I miss that or is
4 there --

5 MR. NEVILLE: The remote
6 station has not been installed yet.

7 MR. BAUGHMAN: Okay. So none
8 of the equipment has been installed, and --

9 MR. NEVILLE: That is correct.

10 MR. BAUGHMAN: -- it's planned
11 on being installed February 11th and
12 February 12th.

13 MR. NEVILLE: That is correct.

14 MR. BAUGHMAN: Okay. So that
15 being said, back to the slitter operator.

16 Slitter operator is the one inside of
17 the corrugating plant that has the job duties of
18 being the remote station attendant also.

19 MR. STEPHENS: Correct.

20 MR. BAUGHMAN: Being in that
21 corrugated plant, are you required to have hearing
22 protection?

23 MR. STEPHENS: Yes, sir.

24 MR. BAUGHMAN: Okay. And do
25 you know what decibel that protection is to?

1 MR. LODER: I believe it's at
2 80, I believe.

3 MR. BAUGHMAN: Okay. And your
4 remote station. How is it going to enunciate?

5 MR. STEPHENS: You don't need
6 hearing protection inside the control room.

7 MR. BAUGHMAN: Okay.

8 MR. NEVILLE: It's a separate
9 control room inside the plant.

10 MR. BAUGHMAN: Got you. So
11 this remote station is not external. It's in its
12 own station. The slitter operator is inside of
13 that station itself.

14 MR. STEPHENS: Correct.

15 MR. BAUGHMAN: One operator or
16 multiples?

17 MR. STEPHENS: One per shift.

18 MR. BAUGHMAN: Okay. And when
19 he takes breaks?

20 MR. STEPHENS: Somebody is
21 always in the control room.

22 MR. BAUGHMAN: Okay.

23 MR. STEPHENS: So whoever that
24 secondary person is will be trained as well.

25 MR. BAUGHMAN: Okay. And is

1 that secondary person identified as being trained
2 and qualified also, or is it just the slitter?

3 MR. LODER: They're considered
4 a slitter operator as well.

5 MR. BAUGHMAN: Very good.

6 MR. LODER: So we have multiple
7 slitter operators.

8 MR. BAUGHMAN: Perfect. Okay.

9 This system, does it bring back high
10 temperature, higher-pressure condensate back to
11 the DA?

12 MR. STEPHENS: Yes.

13 MR. BAUGHMAN: Okay. Is it
14 considered a stickle system?

15 MR. STEPHENS: I can't remember
16 the name of the system. It's newer to me. It's
17 got the two pumps on the side there. I think it's
18 called a stickle system.

19 MR. BAUGHMAN: Okay.

20 MR. STEPHENS: But I'm not
21 exactly sure on it.

22 MR. BAUGHMAN: So you're using
23 orifice traps out in the plant itself.

24 MR. STEPHENS: Yes.

25 MR. BAUGHMAN: Bringing us

1 back. And that's open for discussion because back
2 some time ago, we decided that that system would
3 no longer be allowed in the state of Tennessee
4 because of the incident over at the other plant in
5 town, bringing back the high-pressure condensate,
6 high-temperature condensate, and that allowed for
7 the possibility of some issues.

8 But, again, I wanted that for my own
9 notes moving forward because it doesn't bear any
10 significance on our variance here.

11 Are you doing any monitoring of the
12 DA itself, any alarms going back to the remote
13 station off of the DA?

14 MR. STEPHENS: Yes.

15 MR. BAUGHMAN: Super. And what
16 would those alarms be?

17 MR. STEPHENS: There's a high
18 level and a low level.

19 MR. BAUGHMAN: Great. I'm glad
20 to hear that. Thank you.

21 How many doors do you have in that
22 boiler room?

23 MR. STEPHENS: Just one.

24 MR. BAUGHMAN: Just one. For a
25 500-horse boiler.

1 MR. STEPHENS: Main door and
2 garage door.

3 MR. BAUGHMAN: But the garage
4 door is always closed.

5 MR. STEPHENS: Correct.

6 MR. BAUGHMAN: So we really
7 have one means of pedestrian egress.

8 MR. STEPHENS: Correct.

9 MR. BAUGHMAN: Out of a room
10 that is 500-horsepower boiler.

11 I'm curious to know whether that
12 actually meets the letter of our code and our
13 requirements to boilers above a million five
14 needing two means of exits from the boiler room.

15 MR. TOTH: How big is the room?

16 MR. BAUGHMAN: So I think it's
17 500 square foot, but at any rate, there's a code
18 requirement.

19 Chief?

20 MR. O'GUIN: That's something
21 we can look at when we're on site performing the
22 variance inspection.

23 MR. BAUGHMAN: Because at least
24 my next question, which is where the remote
25 emergency shutoff switch is, and if we have one

1 means of pedestrian egress, it's there at that one
2 door. But I was curious to know, going back to
3 the code, whether we had two that was required.

4 MR. NEVILLE: We do show that
5 door in Appendix B as far as -- I don't know if
6 you've seen that.

7 MR. BAUGHMAN: I saw that door.

8 MR. NEVILLE: That's --

9 MR. BAUGHMAN: And -- sorry. I
10 didn't mean to interrupt.

11 MR. NEVILLE: I was just
12 showing you where.

13 MR. BAUGHMAN: Yeah, and that's
14 why I brought up the question that I saw one door
15 and, henceforth, why it made me go to the next
16 questioning on it.

17 Carbon monoxide alarm.

18 MR. STEPHENS: Yes.

19 MR. BAUGHMAN: In the room?

20 MR. STEPHENS: Right there next
21 to it, yes.

22 MR. BAUGHMAN: And I noted in
23 the notes that it is not enunciated or connected
24 back to the remote station.

25 MR. STEPHENS: It's not yet.

1 MR. BAUGHMAN: Pardon?

2 MR. STEPHENS: Not yet.

3 MR. BAUGHMAN: Not yet. So is
4 the assumption that it is going to be?

5 MR. STEPHENS: Yes.

6 MR. BAUGHMAN: Very good.

7 Thank you very much.

8 CHAIRMAN MORELOCK: Any other
9 questions, comments for this proposal?

10 MR. BAUGHMAN: I have one more.

11 CHAIRMAN MORELOCK: Okay.

12 MR. BAUGHMAN: Dave Baughman.

13 On the DA, 2005 is the year, but it
14 shows no Tennessee number on that DA.

15 MR. STEPHENS: I'm sure there
16 is. I just haven't -- it just didn't get
17 documented. We're up for NDE this year, so --

18 MR. BAUGHMAN: When was --
19 sorry.

20 MR. STEPHENS: That's okay.

21 MR. BAUGHMAN: When was your
22 last NDE on that DA?

23 MR. STEPHENS: 2018, if I'm not
24 mistaken.

25 MR. BAUGHMAN: Very good. Thank

1 you.

2 CHAIRMAN MORELOCK: Any other
3 questions or comments?

4 MR. O'GUIN: Chairman? Chris
5 O'Guin, Chief Inspector.

6 I want to let them know, after the
7 equipment is installed and y'all perform the
8 training to the boiler variance manual, if you
9 notify our office, then we'll get you on the
10 schedule for the inspection. But you'll be on the
11 one-hour rule until you pass the inspection.

12 MR. STEPHENS: Got you.

13 MR. BAUGHMAN: So, again, just
14 to clarify, the equipment is not installed. It's
15 scheduled to be installed February 11th, 12th. In
16 this day and age, the supply chain issues and what
17 have you may change that date in itself.

18 So we're approving a variance for
19 equipment that has not yet been installed,
20 training has not yet been performed, so forth. So
21 we would be approving this based upon a site
22 inspection. I just wanted to make sure that was
23 clear, that -- and, you know, we're evaluating
24 this to that extent.

25 Is there any communications with that

1 unit, the boiler and the controls, that are done
2 via -- in other words, are we communicating or
3 looking at anything via internet on that,
4 communications?

5 MR. STEPHENS: Not to my
6 knowledge, not right now.

7 MR. BAUGHMAN: Okay. Not right
8 now. Is there any plan of moving forward to that?

9 MR. STEPHENS: I don't think
10 that was in the plan but, I mean, if we need to,
11 we will. We have other machines that do it.

12 MR. BAUGHMAN: Okay. Very
13 good. Thank you.

14 MR. BAILEY: Mr. Chairman.

15 CHAIRMAN MORELOCK: Yes.

16 MR. BAILEY: Just so the record
17 is clear, throughout that discussion you referred
18 to a DA several times. Can you tell us what a DA
19 is?

20 MR. BAUGHMAN: Yes, sir. It's
21 a short acronym for deaerator. It's what feeds
22 the water to the boiler and mechanically takes the
23 oxygen out of the feed water itself.

24 MR. BAILEY: Okay. And it was
25 also referred to as NDE.

1 MR. BAUGHMAN: It's a
2 nondestructive examination.

3 MR. BAILEY: Okay. Just
4 remember, everyone is not a boiler expert, so I
5 want the record to be clear.

6 MR. BAUGHMAN: Thanks for the
7 question.

8 CHAIRMAN MORELOCK: And so to
9 Mr. Baughman's point, when a variance is presented
10 to the Board, the site visit is always mandatory.
11 Variances can be approved by the Board contingent
12 on a successful site visit. So it's not that
13 we're singling anybody out. Everybody that brings
14 a variance to the Board will have to have that
15 site visit.

16 MR. BAUGHMAN: For my own
17 notes, who is your boiler inspector?

18 MR. STEPHENS: Boiler Supply.

19 MR. BAUGHMAN: No. That's your
20 boiler company.

21 MR. STEPHENS: Oh, FM Global.

22 MR. BAUGHMAN: FM Global. Very
23 good. Thank you.

24 MR. STEPHENS: Yes, sir.

25 MR. BAUGHMAN: Mr. Matue?

1 MR. STEPHENS: He's right
2 there.

3 MR. BAUGHMAN: Thank you.

4 CHAIRMAN MORELOCK: Any other
5 questions, comments?

6 (No verbal response.)

7 CHAIRMAN MORELOCK: Hearing
8 none, do I have a motion for this variance?

9 MR. BAUGHMAN: So moved, upon
10 site visit and inspection by the State.

11 MR. LASHLEY: Contingent on
12 site inspection.

13 CHAIRMAN MORELOCK: It's a
14 contingent approval to address the comments made
15 during this meeting and a successful visit from
16 the Boiler Unit as well. So that is a part of the
17 motion.

18 MR. BAUGHMAN: So moved.

19 CHAIRMAN MORELOCK: Okay.

20 MR. HENRY: Second.

21 CHAIRMAN MORELOCK: Last call
22 for questions or comments.

23 (No verbal response.)

24 CHAIRMAN MORELOCK: Hearing
25 none, I'm going to call the question.

1 All in favor say "aye."

2 (Affirmative Response.)

3 CHAIRMAN MORELOCK: Opposed,
4 abstentions, not voting?

5 (No verbal response.)

6 CHAIRMAN MORELOCK: Gentlemen,
7 you have a contingently approved variance.

8 MR. NEVILLE: Thank you.

9 MR. STEPHENS: Thank you.

10 MR. LODER: Thank you.

11 CHAIRMAN MORELOCK: All right.

12 So that takes us to Item 22-13, BWXT Nuclear Fuel
13 Services request a consideration for approval of a
14 variance to a boiler attendant requirement.

15 While you're getting situated, any
16 conflicts with this item on the Board?

17 (No verbal response.)

18 CHAIRMAN MORELOCK: No
19 conflicts.

20 MR. TOTH: Good morning,
21 Mr. Chairman, members of the Board, Madame
22 Commissioner. It's good to see you here, ma'am --

23 MS. THOMAS: You as well.

24 MR. TOTH: -- Chief.

25 Happy New Year to everyone.

1 Hopefully, everyone's 2023 has started off on a
2 good note.

3 My name is Marty Toth. I'm with
4 ECS Consulting and the Boisco Training Group. I'm
5 here today to represent Nuclear Fuel Services out
6 of Erwin, Tennessee.

7 I'd like to mention for the court
8 reporter that Mr. Tom Holly is on the call and has
9 been since the meeting started.

10 Mr. Holly, if you would like to
11 acknowledge that you're on the call?

12 MR. HOLLY: Yes. Thank you
13 very much. And I do apologize for not being there
14 in person. And I'd like to send my appreciation
15 for setting up the calling for this meeting.

16 I am the licensing manager here at
17 Nuclear Fuel Services, and I thank you very much
18 for hearing our request as seen today.

19 MR. TOTH: Thank you, Tom.

20 So just to give you a little
21 background, Nuclear Fuel Services currently has a
22 boiler remote variance that is good until April of
23 2024. The reason we are here today is NFS has
24 wanted to take their safety even to another level
25 for additional monitoring purposes.

1 And so what they have done is, in
2 addition to the current panel that is located in
3 Guard Station 5 just outside of the boiler room,
4 they have decided that they would also like to put
5 a remote panel inside of their operation center
6 and for that panel to be monitored remotely by the
7 specialists that occupy that operation center.

8 Just a little bit of background:
9 Nuclear Fuel Services is a very big part and has
10 been for a lot of years, of the defense of our
11 country and provides nuclear services, if you
12 would, to our military in regards to fuel
13 materials for submarines and also aircraft
14 carriers, and also stockpiling a lot of the Cold
15 War era fuels and the processing of that.

16 As you can imagine, that facility is
17 highly classified, very well secured. The
18 individuals that are part of the remote attendant
19 team, the security officers are highly trained
20 individuals. I am extremely impressed during the
21 times that I have been consulting with NFS. The
22 checks and balances they go through are highly
23 respected, and it's a fine, fine company.

24 It's been an honor to work with
25 Mr. Holly during this process. He and the rest of

1 their team there at NFS know that safety is
2 paramount, and they're doing everything they can
3 and will to ensure that that continues.

4 As you will see in the manual itself,
5 we still have the -- still operating the same two
6 Cleaver-Brooks boilers that were on the variance
7 that is in place at this time. Those particular
8 units, again, are located on page 14 of the
9 manual.

10 They currently are utilizing the
11 Honeywell RM7800 that is rebranded as a
12 Cleaver-Brooks 780E burner control system along
13 with the Hawk ICS system for additional coverage.
14 They do also utilize the Level Master control
15 systems for monitoring the water level of the
16 boilers.

17 If you were to look at the example of
18 the remote panel, this is in the process of
19 manufacturing to be placed in the operations
20 center. As you can see, it has indication lights
21 letting the remote attendant know the position of
22 those boilers, if they are in operation or not,
23 and also the ability to indicate any alarm and
24 signal. At a decibel level of 80, the remote
25 attendant will not miss that alarm in that control

1 center. They will definitely hear it.

2 I would like to add that in the same
3 vein as NFS's pursuit of safety, they have
4 requested an additional button to be placed on the
5 panel to mirror other safety requirements they
6 have within their plant that allows for the panel
7 to be tested to ensure that the buzzer lights up
8 by way of pushing a button. It would then close
9 the circuit, allow for that buzzer to buzz. By no
10 means will that replace the communications test
11 that is to be performed between the boiler
12 attendant and the remote attendant from the
13 boiler. I just wanted to make you aware of that.

14 Chief, the editorial revisions that will
15 come will show that addition to that button.
16 That's something that we spoke about yesterday,
17 and it's something that they would like to have in
18 addition to the requirements.

19 To point out the location, if you were
20 to take a look at the site plan located on page 13
21 of your manual, you will notice the route of
22 travel between the operation center over to the
23 boiler room and the location of the Guard
24 Station 5 in relationship to the boiler room. The
25 actual approximate distance, if you would like to

1 make note, is -- between the operation center and
2 the boiler room is 1200 feet. That will be added
3 to the site plan. I apologize for the omission of
4 that.

