

1 STATE OF TENNESSEE  
2 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
3 BOARD OF BOILER RULES  
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8 QUARTERLY MEETING OF THE  
9 STATE OF TENNESSEE  
10 BOARD OF BOILER RULES

11 June 12, 2024  
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18 ORIGINAL  
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23 CASSANDRA M. BEILING, LCR# 371  
24 STONE & GEORGE COURT REPORTING  
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Suite 900 - PMB 234  
Franklin, Tennessee 37069  
615.268.1244

## 1 APPEARANCES:

2 David W. Baughman, Chairman/Board Member

3 Micah Lashley, Board Member

4 Riley Collins, Board Member

5 Jeffery Henry, Board Member

6 Thomas Herrod, Assistant Commissioner  
7 Tennessee Department of Labor & Workforce  
8 Development9 Melissa Owens, Esq., Legal Counsel  
10 Tennessee Department of Labor & Workforce  
11 Development12 Chance Deason, Esq., Legal Counsel  
13 Tennessee Department of Labor & Workforce  
14 Development15 Dewayne Scott, Deputy Commissioner  
16 Tennessee Department of Labor17 Justin Miller, Chief Boiler Inspector  
18 Tennessee Department of Labor19 Jimmy Watson, Assistant Chief Boiler Inspector  
20 Tennessee Department of Labor21 Tia Xixis, Chief of Staff  
22 Tennessee Department of Labor & Workforce  
23 Development24 Kenneth Nealy, Assistant Administrator  
25 Tennessee Department of LaborMia-Lyn Wiley, Boiler Board Secretary  
Tennessee Department of Labor

1 ADDITIONAL Appearances:

2 Marty Toth, ECS Consulting

3 James Neville, Neville Engineering

4 Todd Telfer, Amaero

5 Branden Matue, FM GLOBAL

6 Lionel Dunnivant, CCS

7 Stephen Heald, CCS

8 Kevin Squires, McKee Foods

9 Phillip Corvin, McKee Foods

10 Scott Baum, Chubb Insurance Co.

11 Joseph Ledford, MBI Companies, Inc.

12 Eugene Robinson, CIC

13 Debbie Simpson, Central Square

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STONE & GEORGE COURT REPORTING

15 Cassandra M. Beiling, LCR

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Stone & George Court Reporting

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## A G E N D A

1. Call Meeting to Order
2. Introductions and Announcements
3. Adoption of the Agenda
4. Approval of the Meeting Minutes and Transcript for March 13, 2024
5. Boiler Unit Report
6. Old Business - None
7. New Business
  - A. Variance Requests:
    - \*24-02 McKee Foods: 9 Miura boilers
    - \*24-03 McKee Foods: 2 Miura Boilers
  - B. Tennessee Special Request:
    - \*24-04 Amaero International Limited
8. Board Cases and Interpretations
  - \*BC24.01 Transition to JRS for Inspection Reporting by all AIA's and adoption of NBIC Forms NB-6 and NB-7
9. Open Discussion Items
  - \*Should the State of TN enforce requirements for boiler operator training and licensing similar to what is required by Shelby County?
  - \*What is the time frame for a company to pass an initial inspection of an approved variance request before it is no longer valid?
10. Upcoming 202 Scheduled Quarterly Meetings
  - September 11, 2024
  - December 11, 2024
11. Adjournment

\*\* Reporter's Note: All names are spelled phonetically unless otherwise provided to the Reporter by the parties.

1                                   \* \* \* \* \*

2                                   CHAIRMAN BAUGHMAN:  It's 9:00,  
3 and welcome to the quarterly Board of Boiler Rules  
4 meeting.  At this time, I'll call the meeting to  
5 order.

6                                   It's good to see everybody here.  I'm  
7 thankful that everyone's here.  There's quite a  
8 few familiar faces in the room and I always like  
9 to be able to see those folks, but I like meeting  
10 new brothers and sisters also along the way.

11                                  With that, just to let you know,  
12 there are agendas that are in the back of the  
13 room.  If you haven't gotten any, please pick you  
14 one up.  There's a sign-in sheet, and there's also  
15 a sheet for public comment.

16                                  Mr. Deason, would you comment on our  
17 sign-in -- well, not only the sign-in, but the  
18 procedure for our public comment?

19                                  MR. DEASON:  Yes, sir.

20                                  Good morning, everybody.  So we  
21 ask -- it's a new departmental policy that if  
22 you're going to make -- wish to speak to an issue,  
23 we'd like to limit the comments to items on the  
24 agenda which are going to be called to a vote, not  
25 just something in general.

1                   So if you have a desire to make a  
2 comment to the Board on an issue that's on the  
3 agenda, we ask that you sign up. There's a  
4 sign-up sheet in the back. List your name and  
5 whatever else we -- I can't remember everything it  
6 asks for on it, not much. But just sign up for  
7 that, then we'll know you wish to make a comment.  
8 And you'll be presented with the opportunity to do  
9 that before the Board votes on the agenda item.  
10 So they'll have the benefit of your input before  
11 they take a vote.

12                   And we ask that you limit your  
13 comments, no more than three to five minutes, if  
14 you can. If not, the Chair can consider allowing  
15 additional time, but it's up to the Chairman of  
16 the Board.

17                   Thanks.

18                   CHAIRMAN BAUGHMAN: Thank you,  
19 Mr. Deason.

20                   And just to clarify too, the public  
21 comments are directed towards actionable items; is  
22 that correct?

23                   MR. DEASON: If there's going to  
24 be a vote.

25                   CHAIRMAN BAUGHMAN: If there's

1 going to be a vote. Okay.

2 MS. OWENS: And if you are  
3 presenting an item, you are not limited to  
4 three minutes and you are not required to sign up  
5 initially, only if you're speaking in support or  
6 opposition of the actionable item.

7 MR. DEASON: Thank you for that.

8 She's correct. If you're the one  
9 bringing it before the Board, that doesn't apply  
10 to you.

11 CHAIRMAN BAUGHMAN: Does anybody  
12 have any questions on that?

13 (No verbal response.)

14 CHAIRMAN BAUGHMAN: Okay. Very  
15 good. Thank you.

16 As a matter of protocol, just make  
17 sure your phones are silenced. Thank you.

18 And at this time, I'll ask the Board  
19 Secretary, do we have a quorum?

20 MS. WILEY: Yes, Chairman, we  
21 have a quorum.

22 CHAIRMAN BAUGHMAN: So we have a  
23 quorum. Very good. Thank you.

24 Also, in case of an emergency of any  
25 kind that we might have, weather, anything that's

1 related, security staff will direct us on where to  
2 be able to go calmly, in order, so forth, as far  
3 as exiting the building.

4 So with that being said, we'll start  
5 with introductions of both the staff here and  
6 those that are out in the audience.

7 Melissa, we'll start with you and  
8 come around.

9 MS. OWENS: Melissa Owens,  
10 Deputy General Counsel.

11 MR. DEASON: Chance Deason,  
12 General Counsel.

13 MS. WILEY: Mia-Lyn Wiley, Board  
14 Secretary.

15 MR. HENRY: Jeff Henry, board  
16 member.

17 MR. BAUGHMAN: Dave Baughman,  
18 board member.

19 MR. COLLINS: Riley Collins,  
20 board member.

21 MR. LASHLEY: Micah Lashley,  
22 board member.

23 MR. SCOTT: Dewayne Scott,  
24 Deputy Commissioner.

25 MR. HERROD: Tom Herrod,



1 Assistant Commissioner.

2 MR. WATSON: Jimmy Watson,  
3 Assistant Boiler Inspector.

4 MR. MILLER: Justin Miller,  
5 Chief Boiler Inspector.

6 MR. ROBINSON: Eugene Robinson,  
7 CIC Insurance Company.

8 MR. MATUE: Branden Matue,  
9 Boiler Inspector, FM Global.

10 MR. NEALY: Kenneth Nealy,  
11 Assistant Administrator, WRC.

12 MS. SIMPSON: Debbie Simpson,  
13 Product Manager for Jurisdiction Online.

14 MS. XIXIS: Tia Xixis, Chief of  
15 Staff, Department of Labor.

16 MR. BAUM: Scott Baum, Chubb  
17 Insurance.

18 MR. NEVILLE: James Neville,  
19 Neville Engineering.

20 MR. TOTH: Marty --

21 MR. LEDFORD: Joe --

22 MR. TOTH: Sorry.

23 Marty Toth, ECS Consulting and the  
24 Boisco Training Group.

25 MR. LEDFORD: Joe Ledford, MBI

1 Companies.

2 MR. TELFER: Todd Telfer,  
3 Amaero.

4 CHAIRMAN BAUGHMAN: Very good.  
5 I'm sorry.

6 MR. DUNNAVANT: Lional Dunnivant  
7 with Combustion & Control Solutions.

8 MR. CORVIN: Phillip Corvin,  
9 McKee Foods.

10 MR. SQUIRES: Kevin Squires,  
11 McKee Foods.

12 MR. HEALD: Stephen Heald,  
13 Combustion & Control Solutions.

14 CHAIRMAN BAUGHMAN: Very good.  
15 Excellent. It's good to have some Little Debbie  
16 representatives in our midst. Great group. It's  
17 good to be able to see everybody.

18 So are there any other announcements  
19 to be made?

20 I have none. Anybody?

21 (No verbal response.)

22 CHAIRMAN BAUGHMAN: So with  
23 that, we'll move on to the adoption of the agenda.  
24 Everybody has the agenda. Look over it.

25 All right. Do we have a motion to

1 approve the agenda?

2 MR. LASHLEY: I motion.

3 CHAIRMAN BAUGHMAN: Second?

4 MR. HENRY: Mr. Chairman?

5 CHAIRMAN BAUGHMAN: Yes. I'm  
6 sorry. Go ahead.

7 MR. HENRY: This is the full  
8 agenda?

9 CHAIRMAN BAUGHMAN: Oh, my gosh.  
10 I would really have a conversation with the Board  
11 Secretary.

12 Mia-Lyn, thank you.

13 Mr. Henry, now that we've got the  
14 complete agenda for review, we had a motion to  
15 adopt the agenda.

16 MR. LASHLEY: Both sides.

17 CHAIRMAN BAUGHMAN: Both sides  
18 of the agenda. Thank you.

19 Do we have a second?

20 MR. HENRY: Second.

21 CHAIRMAN BAUGHMAN: All in  
22 favor, say "aye."

23 (Affirmative response.)

24 CHAIRMAN BAUGHMAN: Opposed?

25 (No verbal response.)

1 CHAIRMAN BAUGHMAN: We have an  
2 approved agenda.

3 So moving on to the approval of the  
4 meeting minutes and transcript for the March 13th  
5 meeting. Does anybody have anything to address on  
6 that?

7 MR. HENRY: Move acceptance of  
8 the minutes.

9 CHAIRMAN BAUGHMAN: Well, I've  
10 got something to look at. Item Number 11, as we  
11 were going through the -- I guess it's Item  
12 Number 11. But where it was on introductions, it  
13 came down to Melissa Owens, Chance Deason, but it  
14 has Mr. Edwards, Chip Edwards, board member. And  
15 just want to make that correction that Chip Edwards  
16 was not a board member and it should have been Jeff  
17 Henry as board member.

18 I don't know why you introduced  
19 yourself as Chip Edwards, but --

20 MR. HENRY: It's my alias.

21 CHAIRMAN BAUGHMAN: So that was  
22 the only correction that I saw to the minutes.

23 Anybody else?

24 (No verbal response.)

25 CHAIRMAN BAUGHMAN: Good?

1 Motion to approve?

2 MR. HENRY: So moved.

3 CHAIRMAN BAUGHMAN: Second?

4 MR. LASHLEY: Second.

5 CHAIRMAN BAUGHMAN: All in  
6 favor, say "aye."

7 (Affirmative response.)

8 CHAIRMAN BAUGHMAN: Against?

9 (No verbal response.)

10 CHAIRMAN BAUGHMAN: We've got  
11 approval of the March 13th, 2024 meeting minutes.

12 Moving on to Item Number 5, the  
13 Boiler Unit Report.

14 MR. HERROD: Mr. Chairman, I'm  
15 going to start off with talking about the  
16 inspections and then have the assistant chief and  
17 chief come up -- I'm going to let them come up now,  
18 and then I'll talk about the variances.

19 Just quickly, over the years, we've  
20 averaged about 15,000 inspections for the State  
21 devices that are assigned to the State. This year  
22 we're slightly behind that phase, but we're very  
23 close to that. And we've had a lot of staff  
24 changes and a lot of vacant positions, but we were  
25 able to make up lost ground on the last quarter of

1 the year. So the annualized rate looks like it's  
2 going to be about 15,000 this year.

3           Going to the next slide, Mia-Lyn.

4           The non-State or the AIA inspections,  
5 typically they do about -- anywhere from 25-,  
6 28,000 inspections a year. This year it looks  
7 like they're going to be around 26, just over 26.  
8 And so the combined inspections are going to be,  
9 for the year, a little over 40,000, about 41,000  
10 for the year, which is what we've been averaging  
11 over the past several years.

12           So we do have a -- I have to say, we  
13 do have a high delinquency rate. We show the next  
14 slide for the state and where those delinquencies  
15 are. Those areas were vacant positions that have  
16 now been filled in just the last -- actually, the  
17 last day. We had two Boiler 1 Inspectors pass the  
18 exam, got the word on that. So they'll be taking  
19 positions in the east and middle. And so those  
20 you'll see -- we expect those numbers, obviously,  
21 to come down with their being in the -- doing the  
22 inspections as a Boiler 2.

23           Also, we did -- we have a new Chief,  
24 Justin Miller, who was just in the last few  
25 months, back in last November, has become Chief.

1 And Jimmy Watson, who was an apprentice and then  
2 moved straight up to Assistant Chief, which was  
3 quite an accomplishment for everyone, and he's  
4 done an outstanding job along with Justin, and --  
5 so they're in place.

6 And we will have only one vacant  
7 position after all this is said and done, along  
8 with four apprentices that are in training. And  
9 it takes about a year for these apprentices to go  
10 through the -- to be -- through any course and  
11 then take the exam and pass. So we're hoping that  
12 all of them will be successful. We've got them  
13 with really good inspectors, Jimmy and -- to give  
14 them test questions to go along, so they're doing  
15 very well.

16 MR. LASHLEY: Where is this  
17 vacant position?

18 MR. HERROD: The vacant position  
19 will be in -- let me see here. Will be in Middle  
20 Tennessee, I believe. Yeah, where it is right now.

21 So to take care of those  
22 delinquencies in Middle Tennessee, we're taking  
23 what we call blitz teams from West Tennessee over  
24 once a month and catch up on inspections. We're  
25 mobilized to do that. Okay? So we're coming

1 down, and we'll get them down and get that audit  
2 finding off our books forever. Okay?

3 Yes.

4 MR. HENRY: Mr. Herrod, when you  
5 look at the total number of State and non-State  
6 inspections plus the total number of delinquencies,  
7 does that add up to the total number of units that  
8 require inspection for a given time period?

9 MR. HERROD: Yes, sir. We  
10 look -- well, it will, yes, sir. Exactly.

11 MR. HENRY: Okay.

12 MR. HERROD: With the  
13 76,000 devices that are currently registered with  
14 the State, the insurance companies have about  
15 70 percent of those and the State has 30 percent. I  
16 would have to say that even the insurance companies,  
17 they're around 3 percent delinquency. And with ours  
18 being around 8 percent now, we, of course, are doing  
19 everything we can to bite that elephant up, take  
20 little chunks out of it all the time. So we're  
21 moving down slowly, but we will be taking it down  
22 around 1 percent a month, is what our goal is.  
23 Okay?

24 MR. HENRY: Okay. Thank you.

25 MR. HERROD: Yes, sir.



1                   CHAIRMAN BAUGHMAN:  So it's  
2 heading in a very positive direction.

3                   MR. HERROD:  It is.  And we're  
4 going to keep it going that way.  Yes, sir.

5                   I'll have the Chief and Assistant  
6 Chief speak to the variances.

7                   MR. WATSON:  Good morning,  
8 everyone.  My name is Jimmy Watson, Assistant Chief.

9                   And on our variances, right now we  
10 have 87 current active variances.  We have  
11 performed 21 variances this quarter.  Seventeen of  
12 those passed.  Four of them actually have failed.

13                   We can go to the next slide.

14                   Let's see.  The failed ones, we had  
15 Carry Transit.  They actually -- we're going to  
16 get them to come back before the Board again.

17                   We have UPM Pharma.  They passed the  
18 second inspection we actually went out on.

19                   Tennova LaFollette, we are in the  
20 process of getting them to fix a damaged boiler,  
21 and then we'll go back out for another inspection.

22                   And Sumner Regional Medical is the  
23 other one that failed, and they passed the second  
24 inspection.

25                   Next slide.

1                   And these are the ones that passed.  
2 We have BASF-Polymer, BASF-Amnicola Highway,  
3 Duracell, Nuclear Fuel Services, Royal Canin,  
4 UPM Pharma, Honest Origin, and Johnson Matthey.  
5 They passed this year.

6                   And let's see here. The upcoming  
7 ones, the Maury Regional Medical, I got an email  
8 this morning. They actually passed. So that was  
9 updated just this morning right before the  
10 meeting.

11                   And we've got TriStar Southern Hills  
12 coming up and Sofix Corp in Chattanooga coming up  
13 for reinspect.

14                   Next slide.

15                   MR. MILLER: Justin Miller,  
16 Chief Boiler Inspector.

17                   The State citations is 883. We  
18 cleared 537 violations, and there's currently 346  
19 open violations as of right now. Non-State  
20 violations, they cited 800. They cleared 260, and  
21 there's -- open is 540 sitting violations right  
22 now.

23                   CHAIRMAN BAUGHMAN: Question for  
24 you guys. So I'm going back to the variances that  
25 pass and fail.

1 MR. MILLER: Uh-huh. Yes, sir.

2 CHAIRMAN BAUGHMAN: Right there.  
3 So 4 failed, 17 passed, 21 performed. So that's a  
4 pretty -- if we look at it from a percentage  
5 standpoint, that's a fairly high percentage. I know  
6 Tennova was in here before and we had --

7 MR. MILLER: That was a  
8 different Tennova location.

9 CHAIRMAN BAUGHMAN: That's a  
10 different one. Okay. So I know we had a thinning  
11 of the bottom handhole or something on that, but I  
12 thought the rear door was part of that same --

13 MR. MILLER: Oh, yeah, that was  
14 it.

15 CHAIRMAN BAUGHMAN: Okay.

16 MR. MILLER: That was the one we  
17 discussed last time.

18 CHAIRMAN BAUGHMAN: So did the  
19 thinning get --

20 MR. MILLER: They have not done  
21 anything to the boiler yet.

22 CHAIRMAN BAUGHMAN: Okay. So  
23 not only do we have the back door to repair, but the  
24 thinning of that area around the handhole, also.

25 MR. MILLER: Uh-huh.

1 CHAIRMAN BAUGHMAN: Okay. Just  
2 wanted to know for my end of it. Okay.

3 MR. LASHLEY: I have one more  
4 question as far as the failed inspections. With the  
5 next slide, it shows that two of those have passed.  
6 So is it -- are we looking at 19 and 2?

7 MR. WATSON: That would be 19  
8 and 2 for actually pass. Just made a slide for the  
9 ones that actually had a fail on them.