5 Also, the job descriptions -- before the
6 meeting I was able to hand out the job
7 descriptions. For your information, the remote
8 attendants will be, as mentioned before, the
9 security officers through GSS and also the
10 operation center specialist.

11 The NFS-qualified and certified boiler
12 attendant will be filled by the utilities
13 operator, which is part of the production staff,
14 and also the maintenance mechanics. There will be
15 a certified boiler attendant on site 24/7 as well
16 as the remote attendant.

17 And with that, I would like to close my
18 opening remarks and ask if you have any questions
19 for us.

20 CHAIRMAN MORELOCK: Do I have a
21 motion to discuss?

22 MR. HENRY: So moved.

23 MR. LASHLEY: Second.

24 CHAIRMAN MORELOCK: Second.

25 Okay. What questions, comments do you have on

1 this variance?

2 MR. TOTH: I would also add --
3 I apologize, Mr. Chairman -- that there is a
4 signed -- and the Chief Inspector received a
5 signed request for variance, and I'm not sure if
6 you have that. I just know that the manuals that
7 were sent out had a draft copy of it.

8 MR. BAUGHMAN: Thank you for
9 being here, Mr. Toth. Dave Baughman.

10 So the buzzer is being added to the
11 panel -- or the ability to check the buzzer is
12 being added to the panel.

13 How often is that buzzer to be
14 tested?

15 MR. TOTH: That is information
16 that Mr. Holly may be able to answer. Again, it's
17 something that is outside of the scope of the
18 variance. It's just something that we thought we
19 would bring up so when the Chief Inspector and his
20 staff goes out there, they'll know what it is.

21 Mr. Holly, do you have any additional
22 information you can share about how often that
23 would be tested or what the procedures are for
24 testing those within NFS?

25 MR. HOLLY: Thank you,

1 Chairman, for the question. I have noted the
2 question.

3 And we do have a standard operating
4 procedure, and that procedure will cover the
5 testing requirement. And we will make sure,
6 during the inspection for the new equipment, that
7 the -- for that is there at the time. So what I
8 would offer is those procedures are available and
9 they're available for inspection upon the site
10 visit.

11 MR. BAUGHMAN: Yes. Very good.
12 And I was curious, are you also going to be
13 checking the light in addition to the buzzer or
14 just the buzzer?

15 MR. HOLLY: It should be
16 testing the system fully.

17 MR. BAUGHMAN: Very good.
18 Thank you, Mr. Holly.

19 MR. TOTH: And to add to that,
20 again, as with all variances, there will be a
21 communications check at the beginning of the shift
22 of a boiler attendant.

23 So when that boiler attendant comes
24 on shift, they will be trained, and it is in the
25 manual that they will go through the process of

1 communicating with both remote stations. They
2 communicate an alarm by manipulating a limit or by
3 doing a manual alarm test through their control
4 panel. And both remote stations will have to
5 acknowledge the fact that the alarm has come
6 through.

7 So that will be the requirements for
8 testing of that panel that are outlined in the
9 variance procedures.

10 MR. BAUGHMAN: I noted that you
11 said it was 1200 feet and you know what the
12 maximum requirement is or the maximum from the
13 manufacturer is from the alarms.

14 So my next question is, how are you
15 running the wiring, being it's 200 feet above the
16 1,000-foot maximum recommended by the
17 manufacturer? Are you hardwiring the alarm? Are
18 you going through a relay?

19 MR. TOTH: Yeah. So how we do
20 that is, we are actually running 120 from the
21 boiler alarm circuitry directly to the panels, as
22 it was with the guard station panel originally.
23 And so we're running that to the panel. Okay?
24 And then the panel draws local power to send the
25 signals to the alarm and the lights.

1 MR. BAUGHMAN: My question
2 being, you're coming directly off the boiler
3 alarm, though, off the 780, hardwiring it over to
4 the panel, but you're utilizing local electricity,
5 then, to generate the alarm at the panel, correct?

6 MR. TOTH: To pull the relay,
7 yes.

8 MR. BAUGHMAN: Okay. So --

9 MR. TOTH: Which is pretty much
10 every panel that's out of that, that has been put
11 through.

12 MR. BAUGHMAN: Well, in
13 reverse, usually there's a relay that's then
14 sending it to the panel. My issue is, is that in
15 your manual for the 780, it will state 1,000-foot
16 run maximum from the programmer to the alarm
17 itself, and so you're going from that alarm
18 circuit.

19 I'm just saying what your hardware
20 states. So I'm just saying there's a little
21 discrepancy on the length of the wiring versus the
22 manufacturer's maximum.

23 MR. TOTH: I also -- I don't
24 agree with that. I think that when we look at
25 that, Mr. Baughman, we have variances and I can

1 mention a few that I've represented that have the
2 same setup, that have run 3,000 feet and have been
3 past this Board. 1,200 feet and it's been tested
4 and it works.

5 I would have to go back and look and
6 see what that reference you're referring to, in
7 the way of what that remote is that they're
8 speaking of, because the power that goes to that
9 box is at 120 and is sufficient.

10 MR. BAUGHMAN: And I appreciate
11 your comments and your viewpoint in referencing
12 past approvals for wiring that's 3,000 feet. We
13 don't have any stipulation on how far it's run. I
14 bring it because of the manufacturer listing out
15 that wiring maximum length, and so I put that down
16 for the record just so that we have it for food
17 for thought.

18 MR. TOTH: Thank you. And,
19 obviously, we'll be going through that test and
20 the Chief's staff, and we'll make sure.

21 And I'm curious about that and we can
22 speak after, after the fact, if we're referring to
23 the actual signal being drawn or the wiring from
24 the controller to the actual boiler itself, but
25 thank you for bringing that up.

1 And I do agree that even though
2 precedence has been set in others, does not mean
3 that it was correct. But rest assured that those
4 particular instances, I personally go out when the
5 installations are completed and I will personally
6 do a walk-through of every one of my clients to
7 ensure, in every situation and every limit, that
8 we are, in fact, receiving those alarms.

9 So rest assured that those will be
10 checked and verified. And if they're not, they
11 will be corrected before the Chief Inspector and
12 his staff comes on site.

13 MR. BAUGHMAN: Thank you.

14 On page 31, which goes back to our
15 checklist, Item Number 20, it says, "Does the
16 remote monitoring system prevent unauthorized
17 access?" It references Appendix B, page 16
18 through 19.

19 I read 16 through 19, and I did not
20 see anything specifically that addressed
21 preventing unauthorized access --

22 MR. TOTH: I think you
23 missed --

24 MR. BAUGHMAN: -- timing and --
25 tamper-resistant timing and logic --

1 MR. TOTH: Thank you.

2 MR. BAUGHMAN: -- did not
3 necessarily define "prevents unauthorized access."
4 And maybe it's a difference of interpretation of
5 the wording, but "tamper-resistant," to me, is a
6 pharmaceutical bottle to where you can't get into
7 it easily versus prevention of unauthorized
8 access. I'll let you elaborate a little bit.

9 MR. TOTH: I'll let that just
10 lie there.

11 MR. BAUGHMAN: Okay.

12 MR. TOTH: I appreciate that,
13 Mr. Baughman. And with your vast experience, I
14 know that you're very aware that even the Hawk
15 ICS, which is an older ICS system, integrated
16 control system, it has security features in place
17 for password protection, so...

18 MR. BAUGHMAN: And I --

19 MR. TOTH: And I do like -- I
20 do -- your analogy -- I think I'm using that
21 correctly -- is right on. A pharmaceutical bottle
22 that prevents tampering, I believe it speaks for
23 itself. So if we want to call it
24 tamper-resistant, then I think that that answers
25 the question, sir.

1 MR. BAUGHMAN: Well, I bring it
2 up just because it's in our checklist and like
3 having a pin in the skin, it's something I can
4 poke you about.

5 So it's more of -- I'm interested in
6 how these units -- especially, if we move forward
7 with this day and age of homeland security and
8 things having accessibility via internet, so
9 forth, and that's why one of my questions earlier
10 with the gentleman that made the previous
11 presentation of how communications are set up.

12 So thank you very much.

13 The enunciation of alarms, so I don't
14 want to make an assumption, but this unit -- both
15 these units being the size they are have multiple
16 alarm points. And I'm interested with you and
17 Mr. Holly of just describing -- and I guess where
18 I'm going at is are we enunciating primary and
19 secondary low waters? Are we enunciating all the
20 flame parameters within the program? But are we
21 also doing the low-gas -- low/high-gas switches,
22 which aren't listed in the alarms, but I was
23 interested to know if we're tying those in.

24 MR. TOTH: Yes. And we are,
25 and I can assure you that, again, as I stipulated

1 earlier, once we go through the process of adding
2 this new panel, we will do a very thorough --
3 "we," being myself and the NFS staff, do a
4 thorough check to ensure all those, yes.

5 We have primary and secondary because
6 we have Level Master systems. So we are doing
7 both primary and secondary low water. We do a
8 flame failure.

9 And we also do high and low gas that
10 are going to be running through the limit circuit.
11 As you're very aware, unless it is tied in, the
12 high and low gas, okay, will just take that unit
13 and put it into a standby position, waiting for
14 that circuit to be closed, being that switch.

15 In this case here, how the wiring is set
16 up, it will actually go through and create an
17 alarm that will send up to the remote stations.
18 We've had that situation in the past. We're
19 consulting with clientele, finding out that, well,
20 in fact, it doesn't enunciate, and went back and
21 had them bring in their service contractor and had
22 them wired so it would.

23 MR. BAUGHMAN: And that's why
24 my question because otherwise -- in our industry
25 the high/low-gas switches are typically wired in

1 through the limit circuit, which doesn't enunciate
2 back as an alarm, although those two switches are
3 manual reset switches.

4 Wiring them in through the airflow
5 switch makes it to where it will enunciate an
6 alarm, which will then go back to the remote
7 panels. So that's kind of the direction of why I
8 was asking the question.

9 MR. TOTH: And to kind of
10 piggyback on top of it, by doing it that way makes
11 it even one more step of safety because in that
12 case, not only do they need to reset the actual
13 burner control system, they have to, by code, have
14 to reset the actual limit switch -- or the --
15 yeah, the actual high gas pressure or low gas
16 pressure switch manually. So that's even above
17 and beyond your normal reset such as a flame
18 failure.

19 MR. BAUGHMAN: The issue comes
20 with the serviceman, that he goes out and it
21 enunciates as an airflow switch problem. And so
22 because it enunciates as an airflow switch
23 problem, what does he do? He looks at the blower
24 motor, the airflow switch when it's actually a gas
25 pressure switch problem.

1 MR. TOTH: And that's why these
2 particular units, what they're going to do through
3 the Honeywell 7800 series is, they're going to
4 wire that so that it comes up as a Fault 29, which
5 is going to be a lockout interlock. So that's
6 really your catch-all.

7 And so a service technician, which
8 should be qualified and experienced, we know that
9 they have to start somewhere, but all it takes is
10 one time for them to be called out on that job and
11 they get a Fault 29 and recognize, "I've got a few
12 different areas I need to check out besides just
13 one."

14 MR. BAUGHMAN: Well, and this
15 gets back to the training of the operating
16 personnel because the boiler cannot be put back
17 into service until the cause of the alarm is
18 determined. And so that gets back to the high
19 level of training that's required when you do the
20 variance or do any kind of boiler training, that
21 they can't go in and this is the Hawk and the 780
22 has enunciated Fault Code 29, which is not gas
23 pressure switches.

24 MR. TOTH: Right.

25 MR. BAUGHMAN: So somebody has

1 got to be trained to a pretty high level, which
2 gets back on to Boisco and other companies that do
3 training on that end of it to work through that.

4 One other question related to the DA.
5 And going to the DA, you probably noted and you
6 may already have it.

7 MR. TOTH: I did.

8 MR. BAUGHMAN: Okay.

9 MR. TOTH: Yeah, I don't have
10 it, but I know where you're going with it, sir.
11 I'll let you finish your question.

12 MR. BAUGHMAN: It's just got to
13 be determined. This is a 2011 DA without a
14 Tennessee number tag on it. So we'd like to have
15 that.

16 MR. TOTH: Yeah, absolutely.
17 That was one of the ones that I lost in my
18 left-handed scribble here, as to -- to bring up
19 during my introduction, was that I was going to
20 get with Chief O'Guin and his staff, and that's
21 one of those situations where we need to find out
22 what the status of that is. That's why we put the
23 TBD.

24 The individuals there at NFS were not
25 aware. We did extensive searching to find a

1 certificate. The Chief's staff, Melissa did a
2 great job of sending what she had. So it probably
3 is going to turn into a situation where we need to
4 go back and say, hey, look, we can't find
5 anything. And Mr. Holly is very aware of that.

6 So we're going to have to get that
7 inspected. It's a 2011 unit. It's been there the
8 time I did a thorough -- here's one of the things
9 leading back to what I mentioned about the
10 security and highly classified, so on and so
11 forth. The photographs that I usually collect
12 through clients, I'm not able to do that.
13 Somebody within their staff.

14 So I had to go back and look through
15 what I did receive, plus my notes-taking, and try
16 to find a reason to say, "Okay. Why wouldn't this
17 be registered?" There's no reason why this
18 particular unit shouldn't be registered. It's a
19 pressurized unit. It's a deaerator. It has its
20 safety valves and so on and so forth.

21 And NFS is -- they're all for it.
22 They say, "Hey, if it's not been registered, let's
23 get that thing registered." And that's what we're
24 wanting to do.

25 MR. BAUGHMAN: So I guess my --

1 to further that, if it hasn't been registered,
2 when's the last inspection? When's the last NDE?

3 MR. TOTH: Exactly.

4 MR. BAUGHMAN: So forth and so
5 on.

6 MR. TOTH: Exactly. And I
7 think that that's going to be a situation, once we
8 find that and we look at that, that's where it's
9 going to be, as their consultant and their
10 representative, I'm going to go back to them and
11 say, "Okay. Now, we're going to have to register
12 this. Guess what? We're going to have to do some
13 NDE testing per the State rules to ensure that
14 this vessel is in adequate condition."

15 And then also look at what type of
16 inspections have we done, even though it maybe
17 hasn't been registered. Has the inspection agency
18 done anything with it? And we're kind of -- we're
19 working towards that, and that's part of my
20 responsibilities as their consultant, is to ensure
21 that they are following things even outside of the
22 requirements of the variance. So I appreciate you
23 bringing that up.

24 MR. BAUGHMAN: When did this
25 plant go into operation?

1 MR. TOTH: Let's see.

2 Mr. Holly, do you have that
3 information? I did not put that.

4 MR. HOLLY: NFS has been the
5 sole provider of naval nuclear fuel for over
6 60 years.

7 MR. TOTH: Yeah. I was
8 thinking it was during -- definitely during the
9 Cold War. But I did not put that in. I do
10 apologize.

11 MR. BAUGHMAN: And one of the
12 reasons --

13 MR. HOLLY: Definitely had that
14 one.

15 MR. BAUGHMAN: Thank you.

16 One of the reasons I asked is one of
17 the boilers is a 1970, and so I was kind of
18 interested if it was an original boiler or -- I
19 mean, there are two different years on the boiler,
20 so either a plant expansion or what have you, but
21 one of them being a 1970, the DA being a 2011. So
22 there's been some modifications and equipment
23 changes, so I was kind of interested in that
24 itself.

25 Who is the inspector, the boiler

1 inspector?

2 MR. TOTH: Oh, you're asking
3 me? I'm sorry.

4 MR. BAUGHMAN: Either Mr. Holly
5 or yourself.

6 MR. TOTH: Okay. Well, what I
7 can do, if you'll give me one moment as we move
8 through, I can look at to see if I have any other
9 certificates on file.

10 MR. BAUGHMAN: Okay. I just
11 didn't know if you -- typically, in these
12 projects, there's communication, letting the left
13 hand know what the right hand is doing, so I
14 didn't know.

15 And then the last question is, when
16 is this equipment going to be installed?

17 MR. TOTH: That is a great
18 question. We are in the process of creating the
19 panel now. As with most clientele, they look for
20 tentative approval before they put additional
21 capital into a project, and so they're looking for
22 that.

23 So once we get this tentative
24 approval today, if the Board agrees, we are right
25 now moving towards the panels being constructed.

1 We have the order in on that. It will get
2 installed.

3 We're looking to put this into motion
4 as soon as possible. Again, additional training
5 is in the works for remote attendants and also
6 boiler attendants, and that's something they've
7 been doing. We're looking at other options for
8 that as well.

9 So to answer the question, it's as
10 soon as possible.

11 MR. BAUGHMAN: Okay. But
12 equipment hasn't necessarily been ordered except
13 for the panels. So we could be --

14 MR. TOTH: Right.

15 MR. BAUGHMAN: -- sometime out.

16 MR. TOTH: Yes. And as you see
17 from the run, there is abilities for the hardwire
18 connection because of the plant to go through the
19 wire runs that are in place overhead, and that
20 should not take very long at all to do.

21 And then the panel, as you mentioned
22 in the previous variance request, its availability
23 of components and parts and pieces, in our
24 industry and many industries, we're finding that
25 to be very difficult to get those in hand. So,

1 really, that's -- that's really the holdup, is
2 getting those parts, pieces, and components in
3 hand. The construction of it is pretty simple
4 after that.

5 MR. BAUGHMAN: Very good.
6 Mr. Toth, thank you very much.

7 MR. TOTH: Thank you,
8 Mr. Baughman.

9 MR. O'GUIN: Marty, Chris
10 O'Guin, Chief Inspector.

11 MR. TOTH: Yes, sir?

12 MR. O'GUIN: If you will follow
13 up with me with the National Board number for the
14 DA tag.

15 MR. TOTH: Yes, sir.

16 MR. O'GUIN: We found recently
17 that some variances have been causing some issues
18 with dormant and active locations that have
19 variances.

20 MR. TOTH: Yes, sir.

21 MR. O'GUIN: So will you pull a
22 list and look through the dormants?

23 MR. TOTH: Okay.

24 MR. O'GUIN: Make sure before
25 we go through with the inspection.

1 MR. TOTH: Thank you very much.
2 I appreciate that, Chief Inspector.

3 And we do have that. The National
4 Board number is right here in the book, and we'll
5 make sure we have that for you. All the
6 information minus the Tennessee number is
7 available. Thank you, sir.

8 MR. LASHLEY: I've just got one
9 more question. Micah Lashley.

10 I see that your CO detectors are not
11 connected to the current management system,
12 currently.

13 MR. TOTH: That's correct.

14 MR. LASHLEY: Is there any
15 plan, going forward, to implement that within
16 the --

17 MR. TOTH: I'm sorry. I
18 thought you were done.

19 MR. LASHLEY: -- within the
20 management system?

21 MR. TOTH: No, there is not
22 unless the requirement comes forth through the
23 Board.

24 As many of you are aware, especially
25 Chairman Morelock, we met. The NBIC met just last

1 week, and Mr. Morelock and I both sit on repairs
2 and alterations and also the main committee for
3 the NBIC, and that discussion did come up as to
4 additional requirements. I know it was a lot of
5 back and forth, but it was decided that there
6 would not be any additional requirements put in,
7 leaving it up to the local jurisdiction to put
8 those into place.

9 What I can tell you is that what we
10 have now is within the requirements of -- and I
11 think it serves its purpose. I do know that the
12 minute that the Board decided they wanted to go in
13 that direction, NFS would be one of the first
14 users out there that would make sure that it was
15 put into place. I'm just being completely
16 straightforward and honest with you.

17 CHAIRMAN MORELOCK: Okay. Any
18 other questions or comments?

19 Yes, Mr. Henry.

20 MR. HENRY: Jeff Henry, Board
21 member.

22 Just a couple things, Mr. Toth,
23 fairly minor.

24 Page 1, it references the individual
25 representing Nuclear Fuel Services responsible for

1 implementing the variance, and there's a phone
2 number but there's no name.

3 Is there a name associated with that?

4 MR. TOTH: I'm sorry. Which --
5 page 1?

6 MR. HENRY: Page 1.

7 MR. TOTH: Page 1? Okay. So
8 Page 1, as you may recall, Mr. Henry, putting
9 names into the body of the manual can be very
10 problematic. And so what you'll see from manuals
11 that come through ECS, it will be the job title
12 because those job titles change. The telephone
13 number of contact usually does not. And so we
14 don't provide that because that individual may
15 change, but the title usually does not. And
16 that's what you'll see from --

17 MR. HENRY: That number there
18 is not a cell phone number.

19 MR. TOTH: It may or may not
20 be, just dependent upon what they give. I would
21 say that that probably is a cell phone number.
22 And if that's the case, then it may change, or it
23 may be a company-provided cell phone that goes
24 with the individual.

25 So just to keep us from having

1 situations where maybe the Chief Inspector or his
2 staff look at the manual and they're looking for
3 an individual, we keep the title so that if they
4 call the number that's provided on the front of
5 the manual, they can ask for that title and they
6 would get that individual.

7 And you'll see that uniformly
8 throughout all of the manuals that are provided
9 through my company, and it's just something that
10 we've learned over the years of doing these.

11 MR. HENRY: It makes sense. I
12 guess with the phone number, I thought there might
13 be a connection.

14 MR. TOTH: Yes, sir.

15 MR. HENRY: But I take your
16 point.

17 If you go to page 6, please.

18 MR. TOTH: Page 6? Yes, sir.

19 MR. HENRY: The first one is
20 just a bit of grammar nitpicking, but there's a
21 double negative there which I don't think you
22 meant.

23 MR. TOTH: Where is that at,
24 sir?

25 MR. HENRY: It would be the

1 third sentence. "If neither of the remote
2 stations is not manned." I think you mean, "If
3 either of the remote stations is not manned."

4 MR. TOTH: Okay. The third
5 sentence.

6 MR. LASHLEY: Or unmanned.

7 MR. TOTH: Okay. I see that.

8 MR. HENRY: Go down to
9 subparagraph B, if you would, and it's talking
10 about the remote attendants --

11 MR. TOTH: Yes.

12 MR. HENRY: -- identifying who
13 those are. And the third, subparagraph B and
14 sub-subparagraph 3, "any position assigned by a
15 Nuclear Fuel Services manager," which basically
16 means that, if I'm interpreting it correctly,
17 anybody in the facility can become a remote
18 attendant.

19 MR. TOTH: So the reason for
20 that, and you may have seen that in various -- and
21 I've been questioned in various presentations in
22 the past. That is a placeholder, mainly for the
23 fact that if NFS comes in and they -- they come in
24 and say they want the twidget operator to be a
25 remote attendant or boiler attendant, what that

1 allows us to do is allows us to revise the manual,
2 indicate where those individuals have been
3 trained, put that title within the manual and also
4 the org chart without necessarily the need to --
5 or the assumption or presumption that it has to
6 come back before the Board for that individual to
7 be added.

8 It gives that free opportunity for
9 the company to feel confident that if they change
10 titles or they change responsibilities, that as
11 long as that individual has gone through the
12 proper training, okay, and has been documented,
13 then they will be allowed to put those individuals
14 in there. It has been something that has been
15 added in various ECS manuals in the past.

16 Rest assured that the relationship
17 that my clients and I have is a continual
18 relationship. These manuals are kept in a portal
19 that has the master documents in it. My clients
20 understand if we have slight editorial changes
21 like this, they come through me. They get done.
22 It's not something like, you know, that's going to
23 be another contract to do it. It's something that
24 we constantly go through and constantly test
25 throughout the three years that the variance is in

1 place.

2 So with that said, just know that if
3 they add individuals, they would be put here.
4 They would be added to the training logs and go
5 through the training program.

6 MR. HENRY: And I certainly
7 appreciate it. And knowing you've got it covered,
8 I'm confident that by your involvement, that that
9 would take place. But is it a blanket statement
10 that it will be permitted to anyone who might come
11 through, that the same level of responsibility
12 might be exercised in all cases? It is a pretty
13 broad statement.

14 MR. TOTH: It is. I do agree
15 with that. And the same questions that I've
16 answered before. I can understand your concern
17 with it. As long as we go back to the premise
18 that states that once this variance is accepted,
19 the end user also accepts the responsibility to
20 ensure that this manual and these procedures are
21 followed in accordance.

22 So with that said, if they assign an
23 additional individual, all the remaining
24 requirements that follow this subparagraph had to
25 be followed, which also includes the training, the

1 documentation, and so on and so forth.

2 MR. HENRY: Yeah. And I don't
3 want to belabor this point. I agree with you.
4 But I guess my concern is somebody who might not
5 be as responsible. You know, we have two other
6 job roles identified with it. Give us a general
7 idea of the overall confidence of people that --

8 MR. TOTH: I agree.

9 MR. HENRY: -- will fill those
10 positions. We really have no clue as to someone
11 else, including -- they would be in a position,
12 even if they were given the training, for that
13 training to take.

14 MR. TOTH: Sure. And I guess
15 my question back to you, Mr. Henry, and the rest
16 of the Board, is that if there was a situation
17 that arose and NFS decided that they wanted to add
18 that twidgetmaker to the list, would it be
19 necessary to bring the manual back to the Board
20 for a modification approval?

21 MR. HENRY: That's a good
22 question. I'm not sure.

23 CHAIRMAN MORELOCK: Well, I
24 mean, the question is, is that a technical change?
25 If it's not a technical change, then the Boiler

1 Unit can handle it, but if it's a technical
2 change, it has to come to the Board.

3 MR. TOTH: And so that's where
4 we say, really, the individuals that we put in the
5 manual are -- in my experience with manuals, in
6 Chief O'Guin's position and also my position as a
7 consultant, is that the responsibility falls back
8 on the user.

9 To say that this is a technical
10 change, in my opinion it's not a technical change.
11 Okay? It's a personnel change, no different than
12 if the internal responsibility for the manual goes
13 from the facility's support engineering unit
14 manager to Mr. Holly's position. Okay?

15 As long as we have that documented,
16 as long as we have that listed in our revision
17 page, and as long as the Chief Inspector's office
18 has received a copy of that or it is at least on
19 hand.

20 I know that for us, for ECS, our
21 communication between my company and Chief O'Guin
22 is to the point where he recognizes if there is a
23 change that comes up like that, he's going to get
24 a copy of it for -- electronic copy of it for his
25 records, so he is made aware of it and he will see

1 that.

2 I definitely understand your
3 concerns. I also am concerned with the tight
4 restrictions on something like personnel because
5 of the ebb and flow of personnel changes, that I
6 would hate to think that if we did not have the
7 ability to add individuals to this and make an
8 editorial change and communicate with the Boiler
9 Unit, that it can be very cumbersome and costly to
10 appear.

11 MR. HENRY: And I agree with
12 you entirely. I just wonder if there might be
13 some way to word that, emphasize the
14 responsibility of the user to exercise good
15 judgment and clarify who those other people might
16 be.

17 MR. TOTH: I'm up for any
18 suggestions at this time or if it's something that
19 I can take back and work on. And then what we'll
20 do is, we'll kind of set that precedent so then
21 other ECS manuals that are presented will follow
22 that same verbiage so it makes it comfortable. So
23 I'm up to any suggestions that the Board may have
24 on that.

25 MR. HENRY: One other quick

1 question. I apologize, but back on page 13, this
2 is in the -- it's going to be the control room and
3 where the remote stations are.

4 Are there local e-stops at either the
5 guard station or the operation center?

6 MR. TOTH: Okay. So the local
7 e-stops are located around the three exits --

8 MR. HENRY: Right.

9 MR. TOTH: -- from the boiler
10 room. So when we talk local e-stops, obviously,
11 we're talking they're at the boiler that are going
12 to shut off both of the boilers. In this case,
13 one e-stop shuts off both boilers. Okay?

14 At the guard shack, there is not
15 because it has its own panel.

16 Is that your question, sir?

17 MR. HENRY: Yes. Right.

18 MR. TOTH: Okay.

19 MR. HENRY: All right. Okay.
20 So it was originally built opposite the remote
21 stations to kill the boiler, then.

22 MR. TOTH: That's right. And
23 it has its own remote panel.

24 MR. HENRY: Okay. Thank you.
25 Appreciate it, Mr. Toth.

1 MR. TOTH: Thank you, sir.

2 MR. BAUGHMAN: Going back,
3 Mr. Toth, on what Mr. Henry was speaking about on
4 page 6, to that "any position assigned by Nuclear
5 Fuel Services, Incorporated management, the plant
6 superintendent or its designee shall ensure all
7 newly assigned remote attendants have approved
8 training" and so forth.

9 So that might be worded, "any
10 position assigned by," instead of Nuclear Fuel
11 Services, could be, "any position assigned by the
12 plant superintendent or its designee" since the
13 plant superintendent actually has the
14 responsibility of the training, keeping the
15 records and so forth, instead of just leaving it
16 open-ended to management, because management
17 covers a lot of different people.

18 MR. TOTH: Sure. Absolutely.
19 And that is a generic statement. What I counter
20 with, a recommendation of pointing back to the
21 individual that's responsible for the manual, the
22 upkeep of the manual. That individual is going to
23 be the facility support engineering unit manager.

24 And so if we put that in there as you
25 suggested, or their designee, then I think that

1 could encompass -- because then we are aware -- as
2 we say, that person is not necessarily the person
3 who signs the letter, as we all know. It's
4 usually the person that puts on there and says,
5 "Okay. I'm going to be responsible for this
6 manual." Okay? Well, they're responsible for
7 every part of the manual, up to and including
8 updating of the manual.

9 So if we put it at that position,
10 everybody there under that is responsible under
11 that individual's responsibility.

12 MR. BAUGHMAN: Very good.

13 MR. TOTH: Will that work?

14 MR. BAUGHMAN: To me that does,
15 but again...

16 MR. HENRY: Yes. In general, I
17 think that's a very good suggestion, Mr. Toth.

18 I would just like something in there
19 which would suggest that whoever's responsibility
20 is making a decision, that the additional person
21 who might be qualified has the background
22 necessary in order for the training to --

23 MR. TOTH: Absolutely. I know
24 where you're going with it, Mr. Henry.

25 MR. HENRY: Continue the

1 training, I guess.

2 MR. TOTH: I know where you're
3 going with it and I agree and we can change that
4 information, as Mr. Baughman alluded to, point
5 back to the individual that's responsible for the
6 caretake of the manual, but then also put verbiage
7 in there that points to the fact that that
8 particular individual has to be qualified and
9 certified per the variance.

10 Does that sound good?

11 MR. HENRY: Yes.

12 MR. TOTH: Okay.

13 MR. HENRY: Thank you.

14 MR. TOTH: Are you comfortable
15 with me doing that after the fact and having the
16 Chief check on it?

17 MR. HENRY: Yes.

18 MR. TOTH: Okay. Thank you.

19 CHAIRMAN MORELOCK: And you
20 could show that in the org chart as well.

21 MR. TOTH: Okay.

22 CHAIRMAN MORELOCK: You know,
23 that's --

24 MR. TOTH: What would I be
25 showing, Mr. Chairman?

1 CHAIRMAN MORELOCK: Just the
2 line of who's the decision-maker for those people.

3 MR. TOTH: Right. And if you
4 see -- let's see if what we currently have is
5 sufficient, Mr. Chairman.

6 CHAIRMAN MORELOCK: I think it
7 is. That's what I'm saying. Just tie it all
8 together.

9 MR. TOTH: You don't think it
10 is? Is that what you said?

11 CHAIRMAN MORELOCK: I would
12 just make sure that -- obviously, you're getting
13 questions, so --

14 MR. TOTH: That's okay.

15 So if we look at the current org
16 chart, there is a line of communication that works
17 out from -- if we see, it actually works out from
18 the facility support engineering unit manager, and
19 you have that communication that goes to all of
20 the boiler attendants and remote attendants, but
21 then also goes back towards Mr. Holly's direct,
22 who is the safety and licensing section manager.