10 MR. LASHLEY: Okay. Thank you.

11 MR. WATSON: Yes, sir.

12 CHAIRMAN BAUGHMAN: Go ahead,  
13 Mr. Henry.

14 MR. HENRY: Quick question. The  
15 boiler in which you found the problem, the bolt with  
16 the door, the thinning, has that been red-tagged?

17 MR. MILLER: Yes, it has been,  
18 and locked out, tagged out too so they can't  
19 operate.

20 MR. HENRY: Okay. Thank you.

21 CHAIRMAN BAUGHMAN: I see Carry  
22 up there and they're going to be reapplying.

23 MR. WATSON: Yes, sir.

24 CHAIRMAN BAUGHMAN: But it's  
25 also got other issues, so I didn't know how that was

1 going to be addressed, i.e., clearance, so forth.

2 MR. MILLER: My suggestion would  
3 be bring the boiler room up to code.

4 CHAIRMAN BAUGHMAN: Okay.  
5 Appreciate that input. That's one of the things  
6 that -- you know, discussing, as we've got variances  
7 that come before the Board, we're not here to  
8 determine whether the installation is proper or not,  
9 but sometimes things are very blatant in that we  
10 know the installation doesn't meet the requirements  
11 for the State of Tennessee on the installation, and  
12 yet we're being asked, as the Board, to pass an  
13 operations variance. So some of that can be open  
14 for discussion down the road, but Carry was one of  
15 those.

16 All right. Good report.

17 Anybody got any questions?

18 MR. LASHLEY: No, sir.

19 CHAIRMAN BAUGHMAN: All right.

20 Thank you for that, both --

21 MR. MILLER: Thank you.

22 MR. WATSON: Thank you-all.

23 CHAIRMAN BAUGHMAN: --

24 Mr. Herrod, Mr. Miller, Mr. Watson.

25 All right. Number 6, Old Business.

1 Have we got any old business?

2 (No verbal response.)

3 CHAIRMAN BAUGHMAN: Hearing  
4 none, moves us on to New Business, Item 7.

5 So that will bring us to Item 24-02,  
6 McKee Foods seeking an attendance variance  
7 approval for renewal to operate its nine Miura  
8 boilers.

9 And if representatives would come to  
10 the podium. And as you're there, introduce  
11 yourselves, if you would, for the record.

12 MR. DUNNAVANT: Lional  
13 Dunnavant. I'm with Combustion & Control Solutions.  
14 We service and do maintenance at the plants and put  
15 together the maintenance and various programs for  
16 them.

17 MR. SQUIRES: Kevin Squires,  
18 McKee Foods. I'm a systems engineer working on the  
19 boilers, working with Lional on the variances.

20 CHAIRMAN BAUGHMAN: Very good.  
21 If you would, make your presentation.

22 MR. DUNNAVANT: The renewal is  
23 basically -- everything is unchanged from the  
24 previous variance approval. This is a renewal for  
25 nine boilers in Plant 2, Plant 5, and the ODMRC

1 facility. Everything is in operation as it was when  
2 the original variance was applied for, and training  
3 will continue as things change or as different  
4 situations come up with personnel changes.

5 CHAIRMAN BAUGHMAN: So I need to  
6 have a motion -- first of all, let me ask if there's  
7 a conflict of interest on this item.

8 (No verbal response.)

9 CHAIRMAN BAUGHMAN: Hearing  
10 none, do we have a motion to discuss?

11 MR. HENRY: So moved.

12 CHAIRMAN BAUGHMAN: Second?

13 MR. LASHLEY: Yes.

14 CHAIRMAN BAUGHMAN: So, fellas,  
15 what kind of questions have we got for Lionel and  
16 Kevin?

17 MR. COLLINS: I'll ask a few.  
18 I'll start.

19 MR. DUNNAVANT: Yes, sir.

20 MR. COLLINS: I know it's  
21 indicated on sort of the checklist for there to be a  
22 revision page, and I guess with this being kind of  
23 an updated renewal, am I assuming that, like, the  
24 revision page isn't needed because it's a brand new  
25 renewal?

1 MR. DUNNAVANT: Nothing has  
2 changed.

3 MR. COLLINS: Okay.

4 MR. DUNNAVANT: Nothing's  
5 changed -- on these nine particular boilers, nothing  
6 has changed at all.

7 MR. COLLINS: Okay.

8 MR. DUNNAVANT: It's still the  
9 same.

10 MR. COLLINS: Since the last --

11 MR. DUNNAVANT: The procedures  
12 are the same, yes.

13 MR. COLLINS: Okay. No  
14 personnel changes? No updates too?

15 MR. DUNNAVANT: There were  
16 personnel changes.

17 MR. COLLINS: Okay.

18 MR. DUNNAVANT: But that was  
19 the -- actually, the main two people, which was  
20 addressed in the cover letter.

21 MR. COLLINS: Okay. Just in the  
22 future, if you could put that revision page on there  
23 and just indicate that as a line item, that, you  
24 know, on this page --

25 MR. DUNNAVANT: Okay.



1 MR. COLLINS: -- personnel  
2 changes were made or updates too.

3 MR. DUNNAVANT: Would you like  
4 us to add it to this one as well?

5 MR. COLLINS: That would be  
6 great, yeah. Yeah.

7 CHAIRMAN BAUGHMAN: Lionel, let  
8 me ask you in the meantime while our brothers are  
9 thinking. The last variance renewal that I saw and  
10 was also indicated in the manual was July of 2013;  
11 is that correct?

12 MR. DUNNAVANT: I think '19.

13 CHAIRMAN BAUGHMAN: Okay. I  
14 don't know where I read 2013, but at 2019 was the  
15 last. I appreciate that.

16 MR. DUNNAVANT: 2013 may have  
17 been the original request for it.

18 MR. LASHLEY: July of '13, it  
19 was granted.

20 CHAIRMAN BAUGHMAN: July of '13  
21 was the original? Thank you --

22 MR. LASHLEY: Yes, sir.

23 CHAIRMAN BAUGHMAN: -- Micah.

24 So '19 was the last revision. And  
25 nothing has changed since then.

1                   I did not go back to the minutes,  
2 which I wish I had, to look at some of these items  
3 in particular. But the boilers that are here,  
4 both for Plant 5 and the ODMRC, these boilers all  
5 have RM7800 programmers?

6                   MR. DUNNAVANT: Yes.

7                   CHAIRMAN BAUGHMAN: Okay. All  
8 of them?

9                   MR. DUNNAVANT: Just the -- I'm  
10 not sure about the OMRDC. Hang on a second. I  
11 don't remember that one. I know the ones in Plant 5  
12 are the 7800s. They're the older style Miura  
13 boilers. I don't remember what's in the...

14                  CHAIRMAN BAUGHMAN: Well, the  
15 manual states that all the boilers have them.

16                  MR. DUNNAVANT: I think it does.  
17 I haven't actually worked on that one, so I don't  
18 personally -- I can't personally tell you yes, it  
19 does, but I can only go by what I was given here.

20                  CHAIRMAN BAUGHMAN: I got you.  
21 Your company, Combustion & Control Solutions,  
22 represents this line of boilers.

23                  MR. DUNNAVANT: Yes.

24                  CHAIRMAN BAUGHMAN: It's a  
25 Reimers electric. And the electric boiler typically

1 won't have a --

2 MR. DUNNAVANT: It won't have a  
3 7800 if it's electric.

4 CHAIRMAN BAUGHMAN: Correct. So  
5 what I'm getting at is the manual states all the  
6 boilers have this Honeywell RM7800, but that's not a  
7 true statement because the electric boiler does not.

8 MR. DUNNAVANT: It's got a  
9 sequencer. I'll correct that in here.

10 CHAIRMAN BAUGHMAN: Okay. And  
11 so then my question leads to, because the RM7800s  
12 are enunciating back to the Allen-Bradley  
13 CompactLogic PLC through the Modbus, how is the  
14 Reimers, then, not having a Honeywell 7800, a  
15 Modbus, how is it enunciating back to the  
16 Allen-Bradley PLC?

17 MR. DUNNAVANT: It's with an  
18 alarm contact closure.

19 CHAIRMAN BAUGHMAN: Alarm  
20 contact closure, and what is that alarm hooked up  
21 to?

22 MR. DUNNAVANT: Low water.

23 CHAIRMAN BAUGHMAN: Low water  
24 only?

25 MR. DUNNAVANT: That, I'm not

1 100 percent sure of. They've made modifications on  
2 that over the years, but low water does trigger the  
3 alarm, as well as high pressure. But I don't know  
4 if it's -- I don't think it has the capability to  
5 see anything else because it's such a simple system.

6 CHAIRMAN BAUGHMAN: Okay. I  
7 didn't know if any of the -- being the fuel source  
8 is electric, if it enunciates back if there's a trip  
9 on the contactors, so forth.

10 MR. DUNNAVANT: Not that I'm  
11 aware of, but I can verify if it does. I'll have to  
12 go physically look at it.

13 CHAIRMAN BAUGHMAN: So what  
14 we've got is low water enunciated is a primary or  
15 secondary?

16 MR. DUNNAVANT: Secondary.

17 CHAIRMAN BAUGHMAN: Secondary  
18 low water, which, I assume, is a manual reset?

19 MR. DUNNAVANT: Yes.

20 CHAIRMAN BAUGHMAN: Okay. Same  
21 thing with the high limit?

22 MR. DUNNAVANT: Yes.

23 CHAIRMAN BAUGHMAN: Okay. And  
24 that enunciates back to the Allen-Bradley PLC?

25 MR. DUNNAVANT: As far as I

1 know, it does. I'll have to check. I really can't  
2 say.

3 CHAIRMAN BAUGHMAN: Okay.

4 MR. DUNNAVANT: I have not  
5 physically -- I've not physically performed that  
6 test.

7 CHAIRMAN BAUGHMAN: Okay. In  
8 the same boiler room in the ODMRC, there's one more  
9 boiler that's not in the manual, because it's listed  
10 as a 4.5-horsepower Columbia. I'll be interested to  
11 know the model number of that Columbia. I saw the  
12 burner and I know what the burner input is capable  
13 of, but we don't have the actual model number of  
14 that Columbia to verify that it's a 4.5.

15 MR. DUNNAVANT: To verify its  
16 actual capacity?

17 CHAIRMAN BAUGHMAN: That's  
18 correct.

19 MR. DUNNAVANT: Okay.

20 CHAIRMAN BAUGHMAN: And the  
21 concern I've got is that both the electric and the  
22 Columbia both tie into the same common steam header,  
23 and so the discussion of that is, because there's a  
24 commonality in them both going in at this header,  
25 and then out of the header they distribute the steam

1 out to the system separately, but they're both  
2 commonly going into that header, does that, then,  
3 affect the operation of that Columbia since it's  
4 common to that steam system? Albeit it's not part  
5 of the variance, it is a high-pressure Section 1  
6 boiler.

7                   So that was part of the discussion  
8 that I wanted to bounce around between my  
9 colleagues to get their input in on that.

10                   MR. DUNNAVANT: What is the --  
11 I'm going to have to find out the pressure rating.  
12 I would have a conflict with that if what I suspect  
13 may be happening, especially if the Columbia is a  
14 higher pressure-rated boiler than the Reimers. If  
15 they're coming into a common header, it seems they  
16 would be regulated, but I don't know that without  
17 putting eyes on it.

18                   CHAIRMAN BAUGHMAN: Well, and  
19 you can see my thought process with it of -- and  
20 that's why I wanted to go back to the minutes, to  
21 see how we addressed that back in 2019 when it  
22 came -- if it came back up for a renewal at that  
23 time.

24                   Typically, when it comes up for  
25 renewal, unless there's been any hardware changes

1 or process changes, then it doesn't necessarily  
2 come back for a vote. Sometimes it just goes to  
3 the Boiler Unit itself and on through.

4 But this is one that needs to be at  
5 least thought of and put into the process. Albeit  
6 it's passed before, it's a question that's come up  
7 now.

8 MR. DUNNAVANT: I've got copies  
9 of the last meeting. I'll look through that, and I  
10 can respond to you and let you know what has changed  
11 and what is the same now.

12 CHAIRMAN BAUGHMAN: Very good.

13 MR. DUNNAVANT: And I can verify  
14 the other information as well.

15 CHAIRMAN BAUGHMAN: Well, and I  
16 bring that up too because we're looking at this as a  
17 group bundle, passing everything in this. And  
18 albeit the Miuras may stand alone and be fine,  
19 whereas ODMRC may need some further evaluation  
20 before we actually pass it or not.

21 MR. DUNNAVANT: Okay.

22 CHAIRMAN BAUGHMAN: Just for  
23 whatever, food for thought. But I want to make sure  
24 that I talked about that since we were bundling this  
25 together.

1                   And I was interested to know where  
2 the e-stops were located in regards to ODMRC. And  
3 being that the Columbia boiler is in close  
4 proximity, does the e-stop shut both boilers off  
5 when actuated?

6                   MR. DUNNAVANT: Do you know  
7 that?

8                   MR. SQUIRES: I'm not sure.

9                   MR. DUNNAVANT: I don't know  
10 that one.

11                   CHAIRMAN BAUGHMAN: Okay.

12                   MR. DUNNAVANT: I would have to  
13 verify.

14                   CHAIRMAN BAUGHMAN: And then  
15 where that e-stop would actually be tied in at to  
16 accomplish an emergency stop, if needed.

17                   So with those questions laid out,  
18 I'll give my breath a rest and open it up for my  
19 colleagues.

20                   MR. COLLINS: I was going to ask  
21 a question on, as far as providing -- for the  
22 controllers providing unauthorized access to those  
23 via maybe a password protected, I know on page B-2,  
24 it indicates -- it does indicate, "Password  
25 protected to prevent unauthorized access," but the



1 top left heading says "Plant 5 and ODMRC."

2 And so I didn't know if -- I couldn't  
3 find anything on Plant 2 and those boilers as far  
4 as indicating -- you know, specifically calling  
5 out that there's, I guess, password protected on  
6 those controllers as well.

7 MR. DUNNAVANT: The boilers in  
8 Plant 2 are the newer Miura series. They're  
9 actually more protected than the older ones.

10 MR. COLLINS: Okay.

11 MR. DUNNAVANT: They require  
12 both a password and access to even get into it.  
13 It's very difficult to make any changes. And the  
14 flame -- as far as flame safeguard setting changes,  
15 as a distributor, we can't even get into that. It's  
16 burned in on EPROM. You can change some timings,  
17 but nothing to do with the flame safeguard control  
18 proper.

19 MR. COLLINS: Okay. And if that  
20 could be indicated somewhere, wherever that password  
21 protection or unauthorized access is located at on  
22 that Plant 2, so on page B-1, if that could be  
23 indicated where that's located at in those  
24 controls --

25 MR. DUNNAVANT: Okay.

1 MR. COLLINS: -- that would be  
2 good, just so it's called out exclusively.

3 And then I also had a question on  
4 page 7, on -- under Personnel Type, bullet  
5 point 2. I think it's like the second sentence.  
6 It says, "During periods when the plant is  
7 unoccupied."

8 "Unoccupied," does that mean -- are  
9 the boiler attendants, do they have three shifts,  
10 and then, of course, the security guards, are they  
11 on three shifts as well, or is there a period of  
12 time when the boiler attendants are not on-site?

13 MR. SQUIRES: So McKee operates  
14 six days a week. They don't operate all seven days.  
15 The entire facility is shut down on Saturday. And  
16 so typically, security is on-site for those times,  
17 but the boiler attendants are not going to be  
18 on-site --

19 MR. COLLINS: Okay.

20 MR. SQUIRES: -- for that  
21 Saturday.

22 MR. HENRY: Are the boilers  
23 operating during those periods?

24 MR. SQUIRES: We have them  
25 idling. Yes. We don't shut them down over the

1 weekend.

2 MR. HENRY: So in those cases,  
3 the security officers would basically be responsible  
4 for the boilers?

5 MR. SQUIRES: That's correct.

6 MR. DUNNAVANT: And they're also  
7 responsible for making the rounds and checking,  
8 checking every four hours.

9 MR. COLLINS: Okay.

10 MR. SQUIRES: Yes.

11 CHAIRMAN BAUGHMAN: So the  
12 question, then, beholds, how many security officers  
13 are manned in that station?

14 MR. SQUIRES: Two.

15 CHAIRMAN BAUGHMAN: Two. Okay.  
16 So one of them has to go and make a check during the  
17 four-hour requirements, and he serves as the boiler  
18 attendant, going and making those checks at that  
19 time.

20 So we're using a security officer,  
21 which I'm sure has a big, warm fuzzy on, going  
22 into the boiler room and checking the boilers and  
23 running those protocols of doing a test of the  
24 boiler, checking the communications, doing any of  
25 the low water protocols, what have you, on a very

1 sophisticated Miura boiler. As boiler men, that  
2 doesn't give us a warm fuzzy. As a security  
3 officer who is there for other duties but is being  
4 put into a position, I'm sure this is difficult.

5 I would love for a variance  
6 inspection, if at all possible, to be performed  
7 during that period of time over the weekends when  
8 boiler attendant personnel are not on-site, if  
9 that is ever an opportunity. Because while the  
10 boiler attendants are there, which are more  
11 qualified personnel by all extremes, security  
12 personnel being utilized as boiler attendants is a  
13 concerning matter.

14 So that being said, if there's an  
15 issue, then, where the boiler has to go back on  
16 the one-hour rule during that period of time,  
17 security officer, then, is acting as the boiler  
18 attendant, will sit with the boiler, which leaves  
19 one security officer in the remote station.  
20 Should there be an incident, a fire, an accident,  
21 anything that warrants a security officer having  
22 to leave that position, that leaves us kind of  
23 short-handed. And, you know, that's what we're  
24 here for, is to look at the what-ifs.

25 MR. DUNNAVANT: That's probably

1 not in here, but the way they're actually doing it,  
2 if it is an event above and beyond what the security  
3 guard is comfortable with, a technician or boiler  
4 personnel is called in on an emergency basis to come  
5 in, and we may be called as well, depending on what  
6 has happened.

7 CHAIRMAN BAUGHMAN: Okay.

8 MR. LASHLEY: Are these guards  
9 consistently assigned to the same guard station?

10 MR. SQUIRES: Yes.

11 MR. DUNNAVANT: Unless there's  
12 something going on with them personally or there's a  
13 change for some reason, mostly -- usually, they're  
14 the same people in the same guard shack.

15 MR. LASHLEY: So they're not  
16 rotating between --

17 MR. DUNNAVANT: No.

18 MR. LASHLEY: Okay.

19 MR. HENRY: As a clarification,  
20 the security officers are not given the same  
21 training as the boiler attendants; is that correct?

22 MR. DUNNAVANT: Not to the  
23 extent the boiler operators are trained. They're  
24 given the mere basic minimum of what they need to do  
25 as far as e-stopping, you know, to make a report.

1 So when they're on the rounds, they'll be treating  
2 it the same way. They'll e-stop it, and then  
3 they'll make the phone calls, as required.

4 MR. HENRY: I guess to follow  
5 up, and a concern of one of the other members too is  
6 that you don't necessarily know what you don't know.