23 And so would that be sufficient, or
24 would you like to see some additional information
25 in there?

1 CHAIRMAN MORELOCK: I just
2 think as long as the two complement each other,
3 you're fine.

4 MR. TOTH: Got you. Okay.
5 Thank you very much.

6 CHAIRMAN MORELOCK: Thank you.

7 MR. O'GUIN: Chairman.

8 CHAIRMAN MORELOCK: Yes.

9 MR. O'GUIN: Chris O'Guin,
10 Chief Inspector.

11 To answer the question on who
12 inspects Nuclear Fuel Services at the current
13 time, Zurich Insurance insures the facility. So
14 they would be the current inspectors.

15 MR. BAUGHMAN: I appreciate
16 that. My concern is that we've got a pressure
17 vessel and so --

18 Mr. Holly, you may be able to answer
19 this, but has that DA ever been shut down during
20 the time of boiler inspections?

21 MR. HOLLY: Yes, sir. I
22 apologize. I don't know that, but I will take
23 that question and I'll get you an answer.

24 MR. BAUGHMAN: All right.
25 Thank you.

1 And so here's the thought, is, you've
2 got two boilers. Typically, a facility has got to
3 keep running. So that's why they've got the two
4 boilers. Well, the DA -- they've got one DA. So
5 the DA doesn't get shut down, unless they've got
6 an outage and they are able to schedule it.

7 So this unit has been in since 2011.
8 I don't want to make the assumption it hasn't been
9 inspected, but there's a likelihood it hasn't been
10 inspected. My concern at this point is that we're
11 running a 2011 pressure vessel, albeit low,
12 without a current inspection.

13 So my suggestion would be, and that's
14 out of the bounds of this variance, but it's not
15 to the extent that we're operating a piece of
16 equipment integral to this boiler operations and
17 variance that hasn't been inspected.

18 MR. O'GUIN: I'll verify
19 whether it's been inspected or not. If not, we'll
20 follow up with the area deputy inspector to get it
21 resolved.

22 MR. BAUGHMAN: And schedule up
23 the NDE, so forth, but just wanted to bring that
24 up for the record.

25 MR. TOTH: No, and I agree with

1 you, Mr. Baughman. And that's something that has
2 been expressed to management at NFS, that though
3 it would not hamper their current variance or the
4 modified variance that we're working on, it
5 still has an issue within the Boiler Unit and the
6 State of Tennessee requirement. And, therefore,
7 there may be additional action outside of this
8 variance. It's going to have to be taken care of.

9 And, again, I rep my clients outside
10 of the variance requirements and help them through
11 that as well. So I'll be on top of that and work
12 very closely with the Boiler Unit.

13 MR. HOLLY: And also, likewise,
14 after those meetings -- get a manager and look
15 through those files and those records.

16 MR. TOTH: Thank you, Tom.

17 THE REPORTER: I'm not sure I
18 caught what he said.

19 MR. TOTH: I believe he was --
20 Tom, if you can repeat that for the
21 court reporter so she can put that in the minutes.

22 MR. HOLLY: I was just
23 verifying that I will also go to the facility unit
24 and inquire about those records of inspection.

25 MR. TOTH: Thank you, sir.

1 CHAIRMAN MORELOCK: Any other
2 questions or comments?

3 (No verbal response.)

4 CHAIRMAN MORELOCK: Hearing
5 none, do I have a motion?

6 MR. BAUGHMAN: Motion to accept
7 contingent upon site inspection and --

8 CHAIRMAN MORELOCK: And manual
9 revisions based on the discussion here.

10 MR. BAUGHMAN: So moved.

11 CHAIRMAN MORELOCK: Okay.

12 MR. HENRY: Second.

13 CHAIRMAN MORELOCK: All right.
14 Last call for comments.

15 (No verbal response.)

16 CHAIRMAN MORELOCK: Hearing
17 none, all in favor say "aye."

18 (Affirmative response.)

19 CHAIRMAN MORELOCK: Opposed,
20 abstentions, not voting?

21 (No verbal response.)

22 CHAIRMAN MORELOCK: You have a
23 contingently approved variance.

24 And we are going to take a ten-minute
25 break.

1 MR. TOTH: Thank you,
2 Mr. Chairman. Members of the Board, thank you.

3 (Recess observed.)

4 CHAIRMAN MORELOCK: All right.
5 Let's reconvene.

6 We are now to Rule Cases and
7 Interpretations on our agenda. The first item we
8 have is BC 22-01. Intertek is requesting a ruling
9 by the Tennessee Board of Boiler Rules to revise
10 existing Tennessee Boiler Rule 0800-03-03-.03.

11 So if you're ready to present,
12 present.

13 MR. MOLISKI: Good morning. As
14 I said earlier, my name is Paul Moliski. I'm Vice
15 President of Accreditation with Intertek. Thank
16 you for the opportunity to appear before the
17 Board.

18 Just as a brief recap, if you will
19 allow me just to explain briefly who Intertek is,
20 we are an international testing, inspection
21 certification body, organization. Our U.S.
22 headquarters is outside of Chicago, in Arlington
23 Heights.

24 We certify products using the ETL
25 Certification Mark, and we have other marks,

1 called the WHI Mark for fire stop, fire
2 penetration.

3 Some people ask why -- well, if your
4 name is Intertek, why do you use a symbol, a logo
5 that's ETL?

6 Well, we were actually founded, the
7 electrical division, which I represent, by Thomas
8 Edison. So ETL was Edison Testing Laboratory.
9 It's a fantastic history and we always operated,
10 until the '70s, as a quality assurance testing
11 laboratory.

12 Then the industry encouraged us to
13 get into the product safety testing and
14 certification business, and the entry to that
15 market was extremely difficult. Between Factory
16 Mutual and UL, that market was pretty much
17 controlled by those two organizations.

18 And so we were actually approached by
19 City of Chicago, City of LA. They said, "You
20 should get into this market because we need
21 competition."

22 And we said, "Well, who is going to
23 recognize our mark compared to you-all's mark?"

24 This all happened before my time.
25 I've been kicking around a long time but -- 1975

1 was well before my time but -- so they encouraged
2 us to get into the business, and we were required
3 to create a Technical Advisory Council, a TAC.
4 And at that TAC, we had representatives from LA,
5 Chicago, Miami-Dade, the big metropolitan areas
6 that would give us input, and that's how the
7 program started.

8 However, until the late '80s, OSHA
9 only recognized Factory Mutual and UL, and it was
10 through kind of a consortia that actually had to
11 take the Department of Labor to court to have the
12 Occupational Safety & Health rules changed to
13 allow for competition in that market. And that's
14 how the program called NRTL, Nationally Recognized
15 Testing Laboratory, was started.

16 For the first five years, Factory
17 Mutual and UL were grandfathered in. Intertek ETL
18 was the second approved NRTL, I think, in 1989.
19 So we've been operating as an OSHA-recognized NRTL
20 since '89 or '90.

21 I started in this business in 1987,
22 and I've been working with OSHA pretty much ever
23 since. I've been taking them around the world
24 to -- we have about 45 testing laboratories
25 internationally for electrical.

1 When people ask me what do I do, I
2 try to explain what I do and then I simply point
3 out, if I'm at a barbecue or a Christmas party,
4 I'll say, "We test products and certify them."

5 "What do you mean?"

6 I'll say, "Well, let's go take a look
7 if the fire doors in this building are certified
8 by Intertek." No one would even know that.

9 These devices, Panasonic supply it,
10 but Panasonic uses both UL and ETL for
11 certification. I don't know if these are UL or
12 ETL.

13 But, however, the industry is quite
14 competitive. We all test to the same standards.
15 We're all recognized or accredited to the same
16 requirements, whether that's through the OSHA NRTL
17 program, through the American National Standards
18 Institute or other accreditation bodies we use in
19 each country that we operate.

20 As mentioned, I've probably been with
21 OSHA on 50 -- between 50 and 100 different
22 assessments at our labs internationally. So this
23 situation came up where we uncovered that the
24 boiler code in Tennessee still referenced UL, and
25 that was part of our -- another part of our

1 challenge, working with industry and working with
2 other testing labs, was to have the national
3 electric code updated. That was updated in, I
4 think, 1987. But the Uniform Building Code, the
5 Uniform Mechanical Code, the Uniform Employment
6 Code, they have all been updated, and they do not
7 specifically reference Factory Mutual or UL. It's
8 certification body acceptable to the authority
9 having jurisdiction or some language like that.

10 So that's the primary reason why I am
11 here. And we've communicated with Chris, Chief
12 Inspector, our qualifications and the reasons why,
13 you know, we are requesting a change to that code,
14 to allow the use of other acceptable certification
15 organizations.

16 In our last correspondence, was
17 August 24th, we outlined additional justification
18 why we're requesting that change to the code.

19 So I'd be happy to answer any
20 questions you have.

21 CHAIRMAN MORELOCK: Motion to
22 discuss?

23 MR. HENRY: So moved.

24 MR. LASHLEY: Second.

25 CHAIRMAN MORELOCK: Second.

1 What questions does the Board have?

2 MR. BAUGHMAN: Sir, thank you
3 for being here.

4 MR. MOLISKI: Sure.

5 MR. BAUGHMAN: Appreciate that.
6 It's Dave Baughman.

7 So what the request is, is to
8 specifically revise the existing Tennessee Boiler
9 Rule 0800-03-03-.03 and, specifically, the wording
10 is to change it from UL to an NRTL.

11 MR. MOLISKI: I think the -- if
12 I'm saying this right, the National Boiler Code
13 has acceptable language that we would replace that
14 with. We would use similar language to the
15 National Boiler Code.

16 MR. BAUGHMAN: Okay. And
17 that's why I was asking, was just the specifics of
18 what it is that we're exactly asking for and how
19 it would be looked to be worded.

20 What's the advantage of having ETL
21 Intertek?

22 MR. MOLISKI: It provides
23 industry with alternatives for getting their
24 product to market. The advantage is for industry.
25 The advantage is to have -- similar to when we

1 first broke into this business.

2 City of Chicago, City of LA, they
3 wanted the additional input of other organizations
4 other than just Factory Mutual or UL. Part of
5 that's due to competition. Part of that's due to
6 experience.

7 MR. BAUGHMAN: So what I'm
8 hearing is, it's economic related, to give an
9 additional competitive entity in the marketplace.
10 There's not a -- I guess what I'm getting at is,
11 I'm hearing that there's advantages to different
12 companies, but I was looking at, is there any
13 technical advantages versus monetary advantages?

14 MR. MOLISKI: Well, as I
15 mentioned, technically, all the NRTLs are required
16 to operate in accordance with the OSHA rules.
17 Okay? That requires us to have the same technical
18 competence. That requires us to have the same
19 type of facilities, the same test equipment, the
20 same type of quality management system to support
21 the certification program.

22 We're all test representative
23 samples. We go into the factory between two,
24 four, or six times a year, depending on the type
25 of facility it is. So we're typically going into

1 the factory four times a year.

2 We're confirming that the components
3 in that end product are the same that was in the
4 representative sample that was tested. And
5 there's a whole number of requirements that we
6 need to participate in -- comply with.

7 In the U.S., we have standard
8 development bodies. ASTM, ASME, NSF, and UL is a
9 large standard development body. That's their
10 nonprofit division. Their for-profit division is
11 their testing, inspection and certification.
12 They've split it into two groups now.

13 So we participate on the UL STPs that
14 are critical to our business. Okay? We're also,
15 I think, 12 different NFPA code panels as well as
16 other ASTM standards. Standards, committees. We
17 are not a standards developer, because globally,
18 being a standards developer on a certification
19 body, some economies, some countries believe
20 that's a conflict of interest. So we don't do
21 standards development.

22 MR. LASHLEY: So --

23 MR. BAUGHMAN: So you -- I'm
24 sorry. Go ahead, Micah.

25 MR. LASHLEY: So are you

1 saying -- is there any difference in the final
2 product delivered between your stamping or UL
3 stamping?

4 MR. MOLISKI: No, because
5 for -- the product that came under question was an
6 autoclave sterilizer. That product is evaluated
7 to UL Standard 61010. 61010 is actually a version
8 of an IEC standard which we participate on. IEC,
9 International Electrotechnical Commission, in
10 Geneva, they have a lot of standards committees.
11 The industry in the U.S. petitioned the UL
12 standards STP, saying we want to adopt the 61010
13 because internationally it's better for us.

14 So that standard was originally
15 written for a 220 60 hertz system. The UL STP
16 would change that to whatever is applicable here,
17 110 50 or whatever we're operating here in the
18 U.S. for that particular piece of equipment.

19 That's a lab -- the standard is for
20 laboratory measurement equipment. It's not your
21 typical, whatever, UL 842 boiler standard, you
22 know. That's not what the product is designed to
23 meet. It's designed to meet 61010.

24 MR. BAUGHMAN: And so we're
25 getting into the boiler section, and so all this

1 other doesn't matter a whole lot. We're
2 specifically looking at electric boilers within
3 this particular code parameter. And with electric
4 boilers, there's manufacturers -- you mentioned
5 U.S., but there's manufacturers of electric
6 boilers that are not made in the U.S.

7 MR. MOLISKI: For sure.

8 MR. BAUGHMAN: And so the
9 question then arises, is that ETL testing of the
10 four times randomly a year upheld to the same high
11 degree, and this is where the questions come up.

12 MR. MOLISKI: That's an
13 excellent question. Because we're OSHA NRTL, OSHA
14 is visiting these different facilities, just like
15 they visit -- whether it's UL or ETL. We've got
16 five facilities in China. We've got two
17 facilities in Japan. We've got a facility in
18 Taiwan, South Korea. OSHA is going to all of
19 these facilities.

20 And the key audit that takes place is
21 at the headquarter facility, which I mentioned is
22 in Arlington Heights. But this activity for the
23 factory inspections is controlled through these
24 audits, through internal audits, which we're
25 required to do. For being an OSHA NRTL, we're

1 required to do about two internal audits per year
2 at each of our test facilities, which OSHA then
3 checks when they audit us.

4 MR. BAUGHMAN: So that didn't
5 specifically answer the question.

6 MR. MOLISKI: What more can
7 I --

8 MR. BAUGHMAN: Well, on the
9 testing, so if it's in the U.S., we've got four
10 random, unannounced --

11 MR. MOLISKI: Inspections,
12 yeah.

13 MR. BAUGHMAN: -- inspections.
14 And does that hold true for a foreign
15 entity, i.e., south of the border?

16 MR. MOLISKI: Yes. Oh, for
17 sure. Yeah.

18 MR. BAUGHMAN: Okay. And so we
19 have the same --

20 MR. MOLISKI: And that's the
21 thing. We would train local representatives,
22 wherever that facility is, or we send them from
23 here to go to those foreign manufacturers.

24 MR. BAUGHMAN: Sure. So we
25 still have the same hipot testing requirements and

1 so forth along the way.

2 So these standards, if we took a
3 boiler that's labeled ETL or an NRTL-accepted
4 company, would it meet the same standard as UL?

5 MR. MOLISKI: Well, yes, I
6 think we have evidence of that. I think UL
7 actually conducted five or six field inspections
8 of those sterilizers and found that there's no
9 noncompliance of the sterilizer.

10 There were some issues at the point
11 of installation, whether there was an adequate
12 disconnect provided, whether there was clearance
13 or spacing. That's on the install side. That's
14 not on a product compliance side. So the product
15 complied with 61010, and that's our
16 responsibility.