7 MR. DUNNAVANT: Exactly.

8 MR. HENRY: And if you were in a  
9 situation where there were some kind of  
10 mal-operation with the boiler, would they always be  
11 in a situation where you would be comfortable that  
12 they would be able to identify that in a timely  
13 manner?

14 MR. DUNNAVANT: I can't answer  
15 that. I don't know what they would do in an  
16 emergency situation.

17 MR. HENRY: Okay.

18 MR. COLLINS: They would also go  
19 down the call list in an emergency situation, which  
20 would then pull personnel --

21 MR. DUNNAVANT: Correct.

22 MR. COLLINS: -- into the plant.

23 And then not to mention, before they clear --  
24 before an alarm is cleared, that it has to be  
25 investigated. And if they're -- if they're not

1 comfortable to investigate the alarm, they would  
2 wait until personnel that are qualified to come in  
3 and do that.

4 MR. HENRY: My concern is if  
5 they even know that there's an issue in a timely  
6 manner.

7 MR. COLLINS: Yeah.

8 CHAIRMAN BAUGHMAN: One of my  
9 concerns, both Lionel and Kevin, is how the security  
10 personnel tests the safeties of the boilers during  
11 those checks when they're coming in during that  
12 four-hour shift over that day that there are no  
13 other personnel there. And you just mentioned  
14 they're trained at the minimum, that is e-stops.

15 But it's the protocol in our manual  
16 to perform this test of the alarm circuit, the  
17 boiler water levels, and so forth. So how do we  
18 address that?

19 MR. DUNNAVANT: I will find out  
20 about that, how they're handling that. Right now, I  
21 don't really know. But at the minimum, they should  
22 be doing the morning low water check. But I can't  
23 answer that. I don't have knowledge of that right  
24 now.

25 CHAIRMAN BAUGHMAN: We mentioned

1 the automatic blowdown valves, and our recent board  
2 case addressed that. You addressed that back to us  
3 before, that those have been disabled?

4 MR. DUNNAVANT: Yes.

5 CHAIRMAN BAUGHMAN: Okay. How  
6 are we performing a bottom blowdown, then?

7 MR. DUNNAVANT: These blowers,  
8 when they have the automatic put in, it's actually  
9 in a bypass line dedicated to the automatic  
10 blowdown. It's like a T off of the main blowdown.  
11 So this automatic blowdown can be disabled  
12 electronically as well as through the programming,  
13 and it's a lockable ball valve on that section. The  
14 main line is still operational for your slow-opening  
15 and your fast-opening blowdown valve.

16 CHAIRMAN BAUGHMAN: Very good.  
17 Thank you.

18 MR. LASHLEY: Were those  
19 disabled at installation?

20 MR. DUNNAVANT: The newest one?  
21 I'm sorry. These were disabled, I think, in 2013  
22 when we applied for the original one. I don't know  
23 about installation because these are quite old.

24 MR. HENRY: If I can just get a  
25 clarification on page 6, talking about the emergency



1 duties, and this is where the -- the monitoring  
2 personnel, and it points out if there's an alarm,  
3 the remote controller will automatically shut down  
4 the unit.

5                   If you go down to 2, it says one of  
6 the responsibilities of the security officer is --  
7 a condition of the alarm, that they will shut down  
8 the alarmed boiler.

9                   MR. DUNNAVANT: That's correct.  
10 That's on the remote station. The remote station  
11 has a -- basically an indication of an alarm light.  
12 The flame safeguard at the proper boiler room  
13 facility has already shut the boiler down. He gets  
14 an acknowledgment, and then he e-stops the boiler so  
15 it cannot be restarted until it's been investigated.

16                   MR. HENRY: All right. Thank  
17 you.

18                   MR. COLLINS: And then also on  
19 that same page, the very first line, it says,  
20 "During a shift, if an alarm condition occurs." I  
21 mean, is there -- I guess my question is "during a  
22 shift," is that wording needed, or is there like  
23 some --

24                   MR. DUNNAVANT: It's not  
25 necessary.

1 MR. COLLINS: Okay. I was just  
2 curious if there were some other scenarios where  
3 it's -- you know, this is the protocol for during a  
4 shift, and something like you were indicating with  
5 the unoccupied hours --

6 MR. DUNNAVANT: Huh-uh.

7 MR. COLLINS: Okay. This is a  
8 different set of protocols. Okay. That cleared it  
9 up.

10 CHAIRMAN BAUGHMAN: So it's  
11 mentioned that there's a boiler water column test  
12 that's performed for low water level shutdown and  
13 alarm. I know there's a water column for the  
14 Reimers, electric and ODMRC, but what about on the  
15 Miuras?

16 MR. DUNNAVANT: They have a  
17 separate water column. It's basically -- it's  
18 probably 4 1/2 feet long. Off of the side it has  
19 your probes in it which controls your pumps as well  
20 as your low -- high water, low water, and secondary  
21 shutdowns.

22 CHAIRMAN BAUGHMAN: Do we have a  
23 gauge class on those?

24 MR. DUNNAVANT: No, they do not  
25 have a gauge class because they're considered steam

1 generators. That's a --

2 CHAIRMAN BAUGHMAN: So let's  
3 back up.

4 MR. DUNNAVANT: That's a Miura  
5 thing.

6 CHAIRMAN BAUGHMAN: So you just  
7 made the mention that these are not boilers.  
8 They're steam generators.

9 MR. DUNNAVANT: Uh-huh.

10 CHAIRMAN BAUGHMAN: So how does  
11 that affect even the variance since the variance is  
12 for boilers? And I know we've discussed this before  
13 at some point in time. How does this apply to steam  
14 generators, i.e., Claytons, Va-Powers, and now  
15 Miuras? How does that apply, then, or whether it's  
16 applicable to a steam generator versus a boiler?

17 MR. DUNNAVANT: I can't answer  
18 that. When I got into the variances, all of the  
19 Miuras were always classified as boilers, and other  
20 ones aren't. In my opinion, steam generators  
21 typically don't have a physical sight glass, where  
22 boilers require to. So I don't know where that fine  
23 line was drawn or who made that decision.

24 CHAIRMAN BAUGHMAN: Yes. And  
25 being a code requirement, I may ask for some public

1 comment on that.

2 Mr. Toth, have you signed in for  
3 public comment?

4 MR. TOTH: I signed in for --  
5 specifically for the discussions, not for this item.  
6 If I need to sign in for this item, I'll be -- I can  
7 do that, if necessary, but I have signed in.

8 MR. DEASON: Mr. Baughman,  
9 that's what's in your discretion.

10 CHAIRMAN BAUGHMAN: Very good.

11 MR. DEASON: You don't need to  
12 sign in for this one --

13 MR. TOTH: Okay.

14 MR. DEASON: -- if the Board  
15 Chair recognizes you.

16 MR. TOTH: Thank you.

17 CHAIRMAN BAUGHMAN: I do.

18 And, Mr. Toth, you bring expertise  
19 within that because you've been intimately  
20 involved in previous discussions and we bounced  
21 this around, but I'm interested in what -- because  
22 I don't have the code reference in front of us.  
23 There is a code reference, a boiler case, so  
24 forth, that applies, I believe, to steam  
25 generators versus power boilers.

1 MR. TOTH: A board case or a  
2 boiler case?

3 CHAIRMAN BAUGHMAN: That's a  
4 good question.

5 MR. TOTH: Are you saying a code  
6 case or a board case?

7 CHAIRMAN BAUGHMAN: Board case.

8 MR. TOTH: A board case. There  
9 is requirements for attendants for steam generators  
10 that produce steam versus hot water. The  
11 requirement is you have to have -- they follow the  
12 attendant rule. It's probably one of the first  
13 board cases that was documented.

14 CHAIRMAN BAUGHMAN: Okay.

15 MR. TOTH: So we can refer back  
16 to that. I don't have that number memorized right  
17 now, but we can definitely find that for you. But  
18 there is.

19 CHAIRMAN BAUGHMAN: Okay.

20 MR. TOTH: And a big part about  
21 it is -- and this has been a discussion you and I  
22 have had for decades, or at least a decade, that  
23 they are built to ASME Section 1 in those cases,  
24 where they are required to be considered a power  
25 boiler, which this rule applies to.

1                   CHAIRMAN BAUGHMAN: Thank you  
2 for that input, Mr. Toth.

3                   One of the things that came about in  
4 discussions before was the steam-disengaging part  
5 of the generator being separate from the generator  
6 itself. So in other words, you had the steam  
7 generator portion, but it then released its steam  
8 into a separate steam separator, steam-disengaging  
9 area. And I don't know the construction of the  
10 Miura enough to know if, in fact, that's part  
11 of --

12                   MR. DUNNAVANT: That's how  
13 they're built. They call it a separator, but that's  
14 how they're built.

15                   CHAIRMAN BAUGHMAN: Okay. So  
16 you've got the generator portion, but then the  
17 actual steam portion is separate as a steam  
18 accumulator --

19                   MR. DUNNAVANT: Yes.

20                   CHAIRMAN BAUGHMAN: -- released  
21 base separator, so forth.

22                   So at some point, we'll open it up  
23 for a future discussion on whether or not these  
24 steam generators fall under the requirements, but  
25 we'll take it as such, now --

1 MR. DUNNAVANT: Okay.

2 CHAIRMAN BAUGHMAN: -- that  
3 we're moving forward.

4 But I wanted to clarify that since  
5 you made the distinction between boiler and  
6 generator, and there is a distinction between  
7 those from a technical standpoint.

8 MR. DUNNAVANT: Okay.

9 CHAIRMAN BAUGHMAN: Thank you.

10 Mr. Toth?

11 MR. TOTH: Just for the record,  
12 Mr. Chairman, it's BC 9206, is the board case. And  
13 if you would like, I can actually read that.

14 CHAIRMAN BAUGHMAN: I would.  
15 Thank you.

16 MR. TOTH: They are mentioning  
17 steam generators and high-pressure fluid heaters and  
18 asking the Board for their opinion. And the opinion  
19 of the Board, that a high-pressure steam generator  
20 that operates over 15 psi is a power boiler;  
21 therefore, the attendant rules applies.

22 It is also the opinion of the Board  
23 that a high-temperature fluid heater such as a  
24 Clayton, in this case a Model DZ, is classified as  
25 a high-temperature hot water boiler and is not

1 subject to the requirements of the attendant rule.

2 CHAIRMAN BAUGHMAN: Thank you  
3 very much for looking that up and reading that,  
4 Mr. Toth. That helps clarify that quite a bit. I  
5 knew there was a board case. I just couldn't recall  
6 it. Thank you very much.

7 Being in these two boiler rooms  
8 within Plant 2, one e-stop kills each of the four  
9 boilers in each room? In other words, one e-stop  
10 kills -- I hate to say "kills." One e-stop shuts  
11 off four boilers?

12 MR. DUNNAVANT: To the best of  
13 my knowledge, yeah, it shuts them all down in  
14 Plant 2.

15 CHAIRMAN BAUGHMAN: Are you good  
16 with that too, Kevin?

17 MR. SQUIRES: Yes.

18 CHAIRMAN BAUGHMAN: Okay.

19 MR. DUNNAVANT: They're all in  
20 the same room, and there's -- I think there's two or  
21 three e-stops in that -- the way the doors are  
22 arranged.

23 CHAIRMAN BAUGHMAN: Very good.

24 And in the remote station -- which we  
25 don't have a picture of the panel to refer to. In



1 the remote station, does it separately identify  
2 each boiler, or how is that attended to? Because  
3 that e-stop has to be hard-wired back to the  
4 remote station, which in one case is 3,960 feet.  
5 In another case, it's 2,940 feet. Those all have  
6 to be hard-wired and cannot be through the  
7 computer or through the PLC.

8 MR. DUNNAVANT: The Plant 2, the  
9 old Plant 5, and the ORMC -- DC or whatever, those  
10 are actually radio, is how they transmit it because  
11 of the distances. They're not hard-wired.

12 CHAIRMAN BAUGHMAN: Okay.  
13 Albeit hard-wired is a requirement.

14 Okay. I appreciate that  
15 clarification.

16 I believe, in the checklist, it  
17 addresses whether those are hard-wired, and that  
18 would be Item Number 45, E-Stop Hardwired.

19 MR. DUNNAVANT: The e-stops are,  
20 but not to the remote station. Physical e-stops to  
21 the boilers in the boiler rooms are hard-wired.

22 CHAIRMAN BAUGHMAN: Okay. So  
23 presently they're communicated via radio. We've got  
24 a problem, we need to hit the e-stop --

25 MR. DUNNAVANT: Right.

1 CHAIRMAN BAUGHMAN: -- via radio  
2 communication.

3 MR. DUNNAVANT: Well, at that  
4 point, the way the flame safeguards work, the boiler  
5 is already down. That is what generates the signal  
6 to notify the guard. The boiler is already shut  
7 down. They're simply taking the third step to make  
8 it a three-step resettable alarm. When they hit  
9 their e-stop, they've opened the fire safety relay.

10 CHAIRMAN BAUGHMAN: Okay.

11 MR. LASHLEY: When they hit  
12 their e-stop in the guard --

13 MR. DUNNAVANT: Yes.

14 MR. LASHLEY: -- in the guard  
15 station?

16 MR. DUNNAVANT: Yes. In fact,  
17 when the --

18 MR. LASHLEY: They're not  
19 hardwired.

20 MR. DUNNAVANT: Right. They're  
21 not hard-wired. They get their signal remotely, but  
22 the boiler is already down.

23 CHAIRMAN BAUGHMAN: But if  
24 there's an incident in the boiler room that has  
25 not -- let's say that they're doing their four-hour

1 checks, and as you know, a gasket can blow, a pipe  
2 bursts, whatever the case may be. There's an  
3 incident in the boiler room. They go in, and it has  
4 not shut the boiler down itself. Then we're relying  
5 upon personnel at that point to hit an e-stop, which  
6 we think shuts all the boilers off, and then radio  
7 communication back to the remote station that --

8 MR. DUNNAVANT: There's an alarm  
9 present.

10 CHAIRMAN BAUGHMAN: Well, maybe  
11 not even an alarm, but that we've put the boilers  
12 into a condition or what have you. But we're  
13 totally dependent upon a human being radioing back  
14 to the remote station.

15 MR. DUNNAVANT: It's actually  
16 the radio -- it's a total -- separate radio  
17 communication, almost like a cellular network.

18 CHAIRMAN BAUGHMAN: Okay.

19 MR. DUNNAVANT: A pager signal  
20 is what it's communicating back and forth.

21 CHAIRMAN BAUGHMAN: Okay.

22 MR. DUNNAVANT: And that's  
23 simply transmitting the acknowledgment of an alarm  
24 or the -- or they can see the alarm. That's all  
25 they're doing.

1                   CHAIRMAN BAUGHMAN:   Okay.   And  
2 this is done over cellular?

3                   MR. DUNNAVANT:   It's not  
4 cellular.   It's an old radio system.   It's like a  
5 pager system.

6                   CHAIRMAN BAUGHMAN:   Pager  
7 system.   Okay.

8                   MR. DUNNAVANT:   I don't really  
9 know what the terminology of that system is.   It's  
10 changed over the years.

11                   CHAIRMAN BAUGHMAN:   I just know  
12 how many problems we've got with communications and  
13 signals and -- especially now with our cycle of  
14 solar flares going on and different things.   I'm not  
15 a fan of cellular or radio at this particular time.

16                   What I'm looking at is if somebody --  
17 so circling back on that, is there a protocol or  
18 is it -- and just remind me because I don't have  
19 it in front of me.   Is it within our manual  
20 describing that this radio or pager signal, pager  
21 system is being utilized, or are we being led to  
22 believe it's all through hard-wired e-stops?

23                   MR. DUNNAVANT:   I don't remember  
24 if I put that in there or not, honestly.   It's -- I  
25 don't remember how it was worded.

1 CHAIRMAN BAUGHMAN: Okay.

2 MR. LASHLEY: I just keep going  
3 back to the it's not hard-wired. And on the  
4 checklist, it kind of leads us to believe that it is  
5 hard-wired everywhere.

6 MR. DUNNAVANT: And I apologize  
7 for that. But looking at the question, I was  
8 assuming it asked specifically, are the e-stops  
9 hard-wired? The e-stops proper are hard-wired.

10 MR. LASHLEY: Right.

11 MR. DUNNAVANT: That's why I  
12 chose "yes."

13 MR. LASHLEY: But in 43, it  
14 says, "Do emergency e-stops shut down all boilers,  
15 local or remote"? And so that's --

16 MR. DUNNAVANT: Say that one  
17 again.

18 MR. LASHLEY: Do all emergency  
19 e-stops shut down all boilers, local or remote?

20 MR. DUNNAVANT: Or remote.  
21 Okay.

22 MR. LASHLEY: Kind of, you know,  
23 circling the remote into the -- are the e-stops, the  
24 remote e-stops, hard-wired?

25 MR. DUNNAVANT: I misinterpreted

1 that.

2 MR. LASHLEY: And that's the way  
3 I'm reading it. I could be misinterpreting it as  
4 well.

5 CHAIRMAN BAUGHMAN: I'll make  
6 just a note of Appendix E, page E-2. Might be just  
7 this day and age of my eyesight, but I can't really  
8 make heads or tails of a lot of that on there,  
9 Lionel.

10 MR. DUNNAVANT: Oh, yeah.

11 CHAIRMAN BAUGHMAN: I appreciate  
12 it being in there, but E-5 is somewhat of the same  
13 for me. If I'm going to get a diagram to look at, I  
14 want to be able to look at it.

15 I did look at E-6 with a magnifying  
16 glass because I knew the Reimers was in there and  
17 I knew the Columbia was in there. So I wanted to  
18 look at the steam distribution piping, and that's  
19 where I picked up that they were tied into the  
20 same header. So that's where that question came  
21 from earlier.

22 MR. DUNNAVANT: Okay.

23 CHAIRMAN BAUGHMAN: But it just  
24 makes it difficult when it's being brought up and  
25 presented.

1           So we've got the distances between  
2 the boilers in Plant 5, ODMRC and so forth,  
3 3,960 feet, 2,940 feet, so forth. And we're using  
4 a, quote/unquote, "pager type of system."

5           Is there any technical requirements  
6 for the distance of that system to be able to  
7 communicate? And the reason I brought that up was  
8 the Honeywells have a manufacturer's distance,  
9 maximum of 1,000. We know they can operate above  
10 that, but we go by, you know, looking at those  
11 technical requirements. 3,960 feet is a pretty  
12 good distance.

13           Is there any technical issues with  
14 that enunciation, i.e., anything at all that can  
15 keep that from operating properly?

16                   MR. DUNNAVANT: I think the  
17 range is actually a couple of miles with the system  
18 because it's basically a shortwave radio, but I do  
19 not know the specific distance.

20                   CHAIRMAN BAUGHMAN: Okay.

21                   MR. DUNNAVANT: And they are  
22 battery-powered for backup. I don't see any  
23 problem. It's too -- I know it's too far to be  
24 hard-wired in its current configuration.

25                   CHAIRMAN BAUGHMAN: Duracell,

1 I'm sure, would appreciate those having Duracell  
2 batteries in them, previously brought before us.

3 But again, it just kind of circles  
4 around to any of the possible issues that could  
5 come up.

6 So Appendix I-4, Item 36, "Does the  
7 manual include a test of," and it says the boiler  
8 water column. It references pages 7 through 9 on  
9 how that test is done, in addition to a positive  
10 check of the low water cutoff and a check of the  
11 water in the boiler sight glass. All of those  
12 were checked as "yes," identified through pages 7  
13 through 9.

14 We had quite the discussion on  
15 whether or not it had a boiler water column. The  
16 answer is "yes."

17 Does it have a boiler water sight  
18 glass, level sight glass? No, it does not, albeit  
19 it's marked "yes" for no discussion.

20 And then the positive check of the  
21 low water cutoff.

22 And on page 8 under Normal Daily  
23 Duties, it says boiler attendant reports to the  
24 boiler room beginning of the shift "and shall  
25 perform routine daily requirements that include a



1 boiler water column test for low water level  
2 shutdown and alarm." How is that being performed?

3 MR. DUNNAVANT: Typically what  
4 they do is they come in. They notify the guard  
5 shack that they're performing a test, not the  
6 e-stop, the entire system because they're going to  
7 perform a local test and they're standing there.  
8 They would open the blowdown, let it flow down to  
9 the point where it physically shuts the boiler off.

10 CHAIRMAN BAUGHMAN: And that  
11 blowdown being which blowdown?

12 MR. DUNNAVANT: Bottom blow.

13 CHAIRMAN BAUGHMAN: So the water  
14 column doesn't actually get blown down, then.

15 MR. DUNNAVANT: Yes. They do  
16 that together. They do both.

17 CHAIRMAN BAUGHMAN: Okay. I  
18 just wanted to clarify. You said bottom blowdown,  
19 but it's actually water column and bottom blowdown.

20 MR. DUNNAVANT: Yes. And the  
21 reason I've got them doing that is because a lot of  
22 operators in different facilities get in the habit  
23 of just tripping the alarm and they're not really  
24 blowing the boiler down. This way, they're doing  
25 both at the same time, and they are doing a bottom

1 blow as well.

2 CHAIRMAN BAUGHMAN: Okay. So  
3 there's not a shunt, not any -- we are physically --

4 MR. DUNNAVANT: Shutting it off.

5 CHAIRMAN BAUGHMAN: -- shutting  
6 it off, draining the water column and the bottom  
7 portion. Okay.

8 MR. DEASON: Can I interject for  
9 a second? I'm sorry.

10 CHAIRMAN BAUGHMAN: Yes, sir.

11 MR. DEASON: Can we try to let  
12 whoever is talking finish before you --

13 MR. DUNNAVANT: I'm sorry.

14 MR. DEASON: I know you can  
15 anticipate it, but it makes it hard for her.

16 MR. DUNNAVANT: Okay.

17 MR. DEASON: Yeah. She has to  
18 get a clean record for us. I'm sorry to interrupt,  
19 but it's -- yeah.

20 CHAIRMAN BAUGHMAN: So for me --  
21 just being technical, Lionel. You know, we're both  
22 boiler men. When it says "check of the water in the  
23 boiler sight glass," if that's a "no" or -- a "not  
24 applicable" or a "no," I would make a note off to  
25 the side of it because then that takes time for us

1 to have this discussion when we kind of know ahead  
2 of time, but it needs to be kind of laid out there.

3 MR. DUNNAVANT: That's on me. I  
4 knew it didn't have it. I don't know why I put  
5 "yes" on it.

6 MR. LASHLEY: Do these Miuras,  
7 do they have the digital water level indicator?

8 MR. DUNNAVANT: Yes. Well, it's  
9 not an actual gauge. It shows the different probes  
10 when they're made or when they're not proving water  
11 level.

12 CHAIRMAN BAUGHMAN: Item 18 on  
13 I-2 states, "Does the manual include a description  
14 of the system that is used to monitor the safety  
15 aspects of the boiler operation?" It's marked  
16 "yes," and then it goes to Appendix B.

17 I couldn't see in particular for  
18 ODMRC where the description of the system used to  
19 monitor is identified for the electric boiler.

20 MR. DUNNAVANT: I'm going to  
21 have to check on that because as you stated, I know  
22 it doesn't have a 7800. I don't know what its  
23 capabilities are, and I'll have to attend the manual  
24 to indicate that.

25 CHAIRMAN BAUGHMAN: You bet.

1 Thank you.

2                   Again, that relates back down to  
3 Number 21, "Are the primary controllers and all  
4 sensors self-checking?" It relates back to the  
5 electric boiler because we don't have that  
6 programmer.

7                   Number 22, "What other capability or  
8 responsibility does the remote monitoring system  
9 have?" There's no check "yes," "no," or "not  
10 applicable," so it was not answered.

11                   MR. DUNNAVANT: I didn't know  
12 how to answer that because the question isn't really  
13 a yes or no.

14                   MR. LASHLEY: I agree with you  
15 on that.

16                   MR. DUNNAVANT: Okay.

17                   CHAIRMAN BAUGHMAN: Just had to  
18 be brought up.

19                   MR. LASHLEY: Worded weird, for  
20 sure.

21                   CHAIRMAN BAUGHMAN: So we say,  
22 "Is the remote monitoring station attended/monitored  
23 at all times when the variance is in effect?"

24                   "Permanently manned station."

25                   Is that described anywhere in the

1 manual, that it is permanently manned? Because I  
2 looked over the job duties of the security  
3 personnel, and job duties didn't relate to  
4 somebody being there all the time. It said  
5 there's multiple duties for the security  
6 personnel, i.e., you know, checking the gauge,  
7 checking in people, doing this, that, and what  
8 have you, but nowhere did it say there will be  
9 somebody in here permanently 24/7.

10 MR. LASHLEY: Page 5. It says,  
11 "The remote station will be continually staffed by  
12 security officers."

13 CHAIRMAN BAUGHMAN: Thank you  
14 very much, Micah.

15 MR. LASHLEY: Yes, sir.

16 CHAIRMAN BAUGHMAN: I didn't see  
17 the manual reference, so that's why -- it makes it  
18 easier to ask the question. Page 5. Thank you.

19 So being that this is a renewal from  
20 2019 and we've got the training logs in the  
21 manual -- we have no training logs that have been  
22 filled out whatsoever. Albeit this is a renewal  
23 going back from the original that was presented in  
24 2013 but is an extension of that, of 2019.

25 Why is this -- in other words, I

1 guess I'm getting at if we've got a training log,  
2 to me, it makes it great that it would be filled  
3 out instead of blank.

4 MR. DUNNAVANT: I have not done  
5 any training with the personnel working there right  
6 now as far as this renewal is concerned. I'd rather  
7 do it after the renewal so we can have current  
8 people rather than just putting people's names in  
9 there that possibly no longer even work for the  
10 company.

11 CHAIRMAN BAUGHMAN: Great  
12 answer. Okay. Well, it is. It's an honest answer,  
13 and that's what this is about. So we still have to  
14 perform training --

15 MR. DUNNAVANT: Yes.

16 CHAIRMAN BAUGHMAN: -- to the  
17 personnel, both security and boiler attendants.

18 MR. LASHLEY: And I would make  
19 the recommendation just to -- you know, because  
20 these are, you know, multiple-year variances, if you  
21 have the training log, fill it out for the past, you  
22 know -- since the last renewal, make in the remarks,  
23 this is no longer -- you know, it has changed  
24 duties. That way, we see the training has been  
25 performed. You know, they may not be there anymore,

1 but at least we know the training is an ongoing  
2 thing and we can see dates in any remarks.

3 MR. DUNNAVANT: Okay.

4 MR. LASHLEY: That's, you know,  
5 my personal recommendation, but it adds a bit of  
6 transparency.

7 MR. DUNNAVANT: Normally, it  
8 falls on the supervisor to -- as far as his people,  
9 his turnover rate, to get them trained. Now,  
10 whether they're adding them to the training list, I  
11 don't know. But we can check on that.

12 MR. LASHLEY: Okay. Thank you.

13 CHAIRMAN BAUGHMAN: Go ahead.

14 MR. COLLINS: I have an easy  
15 one. On page B-3, Appendix B, it looks like the  
16 numbering of the last bullet point should be  
17 Number 5. It looks like -- maybe like at the very  
18 end of Bullet 4, there's like a 1, subscripted 1.  
19 So just making sure that --

20 MR. DUNNAVANT: I am not a  
21 typist.

22 MR. COLLINS: No problem.

23 CHAIRMAN BAUGHMAN: I have a  
24 technical question on the Miuras with the 7800. It  
25 says the 7800 sends error messages via the Modbus to

1 the Allen-Bradley PLC. But there's no error message  
2 for a low water to send.

3 MR. DUNNAVANT: It's just an  
4 alarm contact that's going out.

5 CHAIRMAN BAUGHMAN: Okay.

6 MR. DUNNAVANT: It shuts down,  
7 and the alarm contact is what sends that message.  
8 It's very simple. It's not expanded, enunciated, or  
9 anything. The remote system does not know what shut  
10 it down. It just knows to shut it down.

11 CHAIRMAN BAUGHMAN: Okay. So  
12 typically, I guess what I'm getting at is the low  
13 waters are tied into the control circuit and not  
14 into an alarm circuit within the 7800.

15 MR. DUNNAVANT: Right.

16 CHAIRMAN BAUGHMAN: So a low  
17 water doesn't necessarily tell the programmer to put  
18 it into an alarm. It's just an alarm. It's just  
19 a -- in the control circuit.

20 So I guess my question is how does it  
21 set up to put an alarm out so that it's  
22 enunciated?

23 MR. DUNNAVANT: The old EJ  
24 systems, they're using the probe column. You've got  
25 two probes, which is a pump up, pump down. It cuts



1 your pump on and off and it's based in a lot of  
2 timers and relays.

3           Your low water, if it comes off of  
4 that probe, it breaks, and that sends a signal  
5 directly into the limit circuit of the 7800, just  
6 like it's low air or low gas or whatever, and it  
7 shuts it down. As far -- and, of course, then it  
8 transmits an alarm signal. That's in the event of  
9 the low water cutoff.

10           But the guard shack will not know  
11 that low water shut it down. It won't know that  
12 high pressure shut it down. They've just simply  
13 got an alarm.

14           CHAIRMAN BAUGHMAN: Sure. And  
15 they don't need to. They just need to know it's an  
16 alarm.

17           I guess what I was getting at was you  
18 just mentioned that it's tied into the control  
19 circuit, which is not an alarm circuit. It just  
20 shuts the boiler on and off just as if you went to  
21 a switch and turned it on or off.

22           MR. DUNNAVANT: I misspoke. It  
23 actually is in the limit circuit. It would be -- it  
24 would be in the limit circuit run between -- what is  
25 it? Between 5 and 6 on the 7800? In that circuit.

1 Not to recycle limits, but to shut down limits.

2 CHAIRMAN BAUGHMAN: Not the  
3 operating limits.

4 MR. DUNNAVANT: Not the  
5 operating limits, correct.

6 CHAIRMAN BAUGHMAN: Okay. So it  
7 is in a lockout limit --

8 MR. DUNNAVANT: Yes.

9 CHAIRMAN BAUGHMAN: -- of some  
10 form or fashion.

11 MR. DUNNAVANT: Yes.

12 CHAIRMAN BAUGHMAN: You  
13 mentioned that that's on the secondary. That's the  
14 one that goes into manual reset.

15 MR. DUNNAVANT: The Miuras don't  
16 have a reset. It's based off of the probes.

17 CHAIRMAN BAUGHMAN: Right. But  
18 that goes to a relay, and that's required to have  
19 both a primary and a secondary low water, one of  
20 those being a manual reset.

21 MR. DUNNAVANT: They -- it's  
22 difficult to differentiate the difference between  
23 like a Cleaver and what these things do. It's a  
24 little bit different because they have a low water.  
25 You have your pump operation circuit. You have a

1 low water probe that puts it into a low water  
2 condition and shuts down. Then they have a low-low,  
3 which cuts it off completely and the alarm is out.

4 But it will refill. It has to be  
5 reset physically. You have to go out and  
6 acknowledge the alarm, but it will reset itself.

7 CHAIRMAN BAUGHMAN: So it's got  
8 a -- your pump on/pump off probe, I understand, it  
9 goes down to another probe, which we would call a  
10 primary low water. Does that shut the boiler off?

11 MR. DUNNAVANT: That's actually  
12 almost like a caution.

13 CHAIRMAN BAUGHMAN: So it's a  
14 caution.

15 MR. DUNNAVANT: You get an  
16 enunciation, but no shutdown. If it goes to the  
17 low-low or the low-water cutoff, the boiler is  
18 physically shut down. It's an alarm, and the  
19 operator has to go out and acknowledge it and  
20 restart before the pumps will even cut back on.

21 CHAIRMAN BAUGHMAN: These  
22 boilers are constructed to Section 1?

23 MR. DUNNAVANT: Yes.

24 CHAIRMAN BAUGHMAN: Section 1  
25 requires both a primary low water and a secondary

1 with a manual reset.

2 MR. DUNNAVANT: Uh-huh.

3 CHAIRMAN BAUGHMAN: So by the  
4 letter of the code, it would not meet those  
5 requirements. And it's just interesting.

6 Mr. Toth, I see kind of a half hand.

7 MR. TOTH: Well, I just want to  
8 help with the communication on these.

9 When you say "shutdown," I would  
10 assume you're meaning an emergency shutdown with a  
11 manual reset. That initial probe will cause the  
12 boiler not to fire.

13 MR. DUNNAVANT: Yes.

14 MR. TOTH: Just like a primary  
15 would. If the water level, okay, in the unit is  
16 replenished, the boiler will come back on, just like  
17 with a primary.

18 What he's referring to as a shutdown  
19 would be the emergency shutdown of the secondary  
20 or auxillary that would need a manual reset. So  
21 just so -- because I'm familiar with these units  
22 and they follow the code.

23 CHAIRMAN BAUGHMAN: Very good.  
24 Thank you.

25 And I'm not as versed, and that's why

1 I'm kind of going over this, does it meet the  
2 code, does it not, so forth. When we say it's  
3 more of a -- you know, giving a -- it's giving an  
4 indication but it's not shutting the boiler off,  
5 it is actually shutting the boiler off, from what  
6 I understand.

7 MR. DUNNAVANT: It cuts it off,  
8 but it's not an alarm state.

9 CHAIRMAN BAUGHMAN: Okay. So  
10 we're only alarming the secondary.

11 MR. DUNNAVANT: Correct.

12 CHAIRMAN BAUGHMAN: Okay.  
13 Interesting.

14 MS. OWENS: Mr. Chairman, I do  
15 want to be very kind to our court reporter. She's  
16 been going for a little over an hour now. She may  
17 need a comfort break.

18 CHAIRMAN BAUGHMAN: Ms. Owens,  
19 that is very perceptive of you, because my eyes are  
20 watering as well.

21 If it so pleases, can we just call  
22 for a short break in the middle of this, if that's  
23 okay, and recircle back in about five minutes? Is  
24 that okay?

25 (No verbal response.)

1 CHAIRMAN BAUGHMAN: Very good.

2 Thank you, Ms. Owens. I appreciate  
3 that.

4 All right. We'll reconvene in --  
5 10:20.

6 (Recess observed.)

7 CHAIRMAN BAUGHMAN: Let's  
8 reconvene.

9 Melissa, thank you again for your  
10 humanistic insight onto Cassandra and others'  
11 needs. Appreciate it. I feel much better.

12 So a lot of info, a lot of  
13 discussion, a lot of going back and forth.

14 So one other, just grammatical,  
15 Appendix G, G-3, Item 3, "Making rounds, boiler  
16 operator will checked every boiler." Just  
17 typographically change that to "check."

18 MR. DUNNAVANT: Oh, sorry.

19 CHAIRMAN BAUGHMAN: Mr. Henry,  
20 are there any grammatical errors that you'd like to  
21 bring?

22 MR. HENRY: No.

23 CHAIRMAN BAUGHMAN: No?

24 MR. HENRY: Not at this point,  
25 no, thank you.

1                   CHAIRMAN BAUGHMAN: With that,  
2 are there any other questions for the board members  
3 to address? I appreciate the public input earlier  
4 very much, but at this point, is there anything else  
5 that we need to bring to the table regarding Plant  
6 2, Plant 5, and ODMRC's renewal request?

7                   MR. LASHLEY: I don't believe  
8 so, not on my end.

9                   MR. HENRY: The only thing I'd  
10 like to mention, just the question I ask you,  
11 Mr. Chairman, the requirement is that a remote  
12 station has to be hard-wired. There's no question  
13 about that?

14                   CHAIRMAN BAUGHMAN: Yes. And  
15 we've clarified that previously with many other  
16 variances, that the e-stop has to be hard-wired to  
17 the remote station from the boiler rooms. We may  
18 discuss clarifying that in our check sheet just a  
19 little bit more, but that is the requirement. Thank  
20 you for asking that.

21                   Is there any question or discussion  
22 on that?

23                   (No verbal response.)

24                   CHAIRMAN BAUGHMAN: Okay. So  
25 being that we've got a request for renewal, at this

1 time we've had quite a few inputs, revisions,  
2 request for clarification, particularly ODMRC, but  
3 on other items, anybody have a motion to entertain?

4 MR. LASHLEY: Unfortunately, I  
5 think there's just too many revisions at this point  
6 to vote to approve. I think we can approve upon  
7 revisions, but there's a lot of notes, a lot of  
8 change that needs to be made. So I don't know if we  
9 should make the motion to approve upon revisions or  
10 if we need to, you know, have him come back with a  
11 cleaned-up book.

12 CHAIRMAN BAUGHMAN: A  
13 resubmittal.

14 MR. LASHLEY: Yes, sir.

15 CHAIRMAN BAUGHMAN: Any other  
16 input regarding that?

17 MR. HENRY: I think to your  
18 point, Micah, this is not just revisions of the  
19 manual. It's actually changes to the system itself.

20 MR. LASHLEY: This is true.

21 MR. HENRY: So I would say at  
22 this point, we table it until they can come back  
23 with a resubmittal.

24 CHAIRMAN BAUGHMAN: So tabling  
25 is a good suggestion so that we're not actually



1 denying or voting against the renewal. We're  
2 tabling this so that you can find out answers to  
3 some of these questions, i.e., on the Reimers  
4 boiler, the electric boiler, getting the model  
5 numbers of the Columbia, looking at its input,  
6 operating parameters, looking at hard-wiring the  
7 e-stop, so forth.

8                   So at this point, the motion, as I  
9 understand it, would be to table this 24-02  
10 request for renewal to the next quarterly meeting  
11 or the next meeting that it would be applicable  
12 for McKee to bring that; is that correct?

13                   MR. LASHLEY: Yes.

14                   MR. COLLINS: Yes.

15                   CHAIRMAN BAUGHMAN: Okay. So  
16 that's the motion. Do I have a second?

17                   MR. COLLINS: Second.

18                   CHAIRMAN BAUGHMAN: Okay. Just  
19 making sure I have the protocol right, being that  
20 this is still a new seat for me to sit in.

21                   All in favor, say "aye."

22                   (Affirmative response.)

23                   CHAIRMAN BAUGHMAN: Opposed?

24                   (No verbal response.)

25                   CHAIRMAN BAUGHMAN: Not voting?

1 (No verbal response.)

2 CHAIRMAN BAUGHMAN: All right,  
3 gentlemen. 24-02 has been tabled, and you'll advise  
4 us with a revised manual and when you want to bring  
5 that to the Board.