17 MR. BAUGHMAN: So I'll further
18 add that because I believe the UL inspection, the
19 field inspection did not specifically encompass
20 that whole boiler. What it was looking at was the
21 shock hazard for the installation, not actually
22 going through the complete unit to make sure that
23 we didn't have three phase and single phase wires
24 going across --

25 MR. MOLISKI: Right.

1 MR. BAUGHMAN: -- and what have
2 you. So I wanted to --

3 MR. MOLISKI: The wiring, yeah.

4 MR. BAUGHMAN: I wanted to
5 clarify that, that just because it passed UL
6 inspection didn't mean that it was certified to UL
7 standard.

8 And when some of this was looked at
9 via -- what have you, was that -- I think that we
10 didn't -- or it wasn't taken to the extent that we
11 needed to do our homework to say is this -- and
12 that's part of what we brought up during our
13 August conversation, was we need to make sure that
14 these units coming out of, particularly Mexico,
15 were meeting the requirements of ETL itself.

16 And the representative was going, you
17 know, we need to look at that, because they
18 couldn't really answer it at the time. We don't
19 know, as a Board entity. We're taking people's
20 words and this and that.

21 But we want to make sure that as
22 we're approving a body, that these things are
23 actually manufactured and put together and tested
24 accordingly so that our liabilities are very much
25 limited in what we're approving.

1 MR. MOLISKI: Sure. Sure. You
2 probably know more about those field inspections
3 than I to. When I read a few of them, it referred
4 to the standard used as the 61010 standard, and
5 NFPA 70 and UL 508A for control panel.

6 So I just, in reading what the report
7 said, you know, don't know how far they dug into
8 the equipment because sometimes you open that
9 equipment up. A factory-authorized representative
10 will start doing things. Well, then you've voided
11 the listing and you have a whole other --

12 MR. BAUGHMAN: Absolutely.
13 Well, I appreciate the reply and just going over
14 that.

15 MR. MOLISKI: But it's so
16 common these days to have products, and certainly
17 components of products, made outside of the U.S.
18 Sometimes those products are assembled here. I
19 don't know where these particular sterilizers were
20 assembled, if it was Mexico, but that's what we
21 do, you know.

22 We have a laboratory in Mexico for
23 certain products for the domestic product safety
24 and for testing for the U.S. And out of that
25 office in Mexico City, we organize our factory

1 inspections, okay, which I don't know how many we
2 do throughout Mexico, but it's a fair number for
3 sure.

4 MR. BAUGHMAN: Very good.
5 Thank you very much.

6 MR. MOLISKI: Uh-huh.

7 CHAIRMAN MORELOCK: Other
8 questions or comments?

9 Mr. Toth.

10 MR. TOTH: Gentleman had
11 mentioned wording within the National Boiler Code.

12 Can you be more specific to which
13 code you're referring to?

14 MR. MOLISKI: Sure, if I can...

15 MR. TOTH: I apologize. I
16 thought --

17 MR. MOLISKI: To harmonize with
18 the language of the National Boiler Inspection
19 Code, I didn't cut and paste that language out.

20 MR. TOTH: So you don't have
21 that?

22 MR. MOLISKI: Yeah. Yeah. But
23 that was referred to us for --

24 MR. LASHLEY: Are you looking
25 for within your statement of need that lists

1 Part 1, paragraph 3.5.3 3(b)?

2 MR. TOTH: Which part?

3 MR. LASHLEY: Part 1.

4 MR. TOTH: Part 1? 353(b)?

5 MR. LASHLEY: 3533(b).

6 MR. TOTH: Okay. Thank you.

7 MR. LASHLEY: I believe, is
8 that --

9 MR. MOLISKI: I'm sorry.

10 That's --

11 MR. LASHLEY: It's the code
12 that's listed in your statement of need --

13 MR. MOLISKI: Oh, okay. Okay.

14 MR. LASHLEY: -- on page 1.

15 MR. O'GUIN: Chairman, Chris
16 O'Guin, Chief Inspector.

17 CHAIRMAN MORELOCK: Yes, sir.

18 MR. O'GUIN: Reading this
19 boiler case, I don't know y'all's thoughts or
20 representative's thoughts, but it kind of looks
21 like we may need to move the statement of need up
22 to the inquiry and then we reply to that. The
23 statement of need is a little more clear than the
24 inquiry is, as far as what they're looking for, as
25 seen on the verbiage.

1 MR. HENRY: Chief O'Guin, are
2 you satisfied that if we adopt this more general
3 language, that we would maintain the same minimum
4 level of safety that we currently have?

5 MR. O'GUIN: Yes, sir.

6 MR. HENRY: Okay. Thank you.

7 MR. O'GUIN: Chairman and the
8 Board?

9 CHAIRMAN MORELOCK: Yes.

10 MR. O'GUIN: I have spoken with
11 Paul and Craig with Intertek, and they
12 investigated the failures that were noted in prior
13 conversations and, you know, they came back after
14 their investigation and noted everything was on
15 the inside, like he said.

16 So we have talked to the State Fire
17 Marshal's office as well to kind of follow up on
18 the installs, to see if it's in their rules, going
19 forward with electrical boilers.

20 CHAIRMAN MORELOCK: Other
21 comments?

22 Yes, Mr. Toth.

23 MR. TOTH: I was able to pull
24 up that verbiage if the gentleman would like to
25 read it to the Board.

1 Or would you like to see what the
2 actual...

3 MR. MOLISKI: Okay. So this is
4 3.5.3.3, Section B.

5 "The symbol of the certified
6 organization that has investigated such equipment,
7 as having complied with a nationally recognized
8 standard, shall affix to the equipment and shall
9 be considered as evidence that the unit was
10 manufactured in accordance with that standard."

11 Whether the State adopts that exact
12 language or you have something slightly altered,
13 that's under your discretion. The -- or if you
14 make reference to other approvals in the state of
15 Tennessee, there is a list of approved independent
16 testing laboratories by the Department of Commerce
17 and Insurance, and that's a pretty good list of
18 qualified testing labs, if there was a reason to
19 refer to that. But that's also just kind of
20 another piece of information to have.

21 MR. HENRY: Mr. Chairman?

22 CHAIRMAN MORELOCK: Yes.

23 MR. HENRY: Two questions. One
24 for you.

25 I assume all we can do as a Board

1 here is to either support or not support this
2 particular action.

3 CHAIRMAN MORELOCK: That is
4 correct.

5 MR. HENRY: So that would be a
6 legislation change.

7 CHAIRMAN MORELOCK: Yes.
8 That's correct.

9 MR. HENRY: I guess my second
10 question is, in regard to that particular
11 language, it says, "complied with a nationally
12 recognized standard."

13 Should that be more specific as to
14 what -- either include a list of the organizations
15 that are recognized or specifically say U.S.
16 National Standard or something of that sort? The
17 fact that it has complied with the national
18 standard of Russia right now wouldn't give me a
19 lot of confidence.

20 MR. MOLISKI: I'll tell you
21 that the committee that wrote that probably
22 agonized over the wording for a long, long time.

23 And it's not uncommon to see language
24 that would include something such as the
25 applicable UL, FM or AST, ASME standard or

1 something like that. But that gets into -- you
2 know, sometimes that wording can be complicated as
3 well. But that's -- I think that's up for whoever
4 administrates the Tennessee code, to make that
5 final decision.

6 And we would be happy to attend a
7 meeting if you're going to discuss language in the
8 code, to help develop that language, you know,
9 whatever -- that's how things sometimes get done.
10 You get, you know, a group of us in the room.

11 And, personally, I work very closely
12 with many, many people from Factory Mutual and UL,
13 and we're on a lot of committees together. And
14 for things like this, we typically align. On the
15 commercial side, we're beating each other up,
16 pretty difficult for clients.

17 But especially on the international
18 side, when it comes to adopting IEC standards, we
19 have tremendous industry input to how that process
20 takes place.

21 And we work very closely with
22 whatever the industry sector is. If it's home
23 appliances, we work with Whirlpool and the
24 Association -- National Electrical Manufacturers
25 Association, NEMA. If it's medical devices,

1 there's AdvaMed, and there's Philips, there's GE,
2 there's Baxter. We work with all these companies
3 and they -- they'll be pushing for a certain
4 thing.

5 And then from testing and the
6 certification side, there's certain things that we
7 need to make sure is included because of the OSHA
8 requirements, you know. A manufacturer will
9 want -- "Oh, we want to self-declare and we don't
10 want any factory inspections." Well, that's not
11 how our system works. In Europe they self-declare
12 and there are no factory inspections and there's a
13 lot more noncompliant product on the market
14 compared to North America.

15 CHAIRMAN MORELOCK: Mr. Toth.

16 MR. TOTH: Mr. Chairman, Marty
17 Toth, ECS.

18 A couple things. Number 1, the word
19 "nationally," to Mr. Henry, NBIC, ASME is
20 worldwide. Okay? So NBIC can be used in Asia.
21 So we have to, when we write those rules, we have
22 to keep that into consideration.

23 Number 2, when it goes down to
24 3533(B), well, you follow down into (C). That's
25 when it points back to the jurisdiction and says,

1 okay, installation has to be required in the
2 jurisdiction.

3 In regards to my opinion, the rule --
4 the reference is a rule. The rule is written by
5 this body. As with other things within the rule,
6 the Board does have the opportunity -- and legal
7 counsel may be able to help with this. The Board
8 does have the opportunity to put into place a
9 Board Case, okay, that opens it up to allow for
10 additional standards, and then take it to the
11 point of opening up the rules through legislature
12 and rewording it so it does match what the
13 industry standard is.

14 That's just a suggestion so that if
15 you needed to move forward with this, as long as
16 the Chief's staff feels like it's -- that's an
17 option that you may want to look into. And so
18 hopefully that helps.

19 MR. MOLISKI: In my world, when
20 there's something like a national -- U.S. national
21 standard, national consensus standard, we look for
22 the ANS, American National Standard. And that
23 notation comes from a standards development
24 organization that's accredited by ANSI, American
25 National Standards Institute. And so it would be

1 an ANS with -- I don't know. All the big
2 standards bodies, ASME, ASTM, UL. They're all
3 accredited by ANSI as American National Standards
4 development organization.

5 MR. BAUGHMAN: I've got to say,
6 in the letter from the City of Chattanooga, dated
7 June 22nd of 1981, I don't see any letter,
8 actually, in that -- references that are past the
9 early to mid-'80s.

10 But that being said, I like the way
11 it was written at the end, was, "However, rather
12 than give a blanket approval for every article or
13 device which may be tested, we reserve the
14 privilege to review the testing data of any device
15 which may be tested."

16 They approved but they reserved the
17 privilege to be able to go out, and I've got to
18 say, I like that.

19 MR. MOLISKI: Yeah. Yeah.

20 MR. BAUGHMAN: I just wanted to
21 know what your input and if that is an acceptable
22 verbiage moving forward, our own verbiage and what
23 have you, just food for thought.

24 MR. MOLISKI: Sure. A couple
25 things about the historical letters, legacy

1 letters, which I will go back to.

2 Anytime we're requested to share
3 data, we have to get written authorization from
4 the manufacturer because that's proprietary.
5 Apple is not going to allow us to share data under
6 a new widget before it hits the market. So that
7 is always possible. And that's no problem, to
8 review test data with a certain committee or --
9 that's what the accreditors do all day long, look
10 in our test reports and data from how we conducted
11 the test, what the results were. That's the way
12 the system works.

13 Those letters were requested when we
14 were attempting to establish a name for ourself.

15 Some people say, "Oh, this letter is
16 20 years old."

17 And it's like, "Well, that's when we
18 got it."

19 If I showed you a letter from
20 yesterday, you could say, "This letter is from
21 yesterday. What? You just get in the business?"

22 And so it's always a -- you know. So
23 because we're authorized as a fully recognized
24 NRTL in 1990, call it -- the need for getting
25 these additional letters typically isn't

1 necessary.

2 You know, I can say, unfortunately,
3 never had the opportunity to work with a boiler
4 commission in Tennessee previously. We work a lot
5 with the electrical board. We attend the
6 International Association of Electrical
7 Inspectors.

8 We do field inspections in the state
9 of Tennessee, which are accepted by the electrical
10 inspection authorities here in the state. So we
11 feel very comfortable operating in the state of
12 Tennessee, and we have a good rapport with all the
13 inspectors.

14 MR. BAUGHMAN: At some point in
15 time, it would be interesting to do a field
16 inspection through ETL, not so much with you-all,
17 but have an ETL field inspection --

18 MR. MOLISKI: Sure.

19 MR. BAUGHMAN: -- to go through
20 the unit itself that -- in particular, our
21 electric boilers, but we found that it -- we're
22 all human beings. And so just because something
23 passes at one facility or through one inspection
24 doesn't mean it necessarily will pass at another.
25 But it would be interesting to have that

1 availability at some point.

2 MR. MOLISKI: Right.

3 MR. BAUGHMAN: Because, yes,
4 you're doing these four random checks at the
5 factory and so forth. I'm familiar with that
6 through the different -- through UL and your ETL,
7 as you described. But knowing, too, that things
8 still get missed, and just verifying that out in
9 the field would sure give a big warm, fuzzy along
10 the way at some point in time. It's not mandated,
11 but I bring that up to kind of throw that out
12 there.

13 MR. MOLISKI: Yeah. Right.
14 Our -- just so you know, our field inspections,
15 we're accredited by a group called IAS,
16 International Accreditation Service. They're the
17 sister company of the group called ICC that writes
18 the Uniform Building Code. So that service is
19 separately accredited to -- and a field inspection
20 standard.

21 When we go into the factory, the
22 inspector has with him the report from the testing
23 laboratory. So if we tested this product in
24 Plano, Texas, or Atlanta, that report, which is --
25 these reports are gotten -- from 15 years ago,

1 they've gotten much more sophisticated with the
2 call-outs, with the photographs of the wiring.

3 And a lot of the trouble we find --
4 and we have a process for writing a variance
5 notice -- is when we go into the factory,
6 sometimes some factories change a primary or
7 critical component that we were never notified of.
8 Sometimes that change is negligible. There's
9 proof that that wiring is the same or that
10 capacitor is the same.

11 But sometimes we find things, well,
12 you changed this relay, you didn't notify us, and
13 we have to do an investigation.

14 If it's significant enough, we have
15 the authority to shut the assembly line down and
16 we can recall those products if ever needed, and
17 every manufacturer knows that. So, typically, it
18 doesn't get to that point. The factories we're
19 going into are, you know, well experienced and
20 well informed that they cannot change components.
21 If you change a component, you risk creating a
22 hazard within that device.

23 So that's one of the reasons why we
24 do that factory inspection where we monitor the
25 number of products that are labeled, we monitor

1 their hipot, their production line test equipment
2 to make sure it's calibrated. We monitor their
3 training to make sure that whoever is doing that
4 production line test is trained in accordance with
5 the requirements of that test.

6 And so there's a lot going into that
7 factory inspection, that four-time-a-year thing.
8 And that's what OSHA does. And then we get
9 witness sometimes. OSHA goes with us into that
10 factory.

11 MR. BAUGHMAN: You had
12 mentioned hipot. I'd mentioned hipot earlier.

13 MR. MOLISKI: Right.

14 MR. BAUGHMAN: Mr. Bailey had
15 asked about nomenclature and -- but you might
16 describe what a hipot is.

17 MR. BAILEY: Thank you.

18 MR. MOLISKI: And I'm going to
19 have to plead the Fifth. I am not an electrical
20 engineer. So me describing a hipot test unit
21 probably isn't going to be a lot of benefit to
22 everyone, to be honest with you.

23 And in each production line test,
24 while the hipot or dielectric strength test is
25 conducted, it could vary between a sterilizer, a

1 room air conditioner, and a projector or a TV.

2 MR. BAUGHMAN: I'll explain a
3 little bit further.

4 MR. MOLISKI: Okay.

5 MR. BAUGHMAN: It's a machine
6 that, in laymen's terms, will test for a short
7 circuit. And that's the easiest way to describe
8 it.