6 MR. DUNNAVANT: I do have a  
7 question. Will this place the facility under the  
8 20-minute rule?

9 CHAIRMAN BAUGHMAN: Well, it's  
10 the one-hour rule, just to clarify. And yes, until  
11 that gets revised, it would be under the one-hour  
12 rule.

13 MR. DUNNAVANT: Thank you.

14 CHAIRMAN BAUGHMAN: Thank you  
15 both for that.

16 So moving on to the next item of New  
17 Business, 24-03. Oh, it's McKee Foods.

18 MR. DUNNAVANT: It's a lot  
19 smaller.

20 CHAIRMAN BAUGHMAN: So this is  
21 for an attendance variance approval. This is a --  
22 seeking an attendance variance approval. Is this  
23 for a renewal or a new variance?

24 MR. DUNNAVANT: This is a new  
25 variance at a new facility.

1 CHAIRMAN BAUGHMAN: New  
2 variance, new facility. Thank you.

3 First of all, protocol, any conflict  
4 of interest?

5 MR. HENRY: No.

6 CHAIRMAN BAUGHMAN: No?

7 MR. LASHLEY: Still none.

8 CHAIRMAN BAUGHMAN: Still none.

9 So again, present what you are asking  
10 for.

11 MR. DUNNAVANT: This is a new  
12 boiler room at the P5 Energy Center. It's two  
13 Miuras, LXs. They are --

14 MR. DEASON: Can I interrupt for  
15 a second?

16 CHAIRMAN BAUGHMAN: Yes, sir.

17 MR. DEASON: I'm sorry. I'm  
18 sorry to bring this late, but just to follow the  
19 rules of order, I don't believe we made a motion  
20 to --

21 CHAIRMAN BAUGHMAN: To discuss?

22 MR. DEASON: Yes, sir.

23 CHAIRMAN BAUGHMAN: I was going  
24 to do that after they made their presentation.

25 MR. DEASON: Oh, I'm sorry.

1 CHAIRMAN BAUGHMAN: No. That's  
2 okay. But thank you for helping, very much, keep me  
3 in line when -- I need that, reminders. But we'll  
4 ask for a motion to discuss after they make their  
5 presentation.

6 MR. DUNNAVANT: That's pretty  
7 much just a variance for the four-hour rule on the  
8 operators. And this one has the hard-wire, similar  
9 situation where you have the guard station manned  
10 24/7.

11 CHAIRMAN BAUGHMAN: Motion to  
12 discuss?

13 MR. HENRY: So moved.

14 CHAIRMAN BAUGHMAN: Second?

15 MR. COLLINS: Second.

16 CHAIRMAN BAUGHMAN: All right.  
17 These boilers are a little bit larger than the  
18 others? These are 300s?

19 MR. DUNNAVANT: Yes. The  
20 other -- yes. There's two 300s in this facility.

21 CHAIRMAN BAUGHMAN: Okay.

22 MR. COLLINS: I had a question  
23 as far as -- I'm assuming that for the most part,  
24 the manual that was presented in 24-02 was used as  
25 the framework for this manual?

1 MR. DUNNAVANT: Kind of, yes.

2 MR. COLLINS: Okay. Okay. With  
3 that, I think there were a number of differences, as  
4 far as between 24-02 and 24-03, that were not  
5 caught. And I'm going to, just real quick, walk  
6 through some of those.

7 MR. DUNNAVANT: Sure.

8 MR. COLLINS: So on page 1, on  
9 the first bullet point, it indicates, I think the  
10 last sentence of that bullet point, "Three buildings  
11 on the McKee campus have high-pressure steam boilers  
12 listed as follows." So I believe that needs to be  
13 revised in such a way to only address this building  
14 and this --

15 MR. DUNNAVANT: Okay.

16 MR. COLLINS: -- these two  
17 boilers.

18 And then again on the third bullet  
19 point, it says, "It shows the proximity of the  
20 boiler plants to the remote station in Plant  
21 Number 2, Central Security Office," when, I  
22 believe, the remote station for these in this  
23 variance is the guard shack in Plant 5.

24 MR. DUNNAVANT: That's correct.

25 MR. COLLINS: Okay. So that

1 would need to be revised to indicate the guard shack  
2 on that site.

3                   And then on page 3, bullet point  
4 Number 3, it says, "Allow the boiler to be  
5 continually monitored by remote personnel from the  
6 security base remote station." And I believe that  
7 terminology was used in the previous manual. And  
8 is security base considered the station that's at  
9 Plant 2?

10                   MR. DUNNAVANT: Which -- I'm  
11 sorry. Where are you at?

12                   MR. COLLINS: Page 3.

13                   MR. DUNNAVANT: Okay.

14                   MR. COLLINS: Bullet point  
15 Number 3.

16                   MR. DUNNAVANT: Okay.

17                   MR. COLLINS: The first  
18 sentence.

19                   MR. DUNNAVANT: Oh, no. This  
20 facility at this plant is totally on its own. It  
21 won't be back to Plant 2. It will be at the P5  
22 facility.

23                   MR. COLLINS: Right. The remote  
24 station for this one, is it referred to as the guard  
25 shack at Plant 5, or is it still referred to as

1 security base?

2 MR. DUNNAVANT: What would you  
3 call it?

4 MR. SQUIRES: It's a complicated  
5 answer because the plant has been --

6 MR. DUNNAVANT: It's all  
7 electronic gates.

8 MR. SQUIRES: -- rebuilt. But I  
9 would -- that's a security base for that facility.

10 MR. COLLINS: Okay.

11 MR. SQUIRES: And the security  
12 officers operate out of that station.

13 MR. COLLINS: Okay.

14 MR. LASHLEY: So with the  
15 Figure 1 Site Plan, could you revise that to be the  
16 security base on page 2? Just for consistency.

17 MR. DUNNAVANT: Instead of  
18 "Remote Panel"?

19 MR. SQUIRES: Instead of "Guard  
20 Shack."

21 CHAIRMAN BAUGHMAN: Instead of  
22 "Guard Shack."

23 MR. DUNNAVANT: Instead of  
24 "Guard Shack"?

25 MR. LASHLEY: Yes, sir.

1 MR. DUNNAVANT: Okay.

2 MR. LASHLEY: On page 4 at the  
3 top, it also -- well, I take that back because you  
4 changed it to "Security Base" and highlighted that.  
5 My apologies.

6 MR. COLLINS: And then on  
7 page 7, bullet point Number 2, it looks like the  
8 second to last sentence. It says, "The completed  
9 log sheets will be kept on file in the Plant 2  
10 boiler annex." Is that still going to be true for  
11 these boilers?

12 MR. SQUIRES: I would put those  
13 in the Energy Center, so we'll have to revise that.

14 MR. DUNNAVANT: So you want to  
15 keep them separate?

16 MR. SQUIRES: Yes.

17 MR. DUNNAVANT: We'll revise  
18 that to show that they're being kept in the  
19 P5 Energy Center.

20 MR. COLLINS: Okay. And that  
21 leads into a further discussion in regard to where  
22 these manuals are located. On -- in Annex J, the  
23 first page, it looks like that manuals for the  
24 variance that was presented, 24-02, and the manuals  
25 for this variance, 24-03, are going to be kept --



1 there are going to be copies kept in the same  
2 location, even though that this variance only  
3 applies to Plant 5 and the boilers at Plant 5?

4 I didn't know if that was going to  
5 cause confusion as far as having both variances in  
6 a remote location that's not even going to be  
7 related to -- if both manuals are located in  
8 Plant 2 but the remote station for these boilers  
9 which are in Plant 5 are only going to have a  
10 remote station in Plant 5, I didn't know if that  
11 was going to cause any confusion.

12 MR. DUNNAVANT: There will be  
13 manuals available at each guard base and security  
14 base for the specific area.

15 Plant 5 is kind of a difficult thing  
16 to get wrapped around your head. It's the same  
17 piece of property, but it's totally separate. P5  
18 has its own security base, even though you can  
19 walk across the parking lot and you're technically  
20 in the old Plant 5.

21 So some of that, there's -- correct  
22 me if I'm wrong, but I see no reason why all the  
23 main manuals couldn't be kept at the Plant 2  
24 facility, where they're kept now, and then  
25 individually have them at each station for their

1 specific area.

2 MR. COLLINS: And that would be  
3 fine. There's nothing to say that that is incorrect  
4 or anything. I'm just making sure that there's  
5 not -- for your sake, as far as confusion goes, of  
6 having two manuals that are referring to two  
7 different systems in the same location.

8 MR. DUNNAVANT: Right.

9 MR. COLLINS: But as long as it  
10 makes sense for you-all, that's fine.

11 MR. DUNNAVANT: Okay.

12 MR. COLLINS: And also -- well,  
13 you clarified as far as that last line on that table  
14 on J-1, Plant 5, Remote Station. Whatever  
15 terminology that you're going to be using for that  
16 remote station, whether it be "Security Base" or  
17 "Guard Shack," you can put that in there.

18 And like you just indicated, P5 is  
19 kind of separate from Plant 5, so maybe making a  
20 clarification as far as that goes as well.

21 MR. DUNNAVANT: Okay.

22 MR. COLLINS: And I know I  
23 probably missed a few more of -- corrections of that  
24 same nature as far as kind of converting that  
25 framework over to this system, as far as the manual

1 goes and the terminology that's used.

2 MR. DUNNAVANT: Okay.

3 MR. COLLINS: So I also would  
4 just recommend going back through it and making sure  
5 you catch those type of errors.

6 MR. DUNNAVANT: Okay.

7 MR. LASHLEY: Are these e-stops  
8 hard-wired all the way through the security base?

9 MR. DUNNAVANT: Yes.

10 MR. LASHLEY: Okay. Thank you.

11 CHAIRMAN BAUGHMAN: Appendix E.  
12 And I don't see it listed as E-2, but I'm assuming  
13 E-1 is the first page of Appendix E. But E-2, being  
14 the power piping diagram, feedwater diagram, I'm  
15 trying to make heads or tails of what I'm looking  
16 at, but I'm assuming those two items in the middle  
17 of that drawing -- I say to the middle but to the  
18 left, it shows a sketched outline of what looks to  
19 be maybe future 3 and 4 boiler?

20 MR. DUNNAVANT: That is correct.

21 CHAIRMAN BAUGHMAN: Okay. All  
22 right. So what I'm looking at are those two  
23 boilers. I couldn't, again --

24 MR. DUNNAVANT: That's a  
25 horrible drawing and I apologize, but that's the

1 best I could get from the engineering firm.

2 CHAIRMAN BAUGHMAN: That's a  
3 great answer to that, Lionel. It is a horrible  
4 drawing. And just -- so you can pass that along to  
5 them. It makes it difficult for us to be able to  
6 read.

7 I know in 24-02 we had Kemco units  
8 for water heaters, which we didn't discuss at all.  
9 I had questions on those that I may pose to you  
10 later.

11 Are there any water heaters within  
12 this particular facility?

13 MR. DUNNAVANT: Yes.

14 CHAIRMAN BAUGHMAN: Okay. Are  
15 they Kemcos also?

16 MR. DUNNAVANT: Is it a Kemco or  
17 QuikWater?

18 It's either a Kemco or QuikWater, and  
19 there's also --

20 MR. SQUIRES: It's a Kemco.

21 MR. DUNNAVANT: -- the four  
22 small water heaters.

23 CHAIRMAN BAUGHMAN: Okay. So  
24 the -- whether Kemco or QuikWater, those are both  
25 similar, direct contact-type water heaters. And the

1 others -- so I guess what I am getting at is in  
2 this, especially within the e-stops and we've got  
3 multiple apparatus that are in here, are any of  
4 those e-stops tied in with the water heaters  
5 themselves also?

6 MR. DUNNAVANT: Not that I'm  
7 aware of.

8 CHAIRMAN BAUGHMAN: Okay. I  
9 assume carbon monoxide alarms?

10 MR. DUNNAVANT: I don't know if  
11 it is or not. That's something I have not checked  
12 on.

13 CHAIRMAN BAUGHMAN: Okay.

14 MR. LASHLEY: On I-4, Line  
15 Item 44, it says that there is no carbon monoxide  
16 monitor alarm.

17 CHAIRMAN BAUGHMAN: At the  
18 remote station.

19 MR. LASHLEY: At the remote  
20 station.

21 CHAIRMAN BAUGHMAN: But again,  
22 just a requirement of CO alarms in the boiler rooms.  
23 We've got, obviously, multiple fuel-fired vessels in  
24 this room. But I wanted to at least ask that  
25 question.

1 MR. DUNNAVANT: I can check on  
2 that and get back with you. We did not do the  
3 install on these boilers. We were brought in for  
4 consultation. So there's a lot that I don't have  
5 privy to without physically putting my eyes on it,  
6 seeing what was done.

7 CHAIRMAN BAUGHMAN: Okay. Do  
8 you know where the e-stop location is at in this  
9 boiler room?

10 MR. DUNNAVANT: Yes. If you  
11 look at the two boilers that are shown, there's a  
12 steam header. Right beside the steam header and the  
13 exit door, there's one located there. And I believe  
14 the other one -- let's see, where is the QuikWater?

15 It's right here, isn't it?

16 MR. SQUIRES: Uh-huh.

17 MR. DUNNAVANT: It's on that  
18 door into the control room, by the QuikWater on the  
19 opposite corner.

20 MR. SQUIRES: And there's one  
21 more.

22 MR. DUNNAVANT: On this side?

23 MR. SQUIRES: On the exit door,  
24 on the bottom.

25 MR. DUNNAVANT: If you look

1 behind the water heaters, there's an exit door.  
2 There's also one on that exit door as well. So  
3 there are three in that room.

4 CHAIRMAN BAUGHMAN: So can you  
5 point out the exit doors for me or describe where  
6 they're at on there, Lionel, in this drawing?

7 MR. DUNNAVANT: Lower left,  
8 you'll see a tank.

9 CHAIRMAN BAUGHMAN: I got that  
10 one.

11 MR. DUNNAVANT: Okay. That's  
12 one exit door.

13 CHAIRMAN BAUGHMAN: Okay.

14 MR. DUNNAVANT: Okay. End of  
15 the steam header. The steam header is on the far  
16 left at the top. You'll see two chemical tanks --  
17 three chemical tanks.

18 CHAIRMAN BAUGHMAN: Yes, sir.

19 MR. DUNNAVANT: Down below is a  
20 steam header valving arrangement. Directly past  
21 that is a -- I think it's a three- or four-foot  
22 opening. There's an e-stop there.

23 CHAIRMAN BAUGHMAN: Okay.

24 MR. DUNNAVANT: And then  
25 directly across the boiler room, all the way to your

1 right, beyond -- above the QuikWater, there's an  
2 entranceway into the MCC and the control area, and  
3 that's where the other e-stop is located, on the  
4 wall.

5 MR. LASHLEY: Is that the double  
6 door?

7 MR. DUNNAVANT: Yes. Going to  
8 the right, not the one going out in the parking lot.

9 CHAIRMAN BAUGHMAN: Up in the  
10 top right-hand corner, it looks like there's an exit  
11 door?

12 MR. DUNNAVANT: Yes. And then  
13 to the right of that is what goes into the MCC.  
14 That's where the e-stops are.

15 CHAIRMAN BAUGHMAN: Okay. So at  
16 each point of egress.

17 MR. DUNNAVANT: Yes.

18 CHAIRMAN BAUGHMAN: Very good.  
19 Thank you for that clarification.

20 So we're looking at future two  
21 boilers in that room, future water heater. Some  
22 future growth within that room itself. All right.

23 MR. COLLINS: Do the guards who  
24 are in Plant 2, are they also -- do they rotate and  
25 serve this plant as well at this station?



1 MR. SQUIRES: They do rotate and  
2 serve out of this station as well.

3 MR. COLLINS: So they will  
4 receive the training on the nine boilers as well as  
5 these two boilers?

6 MR. SQUIRES: That is correct.

7 MR. COLLINS: And then I had a  
8 similar comment as far as the unauthorized access to  
9 the controllers as far as password protection, just  
10 having that called out, and it can just be as far as  
11 those controllers go.

12 MR. DUNNAVANT: You just want  
13 better clarification to how it's passworded?

14 MR. COLLINS: Uh-huh.

15 CHAIRMAN BAUGHMAN: These  
16 boilers, again, are going to be like in 24-02 where  
17 the bottom blowdown automatics have been disabled?

18 MR. DUNNAVANT: Yes.

19 MR. HENRY: Quick question,  
20 probably a simple one. But look at page 8,  
21 subparagraph g. Talking about the boiler attendant  
22 duties. It says, "boiler attendant or other  
23 qualified individual." What is that referencing,  
24 the "other qualified individual"?

25 MR. DUNNAVANT: That was back to

1 some of the older variances we did when they used to  
2 actually have stationary engineers. That's a loaded  
3 question for me to answer, what a qualified  
4 individual is, because it depends on the training.

5 MR. HENRY: What prompted the  
6 question.

7 MR. DUNNAVANT: The people are  
8 trained for the situation, what they need to do and  
9 what they need to do to complete the requirements of  
10 the variance. Are these people qualified boiler  
11 people? No, they're not.

12 MR. HENRY: Well, it's saying  
13 this other qualified individual would be able to go  
14 and verify normal boiler operation, which would  
15 suggest that they should.

16 MR. DUNNAVANT: I agree. But  
17 what this -- the way the rules lay out, they  
18 basically go in and look at things, write some  
19 things down. But, you know, are they trained to be  
20 a boiler operator? No.

21 MR. HENRY: You indicate this  
22 may have been something that's kind of a legacy item  
23 in the past. Do you still use other qualified  
24 individuals to perform this task?

25 MR. DUNNAVANT: There are

1 qualified individuals at each facility, you know,  
2 variances are in, but that's not always the case of  
3 who's on duty at the time. They just simply know,  
4 hit the button and make the call. And it's that way  
5 with any variance.

6 MR. HENRY: Following up on  
7 that, do you maintain a list of who those other  
8 qualified individuals are and what training they've  
9 had?

10 MR. DUNNAVANT: Yes. When we  
11 present the packets to them, that's when they'll be  
12 trained, and we'll do hands-on training as well as  
13 walk-throughs, and they will sign that they have  
14 been trained at this facility.

15 MR. HENRY: Okay. And you have  
16 a record of that that can be reviewed?

17 MR. DUNNAVANT: Today?

18 MR. HENRY: Yeah.

19 MR. DUNNAVANT: No, sir. This  
20 is a brand-new plant. It is not even in full  
21 operation yet.

22 MR. HENRY: Okay.

23 MR. DUNNAVANT: So we're still  
24 adding people. Some of them have been trained. The  
25 operators there, I've personally trained a few of

1 them. But as people progress and move on, add new  
2 incoming hires. They will have to be trained and  
3 added to the list.

4 MR. HENRY: Okay. So you will  
5 have records in the future, then.

6 MR. DUNNAVANT: Yes. Yes.

7 MR. HENRY: Okay.

8 CHAIRMAN BAUGHMAN: Kevin, when  
9 will this facility be ready for its inspection for  
10 the variance?

11 MR. SQUIRES: As far as the  
12 variance goes, it depends on what the next -- I'm  
13 not familiar with the process. I don't know what  
14 the next steps are. But we're operating -- the  
15 facility is operational now. We have one line of  
16 production running off of these boilers.

17 CHAIRMAN BAUGHMAN: The reason  
18 I'm asking is because the training has not been  
19 administered, qualifications and everything, so  
20 forth. I didn't know the time frame we were looking  
21 at to be able to -- just as an idea, are we looking  
22 at, you know, three months, six months, what have  
23 you?

24 MR. DUNNAVANT: I would say --  
25 we've not even -- in fact, we haven't even built the

1 panels yet. But typically, it would be -- I would  
2 say somewhere in the area of three months, we can  
3 get the panels installed, wired, and then we can do  
4 the training and testing, everything, and --  
5 training their personnel and then be ready for an  
6 inspection.

7 CHAIRMAN BAUGHMAN: So we're  
8 probably looking at a six-month?

9 MR. DUNNAVANT: Somewhere around  
10 there.

11 CHAIRMAN BAUGHMAN: Okay. On  
12 G-2, Security Officer Duties, the very last  
13 statement, "When scheduled" -- in regards to the  
14 Security Officer Duties, "When scheduled, serves as  
15 a boiler attendant to monitor and document safe  
16 boiler operations per the Systems Manual."  
17 Parentheses, "Training is conducted by the McKee  
18 Foods Corporation Training Department as required by  
19 the Facilities Maintenance Superintendent." That  
20 being Mr. Corvin?

21 MR. DUNNAVANT: (Nods head.)

22 CHAIRMAN BAUGHMAN: If you don't  
23 mind, Mr. Corvin, how long have you been there?

24 MR. CORVIN: At McKee?

25 CHAIRMAN BAUGHMAN: Yes, sir.

1 MR. CORVIN: Twenty-five years.

2 CHAIRMAN BAUGHMAN: That gives  
3 me a good warm fuzzy.

4 I don't see the training department  
5 listed anywhere else except in this last  
6 statement, that training is conducted. It says  
7 that you oversee it and that you're the one that's  
8 responsible for implementation. I just didn't see  
9 that training department. So that's why I kind of  
10 brought forth the question.

11 Two security officers in the remote  
12 station at all times?

13 MR. SQUIRES: We are planning on  
14 having that. We're working with hiring the  
15 necessary guards to man it so that it meets the  
16 standard.

17 CHAIRMAN BAUGHMAN: Very good.

18 So really, as of today, albeit we're  
19 operating the boilers, I take it they're being  
20 operated how?

21 MR. SQUIRES: They're being  
22 checked every --

23 MR. CORVIN: Hour.

24 MR. SQUIRES: -- every hour. I  
25 don't know if we're going to have every 20 minutes

1 or an hour. But every hour, we have boiler  
2 attendants checking and making sure that they're  
3 functioning.

4 CHAIRMAN BAUGHMAN: Very good.  
5 And do you know if, in fact, they log that one-hour  
6 check each time?

7 MR. SQUIRES: Yes, they do.

8 CHAIRMAN BAUGHMAN: Very good.

9 MR. LASHLEY: Is this the same  
10 operating schedule, six days a week, this facility?

11 MR. SQUIRES: It will be run  
12 six days a week. I'm not sure if we're shutting  
13 down on the weekends. We were shutting them down --

14 MR. DUNNAVANT: Yes.

15 MR. CORVIN: We are.

16 MR. SQUIRES: -- on the  
17 weekends. So we're not operating on Saturday with  
18 these boilers.

19 MR. DUNNAVANT: This is a very  
20 new facility, and we're running on a limited  
21 capacity. So at one point, the last time I was at  
22 the facility, we were running what production they  
23 were doing through a 3/4-inch warmup line off of a  
24 header. So this isn't full production. But there  
25 are people in there checking everything and

1 monitoring it and able to respond to emergencies.

2 CHAIRMAN BAUGHMAN: But the  
3 boiler is shut down on that seventh day?

4 MR. DUNNAVANT: Uh-huh.

5 CHAIRMAN BAUGHMAN: Okay. So  
6 that means the DA comes down too?

7 MR. DUNNAVANT: They're taking  
8 everything down usually Saturday and Sunday.

9 MR. SQUIRES: Friday afternoon  
10 before sundown, and then they come back up usually  
11 Sunday, depending on production demands.

12 CHAIRMAN BAUGHMAN: Yeah.  
13 Interesting. And so why -- the question beholds, if  
14 they're not operating Sunday -- the other plant  
15 operates six days a week but the boilers stay on,  
16 albeit in a no-load situation but they're staying  
17 hot?

18 MR. SQUIRES: That's correct.

19 CHAIRMAN BAUGHMAN: Why are we  
20 not doing the same with this particular facility?

21 MR. SQUIRES: So that we don't  
22 have to have somebody coming in, checking the  
23 boilers every hour.

24 CHAIRMAN BAUGHMAN: Very good.

25 MR. SQUIRES: To get around that



1 kind of setup.

2 CHAIRMAN BAUGHMAN: Okay.

3 MR. DUNNAVANT: This portion of  
4 the plant is not fully operational yet.

5 MR. SQUIRES: Correct.

6 CHAIRMAN BAUGHMAN: Okay.

7 MR. DUNNAVANT: We're in the  
8 middle of a start-up. As we bring on -- as they  
9 bring on more load, then there will be a need for  
10 these boilers to run like the other plants.

11 CHAIRMAN BAUGHMAN: Okay. But  
12 presently we're under the one-hour rule. That will  
13 be status quo until six months, really, from now --

14 MR. DUNNAVANT: Yes.

15 CHAIRMAN BAUGHMAN: -- when  
16 things get hooked up, trained, and so forth, so on.

17 MR. SQUIRES: That's correct.

18 CHAIRMAN BAUGHMAN: Okay. So  
19 that being said, and we've got, really, the same  
20 revisions going forth, and knowing that it's going  
21 to be months out before it's able to be implemented  
22 and inspected and so forth, what be the desire of  
23 the motion, if there's no other questions or input?

24 MR. LASHLEY: I mean, knowing  
25 that there are similar revisions within both

1 manuals, I think the motion would be to table as  
2 well, and then we could review both manuals at the  
3 same time, you know, especially given that they're  
4 three to six months out anyway.

5 CHAIRMAN BAUGHMAN: Okay. So  
6 the motion would be to table this until possibly the  
7 same time that the 24-02 manual would be brought to  
8 the Board?

9 MR. LASHLEY: Yes, sir.

10 CHAIRMAN BAUGHMAN: Okay.  
11 Motion to table?

12 MR. HENRY: Second.

13 CHAIRMAN BAUGHMAN: Second that  
14 motion.

15 All in favor, say "aye."

16 (Affirmative response.)

17 CHAIRMAN BAUGHMAN: Opposed?

18 (No verbal response.)

19 CHAIRMAN BAUGHMAN: Abstentions?

20 (No verbal response.)

21 CHAIRMAN BAUGHMAN: All right.

22 We will table this item, 24-03, to a future board  
23 meeting, as you would like to. Very good.

24 Thank you both.

25 Mr. Corvin, thank you.

1 MR. DUNNAVANT: Thank you.

2 CHAIRMAN BAUGHMAN: On the back  
3 side of our agenda, we have the next item to come  
4 before the Board. Tennessee Special Request, Item  
5 Number 24-04.

6 The pronunciation of the company?

7 MR. TELFER: Amaero.

8 CHAIRMAN BAUGHMAN: Amaero.  
9 Thank you.

10 International Limited located in  
11 Cleveland, Tennessee, requests that each of the  
12 three pressure vessels for its new titanium alloy  
13 manufacturing facility be designated as a  
14 Tennessee Special.

15 If you would introduce yourselves and  
16 let us know what it is you would like to discuss,  
17 and then we'll open it up for discussion.

18 Yes, sir.

19 MR. LEDFORD: I'm Joe Ledford,  
20 principal for industrial services for MBI Companies  
21 located in Knoxville and Chattanooga, Tennessee.  
22 We're the architect/engineer for the tenant  
23 improvements to a leased facility that's physically  
24 located in McDonald, Tennessee, which is just  
25 outside Cleveland proper.

1           We are designing the support systems  
2 and physical construction of a shell building to  
3 support this piece of equipment which has the  
4 three pressure vessels in it. So building-related  
5 questions, life safety-related questions, I can  
6 respond to that.

7           And this is Todd.

8                         MR. TELFER: Yeah. I'm Todd  
9 Telfer. I'm representing Amaero Advanced Materials  
10 and Manufacturing. I'm a technical consultant. My  
11 specialty is in vacuum furnaces.

12           And we have a piece of equipment  
13 called an EIGA. It's an electrode intergas  
14 atomization system that takes bars of titanium  
15 or -- we also want to do niobium alloys and --  
16 basically atomizes them into a powder, which can  
17 be used for 3D printing processes.

18           And this piece of equipment was  
19 originally intended to go into Australia. The  
20 company Amaero is originally an Australian  
21 company. Plans changed, basically. The whole  
22 company is moving to Tennessee, right here in  
23 McDonald.

24           But we have this piece of equipment.  
25 It was originally ordered from Germany, intended

1 to go to Australia. It was -- parts of it are  
2 designed to the ASME code using ASME materials,  
3 but it is certified to European PED requirements  
4 and not ASME. And so we have these three parts of  
5 it that see pressure that we are requesting  
6 consideration for Tennessee Special status.

7 CHAIRMAN BAUGHMAN: Very good.

8 Gentlemen, I'll ask if there's any  
9 conflicts of interest.

10 MR. LASHLEY: No.

11 MR. HENRY: No.

12 CHAIRMAN BAUGHMAN: None?

13 Motion to discuss?

14 MR. LASHLEY: Motion.

15 CHAIRMAN BAUGHMAN: Second?

16 MR. HENRY: Second.

17 CHAIRMAN BAUGHMAN: Let's  
18 discuss.

19 Guys, thanks for being here. Glad  
20 that the plant looked at coming to Tennessee, and  
21 we're thankful for that.

22 So being that we're looking at three  
23 individual pressure vessels, correct?

24 MR. TELFER: Correct. They're  
25 all part of a system, but yes, they are.

1                   CHAIRMAN BAUGHMAN: Yes, but  
2 they're still considered individual since --

3                   MR. TELFER: We're applying as  
4 three separate pieces, correct.

5                   CHAIRMAN BAUGHMAN: Okay. And  
6 have any of these three got different -- have  
7 different design criteria, i.e., have any of them  
8 been built to ASME specifically or all three of them  
9 built to those standards but not ASME-certified?

10                  MR. TELFER: So the first two,  
11 the charging chamber and the melting chamber, were  
12 designed, calculations, everything done for ASME  
13 using ASME materials. They were built using ASME  
14 materials, but not stamped vessels.

15                  The third item is a bi item, gas  
16 heater for heating up the argon gas before it goes  
17 into those other two chambers. And it is in no  
18 way designed for ASME, but it is designed for  
19 European requirements, all the same, you know,  
20 basic requirements for calculations and testing  
21 and relief valves, et cetera. So it could have  
22 been built to ASME, but it wasn't.

23                  CHAIRMAN BAUGHMAN: So to  
24 clarify, two of the vessels were, one of them was  
25 not.

1 MR. TELFER: Correct.

2 CHAIRMAN BAUGHMAN: Have any of  
3 these three ever sat in a different location?

4 MR. TELFER: They were, yes, in  
5 Germany at the manufacturer's site, factory. It was  
6 set up. It was operated as a -- first of all, as a  
7 test for Amaero, but then also, it sat for a while  
8 because of the change of location. ALD, the company  
9 that made it, used it for their own purposes for a  
10 number of months in Germany.

11 CHAIRMAN BAUGHMAN: Okay. Thank  
12 you.

13 MR. TELFER: Yeah.

14 CHAIRMAN BAUGHMAN: And so just  
15 for clarification, these would not be, then,  
16 brand-new units. They have been, actually, in some  
17 service, albeit --

18 MR. LEDFORD: Yes.

19 CHAIRMAN BAUGHMAN: -- not for a  
20 long time, but they have been --

21 MR. TELFER: Correct.

22 CHAIRMAN BAUGHMAN: -- in  
23 service.

24 MR. LEDFORD: And that's how we  
25 applied, that it was in service in Europe, being

1 relocated to McDonald.

2 CHAIRMAN BAUGHMAN: Very good.

3 All right, brothers.

4 MR. HENRY: Are these  
5 one-of-a-kind designs, or are there others like  
6 these operating elsewhere?

7 MR. TELFER: There are others  
8 like this operating. They have an identical unit.  
9 They're in Germany. There are -- this one is what  
10 they call a premium EIGA. It's a little different  
11 than the others that came before, but it's  
12 essentially the same. It does the same thing but  
13 different pressures and different regime.

14 But yes, there are others, and we  
15 have actually ordered a second system to ASME  
16 standards. That should be arriving next year  
17 sometime.

18 MR. LEDFORD: And will be  
19 stamped.

20 MR. HENRY: If I understand your  
21 comments correctly, you're saying this is kind of an  
22 upgrade from some of the earlier models?

23 MR. TELFER: That's correct.  
24 Exactly.

25 MR. HENRY: Okay. And how long



1 did those earlier models operate?

2 MR. TELFER: I know at least  
3 10 years, probably 15 if they've been in use.

4 MR. HENRY: And no incidents?

5 MR. TELFER: Not that I'm aware  
6 of, no.

7 MR. HENRY: And off the top of  
8 your head, and you may not have this information but  
9 in the event you do, comparison of the maximum  
10 allowable working pressures of the earlier models to  
11 this, do you know offhand?

12 MR. TELFER: I don't know, but  
13 this is considerably higher pressure than the  
14 previous models. This -- I think these are designed  
15 for up to 15 bar, 217 psi.

16 MR. HENRY: Right.

17 MR. TELFER: Previously I think  
18 it was much lower. Maybe 30, 45 psi, somewhere in  
19 there.

20 MR. HENRY: Okay. So for  
21 practical purposes, these are one-of-a-kind.

22 MR. TELFER: Correct. Yeah.  
23 They're unique. Yeah.

24 MR. COLLINS: As a point of  
25 clarification, I'm still trying to figure out

1 exactly where the scope breaks are between the three  
2 different units.

3 MR. TELFER: Sure.

4 MR. COLLINS: You indicated one  
5 being the charging chamber?

6 MR. TELFER: Correct.

7 MR. COLLINS: And that's the  
8 rectangular --

9 MR. TELFER: Has a door on it.

10 MR. COLLINS: With a door?

11 MR. TELFER: Yeah, and a valve  
12 below it.

13 MR. COLLINS: Okay. And then  
14 the melting chamber?

15 MR. TELFER: It's directly below  
16 that. It's round, and at the bottom of it there's a  
17 small opening that's called a nozzle.

18 MR. COLLINS: And then the large  
19 chamber below.

20 MR. TELFER: That is not a  
21 pressure vessel.

22 MR. COLLINS: Okay.

23 MR. TELFER: That is open to  
24 atmosphere and does not see pressure. It does not  
25 see a typical pressure. It may see a few psi's,

1 something like that.

2 MR. COLLINS: So the third  
3 vessel is actually the jacketed chamber on the  
4 melting chamber?

5 MR. TELFER: The melting chamber  
6 does have a water jacket, and that's considered as  
7 part of the melting chamber.

8 The third chamber that we're talking  
9 about is -- it's kind of on the corner of the  
10 deck. It's a gas heater. Argon goes through it.  
11 There are heating elements inside of it that heat  
12 the argon. I think maybe 200 -- below 200 degrees  
13 Fahrenheit.

14 MR. HENRY: Is it under  
15 pressure?

16 MR. TELFER: Yes, it is under  
17 pressure. You know, can be up to -- I can't  
18 remember exactly, but 250 psi, something like that.

19 MR. COLLINS: Is it the one  
20 indicated with the formed head that can be removed  
21 and rotated around, with the cone bottom?

22 MR. TELFER: I don't think it's  
23 the one -- it's in the corner of the deck. It has a  
24 head that looks like there's electrical heating  
25 elements in it. I can point to it if you want me to

1 come over there.

2 MR. COLLINS: Are those drawings  
3 included?

4 MR. TELFER: We included a whole  
5 manual at one time. I don't know if it's in the  
6 materials you have there, but it's made by Womack  
7 Corporation.

8 It's this item here (indicating).  
9 It's kind of on the back side there. You can't  
10 really see it from that view, but -- right here.  
11 It's that thing right there.

12 MR. HENRY: What page did you  
13 say?

14 CHAIRMAN BAUGHMAN: It's on  
15 page... (Indicating.)

16 MR. COLLINS: The isometric view  
17 of the plant, of the whole layout, and it's in the  
18 far right corner.

19 MR. HENRY: Okay.

20 MR. COLLINS: Thank you. I was  
21 just --

22 MR. TELFER: Yeah. No.  
23 Absolutely.

24 MR. COLLINS: -- needing  
25 clarification on where exactly these units are

1 located and kind of the scope breaks between.

2 MR. TELFER: Sure.

3 MR. COLLINS: I know you  
4 indicated that the vessel below the melt chamber,  
5 that doesn't see -- it's atmospheric.

6 MR. TELFER: Correct.

7 MR. COLLINS: It does have a  
8 jacket on it, though.

9 MR. TELFER: It is water-cooled.  
10 It does see some heat, but it's not --

11 MR. COLLINS: Okay. And that's  
12 not pressurized, that jacket?

13 MR. TELFER: If it is, it's -- I  
14 don't know exact pressure, but it's 30 psig,  
15 somewhere in there.

16 MR. LEDFORD: It's a chilled  
17 water loop.

18 MR. TELFER: Right.

19 MR. LEDFORD: So it's chilled  
20 water running to those.

21 MR. COLLINS: Do you happen to  
22 know what the volume of that jacket is?

23 MR. TELFER: I don't. It's  
24 probably about a half-inch jacket or so.

25 MR. COLLINS: Well, you said

1 it's water, so...

2 MR. LEDFORD: Yeah.

3 MR. COLLINS: Okay.

4 MR. TELFER: It is water.

5 MR. HENRY: As I recall, the  
6 materials are 304 stainless; is that correct?

7 MR. TELFER: Yes. There may be  
8 some 316, but in general, it's 304.

9 MR. HENRY: So mostly it's  
10 stainless?

11 MR. TELFER: Yes. Correct.

12 MR. HENRY: Okay. And in that  
13 water jacket, there is no boiling that occurs, is  
14 there?

15 MR. TELFER: There is not, no.

16 MR. HENRY: And are there still  
17 requirements in regards to the material -- excuse  
18 me -- the water purity?

19 MR. TELFER: There are  
20 requirements. They're not very strict requirements.

21 MR. LEDFORD: It's a closed  
22 loop, so, I mean, it's a typical chilled water  
23 system for process.

24 MR. HENRY: Okay.

25 MR. TELFER: Yeah. Just

1 industrial water from the tap, basically, to fill  
2 the tank.

3 CHAIRMAN BAUGHMAN: So does this  
4 chilled water loop go back to a chiller, or how are  
5 we cooling that water back down once it's extracted  
6 the heat?