9 MR. MOLISKI: Right. Right.

10 MR. BAUGHMAN: Okay. Thank
11 you.

12 MR. MOLISKI: Thank you.

13 CHAIRMAN MORELOCK: What other
14 questions, comments?

15 MR. O'GUIN: Chris O'Guin,
16 Chief Inspector.

17 I'm sitting here trying to reword
18 this a little bit for clarity purposes. I've got
19 a blanket statement, to me, being an inquiry,
20 striking the bottom part, and I can read generally
21 what I'm thinking. And y'all can add to it and
22 take it away.

23 The statement to me being an inquiry,
24 "Intertek is requesting a ruling of the Tennessee
25 Board of Boiler Rules to revise the existing

1 Tennessee Boiler Rule 0800-03-03-.03, construction
2 standards, to allow for other OSHA nationally
3 recognized testing laboratories on electrically
4 fired boilers."

5 And just quick reply, I put, "Reply.
6 Yes, the Board of Boiler Rules will recognize any
7 OSHA nationally recognized testing laboratories."

8 MR. BAILEY: Mr. Chairman, just
9 so we're clear on the record, the only paragraph
10 we're referencing in Rule 0800-03-03-.03 is
11 paragraph 3. There are seven paragraphs in that
12 rule. The only paragraph we're concerned --
13 that's the only place where the UL reference is
14 made.

15 And, also, the statute does not
16 mention UL anywhere in the statute. It's purely
17 in the rule. So it would not take any involvement
18 of the legislature other than the next time you
19 provide the rules, it might be something that
20 you'd want to make sure that that's part of your
21 next rule package.

22 The statute does give the Board the
23 authority to grant variances from the rules, as
24 you well know, which that can be handled as a
25 variance request. If someone wanted to install

1 something but didn't have a UL labeling but had
2 ETL instead, that could be a variance. Or you
3 could do a Board Interpretation that you would
4 recognize, as Chris has written out, any
5 OSHA-approved testing labs. I think that would be
6 sufficient also.

7 That's all of my comments.

8 CHAIRMAN MORELOCK: Thank you,
9 Mr. Bailey. That's very helpful.

10 MR. MOLISKI: If I may, you
11 know, more recently -- well, more recently. In
12 the last ten years, there's been significant push
13 by household consumer appliance companies to
14 possibly use us for other organizations.

15 And I encourage everyone. The next
16 time you're in your Target or your Costco, big
17 retailer, and you're, you know, just browsing
18 around, look at -- you know, look at the lighting
19 appliances at Home Depot or Lowe's, and you will
20 see a pretty large variety of marks on products.
21 And hopefully you're going to see a lot of ETL
22 Marks on products. And you're going to see UL
23 Marks, but you may see others you're not familiar
24 with.

25 Some of the Europeans, TNV, from

1 Germany, operates here in the U.S. An Internet
2 RTI, you could see a TV logo on that product.

3 And if it's being sold through a
4 large commercial, you know, retailer, Home Depot,
5 Target, Costco, any of those kind of stores, they
6 have very good product compliance groups that are
7 checking that and checking if it's certified to
8 the U.S. requirements and things like that.

9 So, normally, it's not going to end
10 up on a shelf in one of those stores. I would be
11 a little more cautious. Again, you've heard the
12 story. Well, you're not going to buy a 100-foot
13 extension cord at the Dollar Store that's going to
14 be worth anything. Okay?

15 So I would be concerned, you know, if
16 the Dollar Store selling a 100-foot extension cord
17 for whatever, 2 bucks or 5 bucks. True Value,
18 they got it right, compliance department. It's
19 going to cost you \$15, but it's not going to catch
20 on fire.

21 MR. BAUGHMAN: In particular,
22 with ETLs, do we have accessibility specifically
23 related to ETL's requirements for electric boilers
24 that is available to us in the technical end of
25 it?

1 I know we've looked at, or some of us
2 have looked at UL requirements specific to
3 different equipment. I didn't know if there's
4 anything in particular, especially being on the
5 technical side of --

6 MR. MOLISKI: Well, we
7 subscribe to the standard services, and we're
8 using that UL 61010 standard. There's no
9 deviations we're applying to that standard. That
10 is what we use during the evaluation.

11 MR. BAUGHMAN: Okay.

12 MR. MOLISKI: And that's what
13 we're audited against, and that's what our
14 accreditation says; you're accredited for 61010.

15 MR. BAUGHMAN: Okay.

16 MR. MOLISKI: So we don't
17 develop additional requirements on the safety
18 side.

19 Our energy efficiency business, we're
20 the largest ENERGY STAR testing lab in the world.
21 And we have efficiency programs with AHRI for
22 heating, air-conditioning equipment. And with
23 AHAM, Association of Home Appliance Manufacturers,
24 for the efficiencies and ratings of refrigerators,
25 freezers, and things like that.

1 MR. BAUGHMAN: Interesting.

2 MR. MOLISKI: On that side of
3 the business, there could be additional
4 requirements that we apply per the program rules
5 that we operate under. Our logo doesn't go on
6 that. The AHAM or AHRI energy rating goes on
7 that, but those are tested in our facilities.

8 MR. BAUGHMAN: Did you say
9 you're the largest ENERGY STAR?

10 MR. MOLISKI: I believe we are,
11 yes.

12 MR. BAUGHMAN: Okay, because I
13 know the efficiency rating changes came into
14 effect January 10th of this month, for boilers in
15 particular.

16 MR. MOLISKI: There's a lot
17 going on. And, actually, the DOE and the PPA that
18 runs the ENERGY STAR program, they lean very
19 heavily on a consultant group to run that program
20 for EPA. But the revisions to the DOE
21 regulations, you know, they -- you would know.
22 They would take years to go into effect prior to
23 us applying that requirement.

24 MR. BAUGHMAN: Yeah, and so for
25 us, it was all given -- everything was ahead of

1 time. The final date of any manufacturing after
2 January 10th now has to have the new
3 energy-efficient ratings on there. So I was
4 interested when you mentioned the ENERGY STAR.
5 Thank you.

6 MR. MOLISKI: Yeah.

7 CHAIRMAN MORELOCK: Any
8 comments?

9 (No verbal response.)

10 CHAIRMAN MORELOCK: Thank you
11 for the presentation.

12 So my question to the Boiler Unit is,
13 Chief O'Guin, are we looking at trying to put
14 together a Board Case for this or what? Because
15 you were working on some wording; is that correct?

16 MR. O'GUIN: Yes. I mean, if
17 the presenter would be good with, you know, moving
18 the statement -- because I think the inquiry is
19 more toward a statement of need.

20 CHAIRMAN MORELOCK: Okay.

21 MR. O'GUIN: That's the way I
22 read it. So I would move the statement made up as
23 an inquiry under 5 and leave the current statement
24 of need.

25 CHAIRMAN MORELOCK: Okay.

1 MR. O'GUIN: If that makes any
2 sense.

3 I mean, we could do the verbiage and,
4 you know, I can retype it up if the presenter is
5 good with it. And based off the motion y'all make
6 today, I could write it down and then type it up
7 and finalize it for the website.

8 MR. LASHLEY: In addition to
9 the verbiage that you stated earlier, should we
10 reference 61010 as well in the verbiage since he's
11 stated that they are compliant with 61010?

12 MR. MOLISKI: I don't know as
13 it's necessary, and I don't know how that would
14 affect your business, but I don't -- because there
15 are, I think, other standard references that may
16 come into play and -- you know, separate from
17 61010 for that particular -- that standard is for
18 instrument and measurement equipment. Very, very
19 specific. So I would think on that addition.

20 MR. TOTH: Mr. Chairman?

21 CHAIRMAN MORELOCK: Mr. Toth.

22 MR. TOTH: Since I was
23 referred -- Marty Toth again.

24 Yeah, I agree with the presenter on
25 that. Sometimes when we start digging down in the

1 weeds and putting too many references in there,
2 eventually something is going to come up and get
3 changed and then that throws a wrench into it.

4 By pretty much copying what comes
5 from 3353(b) out of NBIC, which I can assure you
6 the NBIC would have no problem with you doing
7 that, I think that would cover everything, and
8 then it's the responsibility for the jurisdictions
9 to then find the appropriate references.

10 Make sense?

11 CHAIRMAN MORELOCK: Makes
12 sense.

13 So with that said, I need a motion.
14 I mean, do we make a motion to work with the
15 Boiler Unit to develop?

16 MR. LASHLEY: Are we motioning
17 to edit the inquiry?

18 CHAIRMAN MORELOCK: Yes. What
19 we would do is work with the Boiler Unit to
20 develop what you're working on right now.

21 MR. HENRY: Develop the
22 appropriate wording?

23 CHAIRMAN MORELOCK: Yes.

24 MR. HENRY: Support the
25 principal of the action?

1 CHAIRMAN MORELOCK: Yeah.

2 MR. BAUGHMAN: So not
3 necessarily to vote the approval of the NRTLs, but
4 to develop the verbiage --

5 CHAIRMAN MORELOCK: Yes.

6 MR. BAUGHMAN: -- to move
7 forward.

8 CHAIRMAN MORELOCK: Yes.

9 MR. BAUGHMAN: To then
10 approve --

11 CHAIRMAN MORELOCK: Yes.

12 MR. BAUGHMAN: -- going
13 forward.

14 CHAIRMAN MORELOCK: Yes.

15 MR. BAUGHMAN: Okay.

16 MR. BAILEY: As a Board Case.

17 CHAIRMAN MORELOCK: What?

18 MR. BAILEY: As a Board Case.

19 CHAIRMAN MORELOCK: As a Board
20 Case.

21 MR. HENRY: So moved.

22 MR. LASHLEY: I'll second.

23 CHAIRMAN MORELOCK: Okay.

24 MR. TOTH: Mr. Chairman, are
25 you voting on the actual Board Case right now?

1 CHAIRMAN MORELOCK: No.

2 MR. TOTH: No. Okay. I'm
3 sorry. I got kind of lost.

4 CHAIRMAN MORELOCK: We're just
5 going to develop the Board Case.

6 MR. TOTH: Excuse me?

7 CHAIRMAN MORELOCK: We're going
8 to develop the Board Case.

9 MR. TOTH: Thank you. Okay.

10 CHAIRMAN MORELOCK: But we're
11 not going to do that here.

12 MR. TOTH: And then that would
13 not be approved until March?

14 CHAIRMAN MORELOCK: Yes.

15 MR. TOTH: Okay. You can't do
16 letter ballots or anything like that?

17 MR. BAILEY: It's got to be a
18 public meeting.

19 MR. TOTH: Public?

20 CHAIRMAN MORELOCK: Yes.

21 MR. TOTH: Okay. I tried.
22 Sorry.

23 CHAIRMAN MORELOCK: So yeah.

24 MR. BAILEY: March is just
25 around the corner.

1 CHAIRMAN MORELOCK: So that's
2 what we've got as a proposal. Do I have a second?

3 MR. LASHLEY: I second.

4 CHAIRMAN MORELOCK: Okay. I've
5 got a second.

6 Any more discussion?

7 MR. O'GUIN: Chairman, are
8 y'all thinking about rewording this one, or are
9 we...

10 CHAIRMAN MORELOCK: We'll work
11 with you on that.

12 MR. O'GUIN: And the presenter?

13 CHAIRMAN MORELOCK: Are you
14 okay with that?

15 MR. MOLISKI: Yes.

16 MR. O'GUIN: Do we want to try
17 to reword it today, or do we want to -- what's the
18 plan?

19 CHAIRMAN MORELOCK: Do you
20 think we could take a 15-minute break and get that
21 put together?

22 MR. O'GUIN: I personally don't
23 think it's going to be too time-consuming if we
24 just move some of this around and make it an
25 inquiry instead of a statement of need.

1 CHAIRMAN MORELOCK: Okay.

2 Okay.

3 MR. O'GUIN: It just look likes
4 some of the verbiage is backwards as far as where
5 it should be.

6 CHAIRMAN MORELOCK: So let's
7 take a 15-minute break and put that together, and
8 we'll reconvene and present it and see if we can
9 vote it.

10 MR. O'GUIN: I think that would
11 be good. They flew down here twice to try to pass
12 this, so if we could work to try to get some
13 clarity, that would be good.

14 CHAIRMAN MORELOCK: So are you
15 agreeable with us to do that?

16 MR. MOLISKI: Sure. Yes.
17 Thank you.

18 CHAIRMAN MORELOCK: Okay. All
19 right. Let's take 15 minutes, and we'll reconvene
20 at noon and have a proposal that we can vote on.

21 (Recess observed.)

22 CHAIRMAN MORELOCK: We are
23 ready for Chief O'Guin to read the proposed
24 inquiry.

25 MR. O'GUIN: Thank you,

1 Chairman.

2 The inquiry verbiage I have is,
3 "Intertek is requesting a ruling by the Tennessee
4 Board of Boiler Rules to revise the existing
5 Tennessee Boiler Rule 0800-03-03-.03, paragraph 3,
6 Construction Standards, to allow for other OSHA
7 nationally recognized testing laboratories for
8 electrically fired boilers."

9 The reply would be, "Yes, the Board
10 of Boiler Rules will recognize OSHA nationally
11 recognized testing laboratories."

12 CHAIRMAN MORELOCK: Do I have a
13 motion?

14 MR. LASHLEY: I motion.

15 CHAIRMAN MORELOCK: Micah has
16 got a motion.

17 MR. BAUGHMAN: Second.

18 CHAIRMAN MORELOCK: Okay. Any
19 more discussion?

20 MR. HENRY: Yeah.

21 Chief O'Guin, on -- and maybe I'm
22 totally influenced by the code that should be on
23 the inquiries. To keep the inquiry as general as
24 possible, shouldn't it just be, will we, the
25 Tennessee Boiler Board, allow the use of -- and

1 then use the verbiage that you've got in regard to
2 OSHA-approved organizations. I don't think we
3 need all that information in the -- not on that
4 first sentence there? It's not relevant.

5 MR. O'GUIN: Mr. Henry, are you
6 referring to where I have "Intertek is requesting
7 a ruling by the Tennessee Board of Boiler Rules"?

8 MR. HENRY: Yes.

9 MR. O'GUIN: Okay.

10 MR. HENRY: I think just keep
11 the inquiry simple. Does the Tennessee Boiler
12 Board, or whatever the appropriate organization
13 is, will they allow the use of OSHA-approved
14 organizations to perform the defined functions?

15 And the response is, then, yes, with
16 the other verbiage you had after that.

17 MR. O'GUIN: Okay. The only
18 thing I feel is we need to keep the construction
19 standard code in there so people will know what
20 we're referencing back to, you know, as far as
21 anyone looking at this Board Case and trying to
22 know what we're referencing in the rules.

23 So do you just want to take "Intertek
24 is requesting" off and...

25 CHAIRMAN MORELOCK: Well, what

1 is the Board members' pleasure?

2 MR. BAILEY: Mr. Chairman, I
3 think it needs to be in there for the fact that we
4 will know historically who made, you know, the
5 request or the inquiry.

6 CHAIRMAN MORELOCK: Okay.

7 MR. HENRY: Won't that be in
8 the statement of need?

9 MR. BAILEY: What's that?

10 MR. HENRY: Won't that be in
11 the statement of need?

12 MR. BAILEY: I don't know. Is
13 it?

14 MR. HENRY: I think that's
15 where it belongs, not in the inquiry.

16 MR. BAILEY: Wherever it's at,
17 I mean, I just think we need to -- there should be
18 a historical basis as to why we even talked about
19 it, you know.

20 CHAIRMAN MORELOCK: Right.

21 MR. BAILEY: Whether it's in
22 the inquiry or a statement, however. That's all.

23 CHAIRMAN MORELOCK: So we'll
24 have the inquiry, the response, and then have a
25 statement of need underneath that.

1 Does that satisfy you?

2 MR. HENRY: Yes.

3 CHAIRMAN MORELOCK: Okay. And
4 does that satisfy you, Mr. Bailey?

5 MR. BAILEY: Yes.

6 CHAIRMAN MORELOCK: Okay. The
7 words are there. We've just got to get them in
8 the right order.

9 MR. BAILEY: Right.

10 MR. O'GUIN: Tell me the
11 verbiage you want.

12 CHAIRMAN MORELOCK: It -- you
13 should have it.

14 MR. TOTH: Mr. Chairman?

15 MR. O'GUIN: So we're striking
16 "Intertek is requesting a ruling"?

17 CHAIRMAN MORELOCK: Yes.

18 MR. TOTH: Can --

19 CHAIRMAN MORELOCK: Yes,
20 Mr. Toth.

21 MR. TOTH: Do you mind -- Chief
22 Inspector, do you mind rereading what you put as
23 your inquiry and your response, just --

24 MR. O'GUIN: What I had as my
25 inquiry was, I took their statement of need and

1 said, "Intertek is requesting a ruling by the
2 Tennessee Board of Boiler Rules to revise the
3 existing Tennessee Boiler Rule 0800-03-03-.03,
4 paragraph 3, to allow for other OSHA nationally
5 recognized testing laboratories on electrically
6 fired boilers." That was the inquiry.

7 Reply, "Yes, the Board of Boiler
8 Rules will recognize OSHA nationally recognized
9 testing laboratories."

10 MR. TOTH: If I can give just a
11 slight recommendation, if you don't mind.

12 And I see where Mr. Henry is coming
13 from, because when we go through interpretations
14 or requirements within NBIC -- and that's what we
15 really follow -- is, yes, whoever submits the
16 question, we can get some background of it, but to
17 keep the question as simple and straightforward as
18 possible and give the answer -- if we can answer
19 it with a "yes" or "no" and that be it, that's
20 probably the best case.

21 So as Mr. Henry is alluding to, what
22 is the sole purpose of this? The sole purpose of
23 this is to allow for nationally recognized
24 standards. So if we take that verbiage directly
25 from 3353(b), where they talk about nationally

1 stated that you're going to have this recognizing
2 just the electric-type/style heaters. What about
3 any other effort to -- sorry. Mike O'Connor, Sr.,
4 Mo's Mechanical Company.

5 I heard you reading off about the
6 electric-style heaters, but what about any other
7 parts or apparatuses, any other type of equipment?
8 Are you opening the door for any company to do any
9 of this stuff for any of our boilers, whether it
10 be a gas or anything?

11 How would that play down the road for
12 anybody who wanted to change a part? Like you had
13 said, do you go out with your company and you look
14 at how they're supposed to design and build it?
15 You come back a few months later and you check it
16 and they decide, "This relay is cheaper. We're
17 going to use this one," and now you get to shut
18 the assembly line plant down.

19 Do you -- do ETL laboratories, do you
20 build those parts and things that they would
21 change and you could start implementing those
22 parts instead of UL-listed parts? Is that what
23 you're asking for or just electric boilers,
24 basically?

25 MR. MOLISKI: I think maybe

1 we're confusing a couple of things. No. We don't
2 supply any kind of parts or anything like that.
3 And the proposal is to only accept OSHA nationally
4 recognized testing laboratories.

5 MR. O'CONNOR: Right.

6 MR. MOLISKI: Okay. So that
7 prohibits any other organization that's not on
8 that list from OSHA.

9 MR. O'CONNOR: I understand.
10 But what I'm saying is if your laboratory tests
11 say the relay that energizes the gas valve, but
12 you also test this water heater, the boilers that
13 you're wanting to implement, is this starting with
14 that list that you --

15 MR. MOLISKI: Oh, then you
16 could -- you could -- maybe you don't need to make
17 a reference to the specific product. Just say
18 that -- to allow OSHA nationally recognized
19 testing laboratories, period.

20 MR. O'CONNOR: Right. So if
21 you had a different product other than that you
22 wanted to utilize in the state of Tennessee on
23 another piece of equipment, you want your company
24 and every company on that list to be able to
25 supply that part.

1 MR. MOLISKI: Right. If it's
2 not -- yeah. If it's gas, electric, or diesel,
3 whatever. It doesn't have to be electric. Right.
4 Yeah.

5 MR. BAUGHMAN: And I appreciate
6 that. One of the things we get looking into is
7 the rebuilt parts in the marketplace in this day
8 and age and how, when they're rebuilt, if they're
9 not rebuilt by the original equipment
10 manufacturer, they can really lose their listing.

11 MR. MOLISKI: Yeah.

12 MR. BAUGHMAN: And by our codes
13 and CSD-1, part of the control safety devices and
14 ASME, we're required to have the original
15 equipment manufacturer rebuild them if they're
16 going to uphold that same testing.

17 When we get talking about the
18 electrical, if I'm not mistaken, UL is only
19 addressed on the electric boilers in our code, and
20 we don't even address UL or NRTL on the gas or oil
21 side. So it would be specific just on the
22 electrical within this particular conversation.

23 MR. O'GUIN: If we want to base
24 it more to a question, how would y'all feel about
25 whether Tennessee Board of Boiler Rules recognize

1 OSHA nationally recognized testing laboratories
2 for electrically fired boilers, and then the reply
3 could just be a basic "yes" answer.

4 MR. MOLISKI: Can we just take
5 the word "electrical" out and just say boilers?

6 MR. O'GUIN: No.

7 MS. XIXIS: This is Tia Xixis,
8 Chief of Staff for the Tennessee Department of
9 Labor.

10 I think this is something that we
11 need to do, possibly, and bring back at the next
12 meeting because this is a lot of back and forth.

13 Dan, as the attorney, I don't know
14 your thought process on that, but we do need to
15 write this out and work some more because I think
16 we have a lot of different thoughts and ideas.

17 And I do agree with Mr. Baughman's
18 thought process, that it is specific, but we're
19 looking at multiple different things today because
20 it will affect future items, possibly, that we may
21 have to make some adjustments to the rules. And
22 these are all different processes that we may want
23 to work towards this resolution and bring it back
24 for a future vote.

25 MR. BAILEY: Well, the purpose

1 of taking the 15-minute break, I thought, was to
2 get the wording worked out, and apparently it
3 didn't happen.

4 But the particular rule that's being
5 referenced here only references electric boilers.

6 MR. MOLISKI: Oh, okay.

7 MR. BAILEY: It doesn't
8 reference anything else.

9 MR. MOLISKI: Keep it electric,
10 then. Yeah. We're so close, you know. Yeah.

11 MR. BAILEY: But I think the
12 idea was that, you know, we -- there was pretty
13 much general agreement and that -- so why not get
14 it done today.

15 And as far as using anything other
16 than UL anywhere else in the rules, as
17 Mr. Baughman said, I don't think it's referenced
18 anywhere else.

19 But this particular rule that we're
20 referencing says, "Electrically heated boilers
21 subject to the ASME code requirement shall bear
22 the," quote/unquote, "underwriter's laboratory
23 label in addition to the required ASME
24 certification mark and certification designator.
25 This means that the boiler shall be supplied by

1 the manufacturer as a complete unit and not
2 converted in the field."

3 That's the rule of reference. That's
4 the rule we're talking about. So this would only
5 apply to electrically heated boilers. And if
6 somewhere down the road this issue comes up with
7 some other -- other than electrically heated
8 boilers, bring it back to the Board and see if we
9 can work it out.

10 That's my thought process on it, but
11 if you-all think you want to bump it, that's fine
12 with me.

13 MR. HENRY: Chief O'Guin, what
14 you just said, I think, is pretty close.

15 MR. BAILEY: I think wording is
16 pretty close. I mean, it just needs to be
17 confined to the rule that was brought before us.
18 Like I said, I thought that's why we took a break,
19 to work it out. But it's whatever the Board's
20 pleasure is.

21 MR. BAUGHMAN: Chief, would you
22 go over that wording one more time just for our
23 clarification, please?

24 MR. O'GUIN: Do you want the
25 last verbiage where it's more of a question and a

1 basic reply?

2 MR. BAUGHMAN: Yes, sir. Thank
3 you.

4 MR. O'GUIN: Okay. The last
5 verbiage we just read was, "Will the Tennessee
6 Board of Boiler Rules recognize OSHA nationally
7 recognized laboratories for electrically fired
8 boilers?"

9 MR. MOLISKI: Testing
10 laboratories, yeah. NRTL, yeah.

11 MR. LASHLEY: I think we still
12 need to reference the rule.

13 So "Will the Tennessee Board of
14 Boiler Rules revise the existing Tennessee Boiler
15 Rule, Construction Standards, to align with the
16 NBIC, allowing NRTLs?"

17 I know that's very condensed.

18 MR. O'GUIN: Let me be sure
19 I've got this right since I'm going to be the one
20 writing it.

21 "Will the Tennessee Board of Boiler
22 Rules" --

23 MR. LASHLEY: Revise.

24 MR. O'GUIN: -- "revise the
25 existing Tennessee Boiler Rule 0800-03-03-.03,

1 paragraph 3, Construction Standards, to allow for
2 other OSHA nationally recognized testing
3 laboratories for electrically fired boilers?"

4 MR. TOTH: I'm sorry. You're
5 not voting to revise the rule.

6 MR. BAILEY: Right.

7 MR. TOTH: You're doing a Board
8 Case that is in addition to the rule. The
9 revising of the rule is going to be later on when
10 you guys open up legislation. And then that is
11 when you add into it. So you're doing a Board
12 Case, not revising the rule.

13 MR. BAILEY: That's correct. I
14 have the same thing. It's an interpretation.
15 Will we interpret that rule to allow for
16 OSHA-approved testing laboratories other than UL?

17 MR. TOTH: That's all you have
18 to say.

19 MR. LASHLEY: So strike
20 "revise" and add "interpret."

21 MR. BAILEY: Yeah.

22 MR. O'GUIN: Say that again.

23 MS. XIXIS: I'm in agreement.

24 MR. LASHLEY: Strike "revise,"
25 and change that to "interpret."

1 MR. HENRY: Mr. Chairman, do we
2 do letter ballots?

3 CHAIRMAN MORELOCK: No, we do
4 not.

5 MR. O'GUIN: So "Will the
6 Tennessee Board of Boiler Rules interpret the
7 existing Tennessee Boiler Rule 0800-03-03-.03,
8 paragraph 3, Construction Standards, to allow for
9 other OSHA nationally recognized testing
10 laboratories for electrically fired boilers?"

11 MR. LASHLEY: Motion.

12 CHAIRMAN MORELOCK: Okay. I've
13 got a motion. Do I have a second?

14 MR. HENRY: Second.

15 CHAIRMAN MORELOCK: I've got a
16 second.

17 Last call for comments.

18 (No verbal response.)

19 CHAIRMAN MORELOCK: Hearing
20 none, I'm going to call the question.

21 All in favor say "aye."

22 (Affirmative Response.)

23 CHAIRMAN MORELOCK: Opposed,
24 abstentions, not voting?

25 (No verbal response.)

1 CHAIRMAN MORELOCK: It passed.

2 MR. MOLISKI: Thank you very
3 much. I'm just interested in what the next step
4 is. Somebody said something about legislature or
5 something. Is there a next step?

6 CHAIRMAN MORELOCK: That's in
7 the future.

8 MR. MOLISKI: Oh, okay.

9 CHAIRMAN MORELOCK: So right
10 now we've got an approved --

11 MR. MOLISKI: Okay. Great.

12 MR. O'GUIN: From today going
13 forward, I mean, it's already approved. So, you
14 know, ETL will be accepted in the state of
15 Tennessee. So...

16 MS. XIXIS: And I'll add -- Tia
17 Xixis, Chief of Staff for the Department of
18 Labor -- legislation falls under my field, and
19 that's one of the things here we have to go back
20 with the administration, all the processes.

21 You know, that's one thing Dan, as
22 the attorney, would move forward with the Board in
23 the future, that it has to go through tons of
24 hurdles and approval steps, that we can't just
25 make that change with the governor. And so

1 that's -- for us, it's three different processes.
2 And I don't believe it requires legislative
3 change. It would only be a change to the rules.

4 And then also here, what we just
5 did -- you guys did a great job of wrapping that
6 up real quick; I like that -- is that it is
7 specific to the request on hand about the case.
8 And so thank you.

9 MR. BAILEY: Yeah. There will
10 be no legislative change. But I would say you
11 don't go revising your rules just for this one
12 change. Wait until you have several of them,
13 because that is a big-time process.

14 CHAIRMAN MORELOCK: Yes, it is.
15 The last time we did that it was 2016.

16 MR. MOLISKI: Thank you,
17 everyone, for all the time, extra time you spent
18 on this, and thank you for allowing me to appear
19 again. It was great. Thank you.

20 MR. BAUGHMAN: Thank you for
21 your diligence.

22 CHAIRMAN MORELOCK: Okay. That
23 takes us to Item 2 on Rule Cases and
24 Interpretations, BC 22-04, Clearance Requirements
25 for Wall Mounted Tankless Boilers.

1 MR. O'GUIN: Would you like me
2 to read that, Chairman?

3 CHAIRMAN MORELOCK: Absolutely.

4 MR. O'GUIN: Board Case
5 BC 22-04, Clearance Requirements for Wall Mounted
6 Tankless Boilers.

7 Statement of need: The staff of the
8 Tennessee Boiler Unit is requesting a ruling by
9 the Tennessee Board of Boiler Rules to allow
10 tankless hot water supply boilers of wall-mounted,
11 stacked, and modular design to be exempt from the
12 installation clearance requirements of
13 Rule 0800-03-03-.08, paragraph (4)(a).

14 Background: With advances in
15 technology and design, the boiler industry has
16 seen hot water supply boilers coming into the
17 market. They are mounted on walls. These
18 low-pressure boilers have either been labeled
19 and/or listed by a nationally registered testing
20 agency. In the case of those boilers, 200,000 BTU
21 per hour and greater or those boilers with
22 combined 200,000 BTU per hour and greater, the
23 boiler is required to be stamped ASME and
24 registered with the National Board.

25 Inquiry: Is it required for a

1 low-pressure hot water supply boiler to be
2 designed and installed as a wall-mounted unit to
3 adhere to the minimum clearance of at least
4 1 1/2 feet? Clearance requirements set forth in
5 Rule 0800-03-03-.08, paragraph (4)(a), of the
6 Tennessee Boiler Rules and Regulations, except for
7 the wall-mounted side set forth in
8 Rule 0800-03-03-.08, BC 06-23.

9 It is in the opinion of the Tennessee
10 Board of Boiler Rules that the tankless wall- or
11 rack-mounted low-pressure hot water supply boilers
12 that are designed accordingly may be exempt from
13 the clearance requirements of Rule 0800-03-03-.08,
14 paragraph (4)(a), as follows:

15 1, Wall- and rack-mounted tankless
16 boilers. This installation will include the
17 phrase "per manufacturer recommendations" for
18 clearance.

19 Paragraph 2, The boiler nameplate
20 and, where applicable, code stamping is in view or
21 as stated in Rule 0800-03-03-.03.

22 Paragraph 23, The following shall be
23 legible to the unaided eye: manufacturer name or
24 certified agency input, rating, BTU per hour,
25 maximum reliable working pressure, manufacturer

1 serial number or NBIC code number, and year of
2 manufacture.

3 The boiler safety relief device shall
4 be accessible by the inspector. The operation and
5 testing lever shall not be obstructed by the
6 installation of another unit or mounting surfaces
7 or piping. The relief device shall be visible to
8 the unaided eye and have the following information
9 available: Size, set pressure, manufacturer, code
10 stamping, and BTU per hour.

11 The installer should indicate if the
12 boiler is wall mounted on a permit application
13 submitted for permission to install to ensure
14 manufacturer recommendations have been utilized at
15 minimum.