7 MR. TELFER: Yeah. There's a  
8 heat exchanger, and then there's a cooling tower  
9 outside that provides --

10 CHAIRMAN BAUGHMAN: Thank you.

11 MR. TELFER: -- constant cool  
12 water.

13 MR. COLLINS: And the -- I know  
14 you indicated ASME code was used, but it was not  
15 stamped to -- for the units, for all the units  
16 except for the --

17 MR. TELFER: Gas heater?

18 MR. COLLINS: Yes.

19 MR. TELFER: Correct.

20 MR. COLLINS: And as far as the  
21 cycles, the cycle count, the 75,000 cycle count that  
22 it was designed to, as far as fatigue goes, was that  
23 determined by -- was that like a number of years  
24 that it was given as far as a lifetime of this unit?

25 MR. TELFER: You know, I didn't

1 do the counts myself, so I can't tell you that. But  
2 I assume there are some European requirements of how  
3 they came up with those numbers, but I don't know  
4 why 75,000 was chosen.

5 MR. COLLINS: I was getting a  
6 sense of how long this unit is going to last.

7 MR. TELFER: I mean, I haven't  
8 done the math, but I can tell you we -- in general,  
9 we introduce pressure and -- basically, the cycle is  
10 we run about half an hour, and then we have about a  
11 half-hour break. And so we run between six and  
12 eight times a shift. We're starting with a single  
13 shift, but eventually it will be a three-shift  
14 operation.

15 MR. LEDFORD: And it's only  
16 under pressure when they're operating.

17 CHAIRMAN BAUGHMAN: That is a  
18 good question, though.

19 MR. HENRY: Has there been any  
20 kind of inspection program developed or assessment  
21 program developed for these as they operate?

22 MR. TELFER: It's a brand-new  
23 facility, so we haven't written every procedure.  
24 But there's operating procedure, and I assume, yes,  
25 there will be an inspection procedure written as



1 well.

2 CHAIRMAN BAUGHMAN: And just for  
3 my own understanding, all of our calculations are to  
4 Section VIII; is that correct?

5 MR. HENRY: Div 1.

6 CHAIRMAN BAUGHMAN: Div 1,  
7 correct.

8 MR. COLLINS: Well, these  
9 calculations are FEA results that confirm the  
10 fatigue assessment, which was per AD2000 Guideline.

11 Does that sound correct?

12 MR. TELFER: I'm not familiar  
13 with AD2000, but -- I know Section VIII, Div 1, but  
14 I don't know AD2000.

15 MR. HENRY: Section VIII, Div 1  
16 doesn't have fatigue requirements, I don't think,  
17 does it?

18 MR. COLLINS: Yeah, because it  
19 says, "In this report, the static analysis of the  
20 chambers is carried out according to Section VIII,  
21 Div 1 of ASME Boiler and Pressure Vessel Code, but  
22 the fatigue strength evaluation will be done based  
23 on AD2000 Guideline," which I assume is a European  
24 guideline.

25 MR. TELFER: I think that is a

1 European guideline, yes.

2 MR. COLLINS: So, like, the  
3 majority of these calcs are all based on the FEA  
4 results that they ran the model and then  
5 back-checked to make sure that they adhered to  
6 AD2000.

7 CHAIRMAN BAUGHMAN: Okay. That  
8 makes sense.

9 MR. COLLINS: And they stated in  
10 there because -- yeah. "Due to the fact that the  
11 former," referring to ASME code, "does not contain  
12 necessary rules for direct fatigue assessment."  
13 Because that was one comment, is that we don't have  
14 any of the ASME calculations.

15 MR. TELFER: Okay.

16 MR. COLLINS: And we don't have  
17 the stamp indicating that it's design-constructed,  
18 but it is stated that it -- where it applies for the  
19 static analysis, all that was done and conducted per  
20 ASME code.

21 MR. TELFER: I understand.

22 MR. COLLINS: So you wouldn't be  
23 able to answer some questions on some of the FEA  
24 results, then?

25 MR. TELFER: I looked it over,

1 but no. I mean, I wasn't involved with it. But if  
2 you need me to check it out, I can take a look at  
3 something, but no.

4 MR. COLLINS: I myself had  
5 questions on it just as far as points of  
6 clarification, not any sort of points that looked  
7 out of -- amiss or anything like that --

8 MR. TELFER: Sure.

9 MR. COLLINS: -- just getting  
10 understanding for myself, but -- yeah. I think  
11 it's --

12 MR. TELFER: I apologize. I  
13 wasn't involved in those calcs.

14 MR. COLLINS: You're fine.

15 CHAIRMAN BAUGHMAN: So during  
16 this time of them thinking about other questions, we  
17 as a Board bring different levels of expertise to  
18 the Board, and the gentlemen to my left and right  
19 are much more versed in construction and design and  
20 so forth, and metallurgical requirements. I don't  
21 know how comfortable they feel in applying their  
22 expertise to this particular new equipment and the  
23 liabilities that we have in bringing forth an  
24 approval or disapproval or so forth.

25 I want to make sure that as we look

1 into this, that we as a collective Board but also  
2 these gentlemen have all their questions answered.  
3 And if there's anything that is needing to be  
4 brought up, calculated, that we discuss that here,  
5 brought up.

6                   Again, I don't mean to be illiterate  
7 or ignorant, but it's not within my particular  
8 expertise of the wheelhouse. So being that said  
9 and done, I just -- not to put the weight on  
10 anybody's shoulders.

11                   But also, being that these were  
12 what's going to be considered used piece of  
13 equipment, I also needed to know if these, in  
14 fact, going into service as Tennessee Specials,  
15 what the requirements are for reinspection, hydro  
16 tests, so forth, no different than any other type  
17 of pressure vessel. But being a used vessel, they  
18 need to be reinspected and hydro-tested and  
19 witnessed.

20                   So I just wanted to bring that up,  
21 for what little bit I can contribute.

22                   MR. COLLINS: And you said the  
23 service, though, is in Germany. It's the same  
24 service that's going to be here?

25                   MR. TELFER: Correct.

1 MR. COLLINS: Same pressure,  
2 same operation?

3 MR. TELFER: Yes. Identical,  
4 yes.

5 MR. COLLINS: And that was, you  
6 said, roughly a year long?

7 MR. TELFER: Probably, yeah.  
8 Original test run, 2022. We received this equipment  
9 late last year, I think it was.

10 MR. LASHLEY: Approximately how  
11 many cycles?

12 MR. TELFER: I'm going to guess  
13 they operated at maybe 30 cycles, something like  
14 that. Basically, they use it as -- for toll  
15 melting. They have a few customers they wanted to  
16 show the equipment off to, and they, you know, run  
17 their material for them.

18 MR. HENRY: Mr. Chairman, I  
19 don't know what the protocol on something like this  
20 is, but given the fact this is a relatively unique  
21 design, based on what these gentlemen have told us,  
22 and there's certain material aspects, I don't see  
23 any problems that's necessarily associated with --  
24 first of all, would it be appropriate to have  
25 somebody independent just review the static design

1 calculations and also the fatigue analysis and just  
2 comment on whether they think this is sufficient to  
3 give us confidence that this is going to operate  
4 safely and reliably with the intended life? I don't  
5 know. Is that something within our purview?

6 CHAIRMAN BAUGHMAN: So to have a  
7 third party take a look at it, one of the first  
8 things I look at would be what costs would be  
9 involved with that.

10 MR. HENRY: Is there a budget  
11 for that?

12 CHAIRMAN BAUGHMAN: Yeah. Who  
13 would absorb that cost?

14 Riley, do you have any input on what  
15 your feelings are to have another analysis done by  
16 somebody within that level of expertise?

17 MR. COLLINS: I don't think it  
18 would be a bad idea.

19 CHAIRMAN BAUGHMAN: Okay.

20 MR. COLLINS: I think it would  
21 be good.

22 CHAIRMAN BAUGHMAN: It's kind of  
23 a common sense to me, especially hearing that from  
24 the two brothers with expertise.

25 Not that you don't, but we're kind of

1 in the same --

2 MR. LASHLEY: I don't.

3 CHAIRMAN BAUGHMAN: Well, I  
4 didn't want to speak for you, Micah.

5 MR. LASHLEY: You tossed me  
6 under that bus. I'm fine.

7 CHAIRMAN BAUGHMAN: But I think  
8 that that makes sense, of bringing in somebody with  
9 that expertise that could advise us how we go about  
10 that, or is that a burden that we put back on  
11 Amaero, to bring that individual to the table? I  
12 don't know.

13 Any other input front anybody  
14 concerning that?

15 MR. HERROD: I'm not sure  
16 whether the State would agree to that. It would  
17 come to our unit as a cost, and it would have to be  
18 approved by a commissioner and all that. I would  
19 think that to expedite things, the company should  
20 absorb those costs to get it quickly done. If you  
21 wait on us to do it, it may take a few years to get  
22 it approved.

23 CHAIRMAN BAUGHMAN: Okay.  
24 Mr. Toth?

25 MR. TOTH: Yes.

1                   CHAIRMAN BAUGHMAN: Did you have  
2 a comment? I'll be glad to entertain your input on  
3 this.

4                   MR. TOTH: I would make a  
5 suggestion to the Board to seek precedence within  
6 previous board rulings on Tennessee Specials. In my  
7 memory, I don't recall many that either did not  
8 pertain to National Board registration or ASME  
9 stamping that were actually brought in, but there  
10 may be one out there that was built to the German  
11 code that you may want to look into to help in this  
12 decision.

13                   CHAIRMAN BAUGHMAN: Okay. Thank  
14 you for that advice.

15                   Yes, sir.

16                   MR. DEASON: If I may, I believe  
17 it's appropriate for the Board to table the matter  
18 for further consideration, investigation, education,  
19 and all kinds of -tions so you can, perhaps,  
20 determine a course of action to take, because it  
21 doesn't sound like today we're going to be able to  
22 definitively rule on the request for a Tennessee  
23 Special.

24                   So I don't think you have to sit at  
25 the table at this moment and determine this is



1 what we're going to do. I think you can take it  
2 under advisement and table it to the next board  
3 meeting.

4 CHAIRMAN BAUGHMAN: I think  
5 that's great advice, Mr. Deason.

6 MR. DEASON: Thank you.

7 MR. LEDFORD: There is -- there  
8 is some --

9 CHAIRMAN BAUGHMAN: Yes, sir.

10 MR. LEDFORD: Can I make a  
11 comment? There is some impact to the company if we  
12 defer this. Now, I'm not saying we -- that's your  
13 decision to make. But the schedule is that we're  
14 going to try to bring this system on board so that  
15 they can have production start in --

16 MR. TELFER: They would like to  
17 start next week, if they possibly could.

18 MR. HENRY: The issue is that I  
19 don't think --

20 And, Riley, you may chime in.

21 But I don't feel entirely comfortable  
22 saying with absolute certainty that I'm  
23 comfortable with the design of this, particularly  
24 since it does not comply completely with the ASME  
25 requirements.

1           I'm not saying there's anything wrong  
2 with it. I just would like to have a third party  
3 that could be able to review this and assure us  
4 that in all respects, it is at least as  
5 conservative as the ASME requirements.

6           CHAIRMAN BAUGHMAN: And I  
7 appreciate the need of -- or you bringing the need  
8 for them to want to proceed with commerce on this,  
9 but we're charged with safety and that's everything  
10 we do here, circled around that. But we do  
11 appreciate that position of wanting to proceed with  
12 manufacturing.

13           So at this time, motion?

14           MR. COLLINS: I would like to  
15 make a comment.

16           Just as far as the additional  
17 material that you would need, considering that you  
18 said that parts are designed to ASME code, we  
19 would want to see those calculations, to review  
20 those and make sure that they are all in line with  
21 ASME code, to the extent that they can. And then,  
22 of course, all the calculations that are in regard  
23 to the European code, PED. So making sure that  
24 we're supplied with all the background  
25 calculations so that, then, they can be reviewed.

1 MR. TELFER: Okay.

2 MR. LASHLEY: Eugene --

3 CHAIRMAN BAUGHMAN: So -- I'm  
4 sorry. Go ahead, Micah.

5 MR. LASHLEY: Oh, I see a hand  
6 out there with -- for Eugene.

7 CHAIRMAN BAUGHMAN: Mr. Deason?

8 MR. DEASON: If you wish to  
9 recognize.

10 CHAIRMAN BAUGHMAN: Yes. I  
11 would recognize Eugene Robinson for your input,  
12 please.

13 MR. ROBINSON: Thank you,  
14 Mr. Chairman.

15 In the past, normally the PED would  
16 provide you with a dossier. That dossier should  
17 have been submitted to the board members so they  
18 could review not only the material selection but  
19 any nondestructive testing requirements that were  
20 set forth.

21 If you guys have that package,  
22 there's a good possibility you can go back into  
23 Section VIII, I believe, of ASME, reverse assemble  
24 it. You would have to provide criteria for  
25 Section IX for your welding, welding protocols,

1 testing. And from that, you may be able to  
2 establish acceptance for just the first two  
3 vessels.

4 The furnace may be under a different  
5 criteria. I'm not really sure. I know that  
6 there's some criteria in the PED that does mandate  
7 that you provide software items.

8 If you have that material available,  
9 again, I encourage you to present that to the  
10 Board, and perhaps they can make a decision. I'm  
11 sure Mr. --

12 Forgive me for your last name, Riley.

13 MR. COLLINS: Collins.

14 MR. ROBINSON: Would be able to  
15 reverse that.

16 MR. TELFER: Okay. Sure. I  
17 mean --

18 CHAIRMAN BAUGHMAN: Thank you,  
19 Mr. Robinson.

20 MR. ROBINSON: Mr. Telfer, do  
21 you care to add anything?

22 MS. WILEY: There is a -- I  
23 think the last manual that they sent, it was just  
24 too large to send. It was like four binders of  
25 information upstairs that I can provide you-all. I

1 just couldn't mail it to you-all. And if you want  
2 to look at that, then there may be more information  
3 in there.

4 MR. HENRY: Is it hard copy  
5 only?

6 MS. WILEY: Yes. It was only  
7 one copy that they sent.

8 MR. TELFER: We provided  
9 electronic copies as well.

10 MS. WILEY: Well, the electronic  
11 copies is what's in that packet. Everything that  
12 was sent after is upstairs.

13 CHAIRMAN BAUGHMAN: So there was  
14 information sent after this?

15 MS. WILEY: (Nods head.)

16 CHAIRMAN BAUGHMAN: Okay. Being  
17 that we're not privy to that offhand, we haven't  
18 really had time for analysis, so forth, of that.  
19 You know what it is you would like to see. Yourself  
20 being the same. If that's in that packet, that's  
21 great. We need to be able to review that packet.  
22 And, of course, we're not going to today. But we  
23 need to see how we can do that and then be able to  
24 proceed further.

25 Mr. Robinson?

1 MR. ROBINSON: I just want to  
2 emphasize in the e-records, materials,  
3 characteristics, or MTRs, along with Section IX  
4 requirements, weld procedures, prequals, as well as  
5 certified welders if you're going to do it, and  
6 final testing. And there may be a condition for a  
7 third-party assessment in Europe.

8 It sounds like you guys may have  
9 been -- and you didn't give the actual  
10 manufacturing procedure. But when you said  
11 "Germany," the first thing I thought of was  
12 Stundenweiese. If you've heard that name before,  
13 that would be a different section of the code that  
14 would link in with ASME as well, probably a little  
15 bit more critical. Just FYI.

16 MR. HENRY: You bring up a very  
17 good point, though. This should have been signed  
18 off on by a notified body, should it not?

19 MR. ROBINSON: Absolutely.

20 MR. TELFER: Correct. It was.

21 MR. ROBINSON: Well, it should  
22 have a CE mark on it. It should have a CE stamp.

23 MR. HENRY: Right. Right.

24 MR. ROBINSON: And that body,  
25 that third-party inspector, naturally, would have

1 mandated you to create the dossier.

2 MR. HENRY: And that would have  
3 required a review of exactly the kind of things  
4 we're concerned about.

5 MR. ROBINSON: Along with  
6 drawings. It's important because they've got to  
7 know configurations so they can do calculations.

8 CHAIRMAN BAUGHMAN: Thank you,  
9 Mr. Robinson.

10 MR. ROBINSON: Sorry.

11 CHAIRMAN BAUGHMAN: No. Don't  
12 apologize. You're good.

13 MR. COLLINS: So TUV --

14 MR. TELFER: Correct.

15 MR. COLLINS: -- performed all  
16 of the third-party inspection and review of this.

17 MR. TELFER: Correct.

18 MR. COLLINS: Of all three?

19 MR. TELFER: Yes.

20 MR. COLLINS: Okay. And that's  
21 at the beginning of the packet.

22 MR. HENRY: Okay.

23 MR. COLLINS: And a list, the  
24 proof test and the hydro test, at the beginning.

25 MR. HENRY: Okay. Okay.

1 CHAIRMAN BAUGHMAN: So what  
2 would be the pleasure of how to proceed from here?

3 MR. HENRY: I think it's  
4 possible just to make that other information  
5 available for review and...

6 CHAIRMAN BAUGHMAN: Resubmit?

7 MR. HENRY: Yeah.

8 CHAIRMAN BAUGHMAN: Okay.

9 MR. COLLINS: I agree.

10 CHAIRMAN BAUGHMAN: Okay. I  
11 take that up on the advisement.

12 So the motion being to table this  
13 until the next meeting? Not denying this, but  
14 tabling it and having that information in the  
15 binders shipped by local freight company to us for  
16 our review?

17 MR. HENRY: If this poses a  
18 hardship on the end users, is there any kind of  
19 vehicle that we can meet in between public meetings?

20 MS. OWENS: So you will not be  
21 able to vote outside of a hearing.

22 MR. HENRY: Okay.

23 CHAIRMAN BAUGHMAN: Thank you.

24 That clarifies that. So it seems to  
25 me that at this point, we would entertain a motion



1 to table this. And having the additional  
2 information submitted for that analysis --

3 MR. HENRY: Let me suggest  
4 something with what Riley just pointed out, the fact  
5 that this has been reviewed by TUV. I would still  
6 like to see the additional information.

7 I'm sure you would as well, Riley.

8 But you're not going to get  
9 75,000 cycles on this before we have an  
10 opportunity to review it, and that three-month  
11 period would impose a significant hardship on you.

12 MR. TELFER: Yes.

13 MR. HENRY: Is there a way we  
14 can tentatively approve this, which would enable  
15 them to begin their operation with the understanding  
16 that if, upon our review of this additional  
17 information, there were serious concerns, that you  
18 might be in a position where we would stop it.

19 MR. TELFER: I understand.

20 MS. OWENS: So I want to  
21 clarify, you can't vote outside of an open meeting.

22 MR. HENRY: That's not what I'm  
23 suggesting.

24 MS. OWENS: You can call a  
25 special meeting if you would like to hold another

1 meeting prior to the next set date.

2 I do want to -- as counsel to the  
3 Board, I'm here to advise. Your duty is not to  
4 accommodate the employer but to move safely.

5 MR. HENRY: Let me clarify my  
6 comments. And I certainly agree that first and  
7 foremost is safety. But there is a significant  
8 amount of information that's presented here already.  
9 I don't think it's enough, but what we have doesn't  
10 raise any particular flags. We would like to see  
11 the additional information.

12 We're also citizens of the state, and  
13 we would like to see the local state economy  
14 thrive. If we can do that in a way that doesn't  
15 impose unusual restrictions on the people doing  
16 commerce within our state, I think we also have a  
17 duty for that as well.