16 Boilers that exceed 400,000 BTU are
17 required 36-inch clearance as per 0800-03-03-.08,
18 paragraph (4)(a).

19 Paragraph 6, the Chief Inspector or
20 his designee has the discretion to require more
21 clearance, if needed, for inspection purposes.

22 CHAIRMAN MORELOCK: Do I have a
23 motion to discuss?

24 MR. BAUGHMAN: So moved.

25 MR. LASHLEY: Second.

1 CHAIRMAN MORELOCK: All right.
2 What questions/comments does the Board have on
3 this case?

4 MR. HENRY: Mr. Chairman?

5 CHAIRMAN MORELOCK: Yes,
6 Mr. Henry.

7 MR. HENRY: Chief O'Guin, just
8 a couple things on the wording on this. On the
9 inquiry, is it required for a low-pressure hot
10 water supply boiler -- shouldn't that be "that is
11 designed and installed as a wall-mounted unit to
12 adhere"?

13 MR. O'GUIN: I believe you're
14 right. I believe you're right, Mr. Henry.

15 MR. HENRY: And then on that
16 same inquiry, down where it says, "Clearance
17 requirements set forth in Rule 0800-03-03-.08,
18 paragraph (4)(a) of the Tennessee Board of Boiler
19 Rules."

20 And then I think that clause after
21 that, "Except for the wall-mounted side," that
22 shouldn't be independent. I think that should be
23 a comma and "except for the wall-mounted side set
24 forth in Rule" so forth, with a question mark
25 after that.

1 MR. O'GUIN: Noted.

2 MR. HENRY: And then in the
3 reply in subparagraph 1, it says, "This
4 installation will include the phrase," and then
5 "per manufacturer recommendations for clearance"
6 should be in quotations.

7 MR. O'GUIN: Noted.

8 MR. HENRY: Other than that, it
9 looks great.

10 MR. O'GUIN: Thank you, sir.

11 CHAIRMAN MORELOCK: Any other
12 questions or comments?

13 MR. BAUGHMAN: On Number 5,
14 Boilers exceed the 400,000 BTUs are required
15 36-inch clearance. So we're keeping that in
16 there.

17 And so we've got multiple units. And
18 so what we're looking at is not a single unit, but
19 combined BTUs if they're not individually isolated
20 and they're operating as a modular type of system.
21 So if that's being the case and we hit that
22 400,000 threshold, then they would each need to
23 have that 3-foot clearance.

24 Is that what I'm understanding?

25 MR. O'GUIN: Yes.

1 MR. BAUGHMAN: Okay. And at
2 that point also, they would need -- even though
3 they may individually be, let's say, a 1-, a 150-,
4 or a 200,000 BTU unit, once they hit that 400,000,
5 would they be required to meet an ASME CSD-1 also?

6 MR. O'GUIN: At 200,000 you
7 have to meet the ASME.

8 MR. BAUGHMAN: But in
9 particular, CSD-1, the control safety devices.

10 MR. O'GUIN: Yes.

11 MR. BAUGHMAN: Okay. This is
12 for boilers and not on the water heater side, but
13 if they were being utilized as hot water boilers
14 and not hot water supply, i.e., domestic type of
15 hot water application.

16 MR. O'GUIN: Right.

17 MR. HENRY: Following up from
18 Mr. Baughman's comment, should the wording there
19 be changed to reflect the -- what's in the
20 background information so boilers that exceed
21 400,000 BTU per hour for boilers with combined
22 400,000 BTU per hour or greater?

23 So that Mr. Baughman's point is
24 there's no possibility for misinterpretation.

25 MR. O'GUIN: Say that again,

1 Mr. Henry. We're on the Background paragraph,
2 correct?

3 MR. HENRY: Yes, Background
4 paragraph. You make some distinction as to not
5 only a single unit of 200,000 BTU or higher, but
6 the combined units with 200,000 BTU or higher are
7 required to meet that specification.

8 And shouldn't we have similar wording
9 down for the 400,000 BTU option?

10 MR. O'GUIN: Not for that
11 specific item there because that's specifically
12 talking about the ASME and the National Board,
13 which starts at 200,000 BTU per hour.

14 MR. HENRY: I know but you are
15 intending, based on your reply, Mr. O'Guin, that
16 you do want it to apply not just to single units
17 but to multiple units that are combined and
18 operating in one unit, if I understood you
19 correctly.

20 MR. O'GUIN: Yes. If they're
21 combined BTUs, 200,000 BTU or greater, then it
22 shall be stamped with the ASME code symbol and
23 registered with the National Board.

24 MR. HENRY: Don't you mean the
25 same thing, then, in 5, that you want -- if there

1 are multiple units operating as a single unit, you
2 want them to have 36-inch clearance requirement?

3 MR. O'GUIN: I'm not following
4 the question, Mr. Henry.

5 MR. HENRY: Dave, if I
6 understood your question, you wanted to clarify
7 that it's not just a single unit, but that you
8 have multiple units operating as a single unit,
9 that they would be required to have a 36-inch
10 clearance.

11 MR. BAUGHMAN: Yes, Mr. Henry.
12 It would be that combined input of 400,000 or
13 greater would need to meet that clearance
14 requirement.

15 MR. HENRY: Right. And so all
16 I'm suggesting --

17 MR. O'GUIN: So what you're
18 saying is, Number 5 shall read "combined." Is
19 that what you're getting at?

20 MR. HENRY: Yes. Right.

21 MR. O'GUIN: Okay. I
22 understand what you're saying now.

23 Would you note that as "boilers with
24 combined output exceeding 400,000 BTU per hour"?

25 MR. BAUGHMAN: I would not

1 clarify it as output. Actually, I believe it
2 starts at input.

3 MR. O'GUIN: It does.

4 MR. LASHLEY: Now, are we
5 getting into heating boilers as well with that?

6 MR. O'GUIN: Well, this inquiry
7 here is specific to hot water supply boilers.

8 MR. LASHLEY: Correct. I know
9 heating boilers was mentioned a few minutes ago.
10 I just wanted to make sure that we weren't going
11 down the wrong path.

12 MR. BAUGHMAN: What he's
13 looking for was making sure that in our wording,
14 that there's no confusion on what's a boiler
15 versus a water heater, and in our glossary of
16 terms, making sure that everything matched up.

17 Hot water supply boilers could be
18 misinterpreted as a boiler and not so much a water
19 heater. So I don't know what our glossary of
20 terms, how that specifies water heater versus --

21 MR. LASHLEY: It would be hot
22 water heating versus hot water supply.

23 MR. TOTH: The code defines
24 both.

25 MR. BAUGHMAN: I'm sorry.

1 Again?

2 MR. TOTH: The code defines
3 both. Or the rule, I'm sorry, defines both.

4 MR. BAUGHMAN: Yes. And I just
5 wanted to make sure our wording matched up to
6 avert any confusion.

7 Does that make sense, Chief?

8 MR. O'GUIN: Yes, sir.

9 The definition in 0800 for a hot
10 water supply boiler means "a boiler completely
11 filled with water that furnishes hot water to be
12 used externally to itself at pressures not
13 exceeding 160 psig or a temperature of 250 degrees
14 at or near the boiler outlet."

15 And it goes on to state, "See ASME
16 Code, Section IV, HG-101.1(b) and paragraph (c)."

17 MR. BAUGHMAN: What is the
18 definition for a hot water heater, if you don't
19 mind?

20 MR. O'GUIN: Well, a potable
21 water heater, including an instantaneous water
22 heater, means a heater supplying potable water for
23 commercial purposes in which the pressure does not
24 exceed 160 psig and the temperature does not
25 exceed 210 degrees. See ASME Code, Section IV,

1 Part HLW Introduction.

2 MR. BAUGHMAN: So if I'm not
3 mistaken, what we're talking about in this
4 BC 22-04 is related to water heaters, potable
5 water heaters, and not so much the hot water
6 supply boilers, correct?

7 MR. O'GUIN: You are correct.

8 MR. BAUGHMAN: Okay. So we
9 need to change that wording if we're talking about
10 in particular -- well, there's a separation.
11 We've got code requirements for the water heaters
12 or non-jurisdiction versus the boilers and having
13 some differences between those, if I'm not
14 mistaken. I believe that's correct.

15 MR. O'GUIN: Looking on my
16 phone is a little challenging.

17 MR. BAILEY: Mr. Chairman.

18 CHAIRMAN MORELOCK: Yes.

19 MR. BAILEY: If I could ask
20 Chief O'Guin.

21 Are you familiar with Board
22 Case 06-23?

23 MR. O'GUIN: Yes. I referenced
24 it in one of my paragraphs.

25 MR. BAILEY: And how is this

1 different than that?

2 MR. O'GUIN: Because 06-23
3 still requires 18 inch of clearance all the way
4 around the vessel.

5 MR. BAILEY: Okay.

6 MR. O'GUIN: This Board Case
7 here is allowing for manufacturer clearance on the
8 sides.

9 MR. BAILEY: Okay. All right.

10 MR. O'GUIN: Yes.

11 MR. BAILEY: Okay.

12 MR. O'GUIN: I think with the
13 inquiry, Mr. Baughman, I think with the inquiry,
14 specifically talking about wall-mounted units, I
15 think that's going to cover us for, you know, as
16 far as definitions go, because we're specific to a
17 wall-mounted unit for this specific Board Case.

18 MR. BAUGHMAN: Whether that be
19 water heater or boiler.

20 MR. O'GUIN: Well --

21 MR. BAUGHMAN: Since they
22 make -- I take it the manufacturer makes both,
23 possibly. I'm not familiar with the manufacturers
24 of these except for the water heaters, so I can't
25 speak for the boiler side.

1 MR. BAUGHMAN: -- the rest
2 but -- Mr. Henry?

3 MR. HENRY: I'm fine with that.

4 I assume you changed -- everywhere
5 the word "boiler" is, you changed it to "potable
6 water heater"?

7 MR. O'GUIN: I'll have to go
8 through there and do that, yes.

9 MR. BAUGHMAN: Thank you,
10 Chief.

11 CHAIRMAN MORELOCK: Any other
12 questions or comments?

13 (No verbal response.)

14 CHAIRMAN MORELOCK: Hearing
15 none, do I have a motion?

16 MR. LASHLEY: A motion.

17 CHAIRMAN MORELOCK: Second?

18 MR. HENRY: Second.

19 CHAIRMAN MORELOCK: Okay. Any
20 other comments, questions?

21 (No verbal response.)

22 CHAIRMAN MORELOCK: Hearing
23 none --

24 MR. SCAFE: Rohan Scafe with
25 Rinnai.

1 So the water heater can be installed
2 on a wall, and that same water heater can be
3 installed with a free-standing rack system. Will
4 this rule apply to free-standing rack systems as
5 well?

6 Each water heater will be
7 individually isolated on the rack system, the same
8 way as on the wall. So I just want to make sure
9 this rule does apply to both systems.

10 CHAIRMAN MORELOCK: Very good
11 question.

12 MR. O'GUIN: That was the
13 intention of the inquiry.

14 MR. HENRY: Does it apply to
15 both?

16 MR. O'GUIN: Yes, for a rack
17 system and -- they've been utilizing the rack
18 system in Tennessee for many, many years. They
19 currently require -- they have a Tennessee rack
20 system that has 18 inches between all vessels on
21 the rack and it basically just mimics a wall. I
22 mean, they have it where they can mount on either
23 side of the rack, so you might have one heater
24 here and another heater on the back side of it.

25 MR. HENRY: My only issue there

1 would be, should we then change the title to this
2 to include clearance requirements for wall-mounted
3 and rack-mounted tankless boiler or tankless
4 potable water heater, again, so there's no
5 misunderstanding?

6 MR. O'GUIN: Clearance
7 requirements for wall- or rack-mounted tankless
8 water heaters, potable water heaters?

9 MR. HENRY: Yes.

10 MR. LASHLEY: Should that be
11 changed throughout?

12 MR. O'GUIN: I'm changing
13 "boilers" throughout to "potable water heaters."

14 MR. LASHLEY: Should we change
15 it to "wall- or rack-mounted" throughout as well?

16 MR. O'GUIN: Yes. I will
17 change it in the -- I'm going to note it in the
18 inquiry as well.

19 MR. BAUGHMAN: So the gentleman
20 from Rinnai, when these units come as a
21 rack-mounted, do they come already premounted on
22 the rack?

23 MR. SCAFE: Yes, that is
24 correct.

25 MR. BAUGHMAN: Okay. I was

1 interested to know, so once they come in, if, in
2 fact, they should not pass the requirements for
3 whatever reason within the state, then they could
4 not get certified, not go through and pass the
5 inspection; that's correct?

6 I'm just not familiar. So as a
7 boiler guy, I don't get on that end of it.

8 The gentleman from Mo's Mechanical,
9 you probably have experience on some of these
10 units and service them and see some of the
11 possible ramifications of what we're working with
12 on here.

13 MR. O'GUIN: Before they can
14 utilize it, there's some things in the industry --
15 well, pretty much every instantaneous manufacturer
16 is going to have to change where the data plate is
17 because if they stick them up side by side, we
18 can't get to the data plate. And it plainly
19 states in this reply, you know, it has to be
20 available to the naked eye. So with that being
21 changed and -- then they can utilize it.

22 MR. SCAFE: Rohan Scafe with
23 Rinnai.

24 And that's something that, as a
25 manufacturer, we are 100 percent coming in to meet

1 the code requirement.

2 CHAIRMAN MORELOCK: Any other
3 comments, questions?

4 (No verbal response.)

5 CHAIRMAN MORELOCK: Hearing
6 none, do I have a motion?

7 MR. BAUGHMAN: So moved.

8 CHAIRMAN MORELOCK: Second?

9 MR. LASHLEY: Second.

10 CHAIRMAN MORELOCK: Second.
11 Any last comments, questions?

12 MR. HENRY: I'm assuming the
13 motion includes all the revisions.

14 CHAIRMAN MORELOCK: It does.
15 Yes, it does. It certainly does.

16 All right. I'm going to call the
17 question. All in favor say "aye."

18 (Affirmative response.)

19 CHAIRMAN MORELOCK: Opposed,
20 abstentions, not voting?

21 (No verbal response.)

22 CHAIRMAN MORELOCK: Passed.

23 All right. That takes us to open
24 discussion items. We have none.

25 The next item is the 2023 scheduled

1 meetings. The next meeting will be March 8, 2023,
2 then June 21st, September 13th, and December the
3 13th.

4 And the last item on our agenda is
5 adjournment. I assume that's going to be
6 unanimous.

7 Thank you-all for hanging with us. A
8 lot of good conversation. This is why we do this.
9 It can be tedious at times, but it's a good way to
10 get consensus. And it makes our laws and rules
11 better.

12 MR. BAUGHMAN: Good job by the
13 court reporter.

14 CHAIRMAN MORELOCK: Yes, as
15 always.

16 So you're officially adjourned.
17 Thank you.

18 END OF PROCEEDINGS.

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C E R T I F I C A T E

STATE OF TENNESSEE)

COUNTY OF WILLIAMSON)

I, Cassandra M. Beiling, a Notary Public
in the State of Tennessee, do hereby certify:

That the within is a true and accurate
transcript of the proceedings taken before the
Elevator and Amusement Device Safety Board and the
Chief Inspector or the Chief Inspector's Designee,
Tennessee Department of Labor and Workforce
Development, Division of Workplace Regulations and
Compliance, Elevator and Amusement Device Unit, on
the 19th day of January, 2023.

I further certify that I am not related to
any of the parties to this action, by blood or
marriage, and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 10th day of April, 2023.



A handwritten signature in blue ink, appearing to read "Cassandra M. Beiling".

Cassandra M. Beiling, LCR# 371
Notary Public State at Large
My commission expires: 3/10/2024