18 MR. DEASON: The Board can  
19 conditionally approve something. I would have a  
20 question about procedurally, how would we go  
21 about -- if the conditions that you would expect to  
22 be met aren't met, how would we go about shutting  
23 that down, the vehicle for that, whether it be our  
24 inspectors -- I mean, who -- how would that come to  
25 the Board's attention and what action do you propose

1 taking?

2 CHAIRMAN BAUGHMAN: So I'll make  
3 a comment also. Thank you, Mr. Deason.

4 Will it be more detrimental to  
5 implement production and then shut it down versus  
6 holding off production until all this is resolved?

7 MR. TELFER: I mean, I can say  
8 pretty confidently my management would like -- they  
9 would prefer to start and then be told they have to  
10 stop than to -- have to wait another three months.

11 CHAIRMAN BAUGHMAN: Okay.

12 MR. LEDFORD: And there's  
13 customers that require materials for their testing  
14 so that they can move forward with contracts. And  
15 this is a start-up. So revenue -- a revenue stream  
16 is extremely important to get started for them.

17 CHAIRMAN BAUGHMAN: I  
18 understand. And we put -- honestly, I know  
19 myself -- I can't speak for the Board but I can  
20 speak for the Board, is that economics really don't  
21 come into play when we're discussing safety. That's  
22 kind of paramount.

23 One of the things that we would have  
24 to address is the inspection of these units. They  
25 would have to be both opened up, looked at,

1 hydrostatic-tested, but also looking at them for  
2 any corrosion mechanism, anything at all within  
3 the pressure vessel site. So we've got to have  
4 that mechanism in place to be able to do the  
5 proper inspections, so forth, within our  
6 requirements. So that in itself would take a  
7 period of time.

8 MR. TELFER: I understand.

9 CHAIRMAN BAUGHMAN: Mr. Toth,  
10 I'll recognize you.

11 MR. TOTH: I just want to add  
12 that I don't know if the Board is familiar with the  
13 actual definition of "Tennessee Special." And I  
14 kind of mentioned about the ASME code, NBIC code,  
15 paragraph 833.03, paragraph 6, specifically states  
16 that it has to be presented to the Board before  
17 construction.

18 That's where -- and I feel for these  
19 companies that are bringing in units coming from  
20 Europe. I've seen them many years that came from  
21 Europe with ASME -- built under ASME code, did not  
22 have the National Board registration, maybe even  
23 had HSB registration marks that were elderly  
24 units.

25 The issue is the whole bringing these

1 units in and presenting it to you, whereas your  
2 definition of "Tennessee Special" specifically  
3 states prior to construction.

4 CHAIRMAN BAUGHMAN: Yes, sir.

5 MR. TOTH: That is very  
6 difficult, and that's why I mentioned. I think you  
7 guys are going round and round on this. You've got  
8 to find that -- and legal can help you with this --  
9 find that precedent where it's been passed prior.

10 CHAIRMAN BAUGHMAN: Yes, and  
11 thank you for that input.

12 Again, that leads us back to needing  
13 more information, doing some investigation, so  
14 forth, which, again, directs us into tabling this  
15 for the vote.

16 So with that, again, we're very  
17 cognizant of the need and the desire to get up and  
18 into production, by all means, and we're not  
19 sympathetic to that -- we're not --

20 MR. TELFER: Unsympathetic.

21 CHAIRMAN BAUGHMAN: We are  
22 sympathetic to that, let me say, not so much not.

23 But understanding, too, the protocol  
24 we've got in place to do our due diligence, and so  
25 because of that, I think we've got some more

1 homework to do, some more reading to do.

2 MR. HENRY: Before the reading,  
3 though, the issue Mr. Toth brought up, I think,  
4 supercedes that.

5 I mean, this may not be applicable  
6 for a state special, if I understood you  
7 correctly.

8 MR. TOTH: Yes, sir. That's  
9 where I said to look back into the rules and maybe  
10 the Boiler Unit's records to identify those  
11 Tennessee Specials and see if precedent has been set  
12 in the past by this body.

13 CHAIRMAN BAUGHMAN: Very good.  
14 Thank you, Mr. Toth.

15 Mr. Robinson.

16 MR. ROBINSON: I can confirm  
17 that there have been past recognition for vessels  
18 constructed prior to being submitted to the  
19 Tennessee Board.

20 CHAIRMAN BAUGHMAN: Very good.  
21 Thank you, Mr. Robinson.

22 Mr. Matue, did you have input?

23 MR. MATUE: About a year ago, we  
24 had a Tennessee Special that was approved and the  
25 tank was already in service. It was approved after

1 the fact. So there is precedence for that in  
2 Tennessee.

3 CHAIRMAN BAUGHMAN: Very good.  
4 Thank you, Mr. Matue.

5 MR. TOTH: And again, the  
6 background on that unit, Mr. Chairman, as to what  
7 was the construction, to what codes, and what  
8 information.

9 CHAIRMAN BAUGHMAN: Sure. Each  
10 one of them standing on its own merits.

11 MR. TOTH: Yes, sir.

12 CHAIRMAN BAUGHMAN: Any other  
13 input?

14 Thank you for the public comment on  
15 those, very much.

16 Anything else to add?

17 MR. COLLINS: What was the  
18 conditional that Mr. Deason mentioned? The  
19 conditional approval?

20 MR. DEASON: Okay. I said, you  
21 know, it's -- the Board has the right to make a  
22 conditional approval upon conditions being met,  
23 obviously, but I'm not sure -- I just want to, you  
24 know, say to you I'm not sure at what point you'll  
25 be able to -- or how you want to define those

1 conditions that are being met.

2 I mean, you have to -- you would have  
3 to make -- you know, upon passing inspection, you  
4 would have to set, you know, something to trigger  
5 that condition or -- otherwise, you would have to  
6 come -- you know, you're going to have to come  
7 back anyway, at the next board meeting, to see if  
8 that condition has been triggered.

9 So yeah, I don't know. I mean,  
10 because what you're asking for, the conditions to  
11 be met are well beyond the scope of almost maybe  
12 anybody here right now, at least on our side of  
13 this table, not that we're for or against. But I  
14 just think it would be difficult to do that and  
15 stay within the parameters of, you know, how we  
16 conduct business on these boards.

17 CHAIRMAN BAUGHMAN: Okay. So we  
18 need additional information. Again, looking into --  
19 we know there's a precedent set for previous  
20 Tennessee Specials. We need additional information.  
21 I believe what may be in these large binders for  
22 analysis, those could be submitted to us prior to  
23 the next meeting without calling a special meeting,  
24 albeit that's an option.

25 Would that special meeting need to be



1 a public special meeting?

2 MR. DEASON: Yes, sir. If  
3 you're going to --

4 CHAIRMAN BAUGHMAN: Vote.

5 MR. DEASON: If you're going to  
6 vote, it needs to be.

7 CHAIRMAN BAUGHMAN: Okay. So  
8 that's an option. And I take it that would not  
9 affect the other quarterly meetings. That would add  
10 an additional meeting to the four that we have  
11 scheduled. And that may be something that's  
12 applicable to this particular project. I don't  
13 know.

14 MR. HENRY: Could that be a  
15 remote meeting?

16 MS. OWENS: No.

17 MR. DEASON: I don't believe we  
18 can do that, no, sir.

19 CHAIRMAN BAUGHMAN: Okay.

20 MR. HERROD: How much notice do  
21 we have to give for that? Forty-five days?

22 MR. DEASON: I believe so, yes,  
23 sir.

24 MR. LASHLEY: We would almost  
25 have to go ahead and make that announcement?

1 MS. WILEY: No.

2 MR. HENRY: You have to make it  
3 worthwhile. You're right.

4 MR. LASHLEY: Would that give --  
5 I mean, I'll be reading Spanish if I review it. But  
6 would that give you enough time to review and come  
7 to the conclusion that you would need to feel  
8 comfortable?

9 MR. HENRY: I think, from my  
10 end, yes.

11 MR. COLLINS: I can make that  
12 work.

13 CHAIRMAN BAUGHMAN: Okay. Is  
14 that the direction or the place we would like to go  
15 in as -- either way, just so you know, to pass on  
16 the powers to be, it's going to be a number of days  
17 regardless of going in, and then we still have to  
18 perform the inspection. I say "we." But the  
19 inspection would have to be performed and passed and  
20 so forth. So there's still some contingencies.

21 Any other input that you guys --

22 MR. TELFER: I just want to  
23 clarify. We started off the process by providing  
24 electronically, a number of documents and --

25 MS. WILEY: They have everything

1 that's electronic. But those bound eight copies  
2 that you sent, I have no way of making four copies  
3 for them.

4 MR. LEDFORD: But we gave,  
5 electronically, access to the printed copies that we  
6 submitted, hopefully for you-all to review, and it  
7 didn't get passed along.

8 MS. WILEY: Everything that's  
9 electronic is in that, but that bound eight copy  
10 that you gave to Justin --

11 MR. LEDFORD: I physically  
12 delivered to the --

13 MS. WILEY: Justin?

14 MR. LEDFORD: -- Chief's  
15 office --

16 MS. WILEY: Yes. You said that  
17 that's --

18 MR. LEDFORD: -- a thumb drive  
19 that had the operation --

20 MR. DEASON: The court reporter  
21 can't get all this.

22 MR. LEDFORD: Sorry.

23 MS. WILEY: So for board  
24 meetings, five copies, for each board member, has to  
25 be supplied 45 days. That copy that Justin had was

1 submitted after, and it wasn't enough copies for the  
2 board members and no way for me to actually make  
3 copies.

4 MR. TELFER: I understand.  
5 Before we provided any printed copy, we provided  
6 a lot of --

7 MS. WILEY: Yes. That's  
8 everything that they have in front of them.

9 MR. TELFER: No. I mean, it  
10 would have -- if you printed it out, it would have  
11 been the same -- it would have been a lot.

12 MS. OWENS: I think that's a  
13 moot point at this point. They don't have it. They  
14 haven't reviewed it.

15 MR. TELFER: Okay.

16 MS. OWENS: I understand your  
17 frustration --

18 MR. TELFER: Yeah.

19 MS. OWENS: -- but we're going  
20 to have to move on from this one.

21 MR. TELFER: All right. I  
22 just -- I want to state that if anything is missing  
23 from the printed copies -- I mean, we provided even  
24 more than what we printed originally. So if you  
25 need something else, please let us know. We're

1 happy to share whatever we have and get anything  
2 else that we don't have from the manufacturer.

3 CHAIRMAN BAUGHMAN: Very good.

4 MR. TELFER: Yeah.

5 CHAIRMAN BAUGHMAN: Not to  
6 interrupt, but I want to make sure that we're  
7 specific on directing to you what it is that we are  
8 wanting. Whether it's been submitted or not  
9 previously, we're not in receipt of it --

10 MR. TELFER: I understand.

11 CHAIRMAN BAUGHMAN: -- for  
12 whatever reasons. But we need to be in receipt of  
13 it, plus the information, to make sure that if it's  
14 not in those manuals, which we'll leave to you to  
15 review, whatever it is they're asking for to be in  
16 this packet of information is included. And that  
17 will be in the minutes, or if there's ever more  
18 clarification, we can do that right now on what it  
19 is we're asking for to be in that information.

20 MR. HENRY: I suspect,  
21 Mr. Chairman, that once we have an opportunity to  
22 look at that, if there is additional information we  
23 feel required, we should transmit that to them  
24 immediately.

25 CHAIRMAN BAUGHMAN: Agree, and I

1 think that would be prudent. And shared between  
2 us --

3 MR. HENRY: Yes. Correct.

4 CHAIRMAN BAUGHMAN: -- on that  
5 information being shared.

6 So at this particular time, motion to  
7 be made that we're going to table this and set up  
8 a special meeting once the information has been  
9 set up -- or received. We'll set up a special  
10 meeting then to discuss and vote on this  
11 particular Tennessee Special item.

12 MR. LASHLEY: I think it would  
13 be prudent to go ahead and call the special meeting  
14 with the 45 days so we have the 45 days to go ahead  
15 and review instead of waiting to receive and then  
16 calling in 45 days. We may be a week out from the  
17 next meeting, you know.

18 You know, if we're able to go ahead  
19 and call it, it's looking like the last week of  
20 July that we would be able to meet and -- and, you  
21 know, given that you said 45 days is enough time  
22 to review, there may be a little bit of  
23 information. But if they've got eight binders,  
24 you know, I'm sure that the majority of the  
25 information you need will be -- you know, I don't

1 want to put words in your mouth or, you know, kind  
2 of force your hand.

3 But to me, if we need 45 days to call  
4 the meeting, make it public, that we should  
5 probably act to do that now rather than wait for  
6 the information to be physically in our hands and  
7 then call 45 days.

8 CHAIRMAN BAUGHMAN: Okay.  
9 Mr. Herrod.

10 MR. HERROD: August the 7th is  
11 the first opportunity we have. The week before that  
12 is -- the agency staff is at a meeting outside of  
13 the facility here. So we would not be able to have  
14 it. So August the 7th is a Wednesday.

15 CHAIRMAN BAUGHMAN: Next  
16 scheduled Board of Boiler Rules Meeting is  
17 September 11th. We could call a special meeting for  
18 August the 7th.

19 Any particular conflicts you can  
20 think of, being out that far?

21 (No verbal response.)

22 CHAIRMAN BAUGHMAN: That sounds  
23 good.

24 Any other input? Does that meet  
25 protocol?

1 MR. DEASON: That's within your  
2 discretion.

3 CHAIRMAN BAUGHMAN: Okay.

4 MR. DEASON: The Board's  
5 discretion, yes, sir.

6 CHAIRMAN BAUGHMAN: Well, let's  
7 call a special meeting, then, to --

8 MS. OWENS: You may --

9 CHAIRMAN BAUGHMAN: I'm sorry.  
10 Go ahead.

11 MS. OWENS: Sorry.  
12 Mr. Chairman, you may want to confirm with your --

13 CHAIRMAN BAUGHMAN: Thank you.

14 MS. OWENS: If they can be here.

15 CHAIRMAN BAUGHMAN: Thank you,  
16 Ms. Owens.

17 MR. LEDFORD: We will be here.

18 CHAIRMAN BAUGHMAN: Okay.

19 MR. LEDFORD: But one  
20 clarification. If you request additional documents,  
21 will we still be bound by this 45 days?

22 MS. WILEY: If you request  
23 additional documents, it's just as soon as possible  
24 that it can be done.

25 CHAIRMAN BAUGHMAN: Yes. We



1 just need to have them so we can do a prudent review  
2 so that you can --

3 MR. LEDFORD: Right. You'll  
4 review what we've submitted --

5 CHAIRMAN BAUGHMAN: Absolutely.

6 MR. LEDFORD: -- and then give  
7 us a request if you need anything else, and we'll  
8 posthaste provide that information through the --

9 MR. HENRY: Yes.

10 MR. LEDFORD: -- Boiler Unit.

11 CHAIRMAN BAUGHMAN: Yes, sir.  
12 And how soon do you anticipate it being able to come  
13 to us for our start of review?

14 MR. LEDFORD: You want us to --

15 MR. HENRY: We already have it.

16 CHAIRMAN BAUGHMAN: We already  
17 have it?

18 MR. HENRY: Yeah.

19 MR. LEDFORD: Yes.

20 CHAIRMAN BAUGHMAN: Is your  
21 department making the copies of it, or they have  
22 already sent the copies?

23 MS. WILEY: It's only one copy,  
24 but it's bound. So I will go through the process of  
25 figuring out how to --

1                   MR. HERROD: We would appreciate  
2 their making those copies for the board members. It  
3 would take too much time for us to try to assemble  
4 that. It's just --

5                   MR. LEDFORD: If you want us to  
6 do it and you provide us where we need to deliver  
7 them to, we'll get them to the individual board  
8 members.

9                   CHAIRMAN BAUGHMAN: That sounds  
10 excellent.

11                   Everybody on board?

12                   (No verbal response.)

13                   CHAIRMAN BAUGHMAN: Okay. So  
14 motion?

15                   MR. LASHLEY: Motion.

16                   CHAIRMAN BAUGHMAN: To set up  
17 the special meeting for August the 7th, tabling this  
18 item until then.

19                   Is that a sufficient motion?

20                   MR. HENRY: I think so.

21                   CHAIRMAN BAUGHMAN: Okay. So  
22 being that's the motion, somebody want to approve  
23 it?

24                   MR. HENRY: Second.

25                   CHAIRMAN BAUGHMAN: Second the

1 motion. All right.

2 All in favor, say "aye."

3 (Affirmative response.)

4 CHAIRMAN BAUGHMAN: Opposed?

5 (No verbal response.)

6 CHAIRMAN BAUGHMAN: Not voting?

7 (No verbal response.)

8 CHAIRMAN BAUGHMAN: Great.

9 August the 7th. Look forward to it.

10 Thank you so much, guys --

11 MR. TELFER: Thank you.

12 CHAIRMAN BAUGHMAN: -- for the  
13 discussion. I know it was a bit lengthy and going  
14 back and forth.

15 MR. TELFER: That's fine.

16 CHAIRMAN BAUGHMAN: But really  
17 do appreciate it, and I appreciate you knowing we're  
18 all here working in the best interest of the state  
19 and safety.

20 MR. LEDFORD: We understand  
21 that.

22 MR. TELFER: Appreciate your  
23 time. Thank you.

24 CHAIRMAN BAUGHMAN: Thank you,  
25 brothers.

1 MR. LEDFORD: Thank you.

2 CHAIRMAN BAUGHMAN: All right.

3 Thank you very much for that.

4 Now we're going on to Item 8, Board  
5 Cases and Interpretations.

6 MR. DEASON: Before we start.

7 CHAIRMAN BAUGHMAN: I'm sorry.

8 Yes.

9 MR. DEASON: Do you need a  
10 break?

11 THE REPORTER: I think it  
12 depends on how long the next segment is.

13 CHAIRMAN BAUGHMAN: It could be  
14 a while.

15 MR. DEASON: It'll probably be a  
16 minute.

17 THE REPORTER: If it's going to  
18 be lengthy, maybe just a short break.

19 CHAIRMAN BAUGHMAN: Okay. Let's  
20 break for a handful of minutes and when you hear me  
21 come up and hit the gavel, we'll get back and  
22 rolling.

23 (Recess observed.)

24 CHAIRMAN BAUGHMAN: We'll  
25 reconvene.

1 All right. So we are now at  
2 Number 8, Board Cases and Interpretations.

3 We'll go to BC24.01, Transition to  
4 JRS for inspection reporting by all AIAs and  
5 adoption of NBIC forms NB-6 and NB-7.

6 MR. HENRY: Mr. Chairman, before  
7 we get there, could we know what this is?

8 MR. LASHLEY: Yes. That's the  
9 data.

10 MR. HENRY: All of this?

11 MR. LASHLEY: Yes, sir.

12 MR. HENRY: Okay.

13 MR. LASHLEY: The truck will be  
14 here with the rest later.

15 CHAIRMAN BAUGHMAN: So they will  
16 be sending out those forms -- those binders to us,  
17 but that is what was presented to them.

18 MR. HENRY: Okay.

19 CHAIRMAN BAUGHMAN: Anything  
20 else?

21 (No verbal response.)

22 CHAIRMAN BAUGHMAN: We're good.  
23 All right. So to the 24.01.

24 Mr. Herrod.

25 MR. HERROD: Yes. The purpose

1 of this board case is to have the AIAs, Authorized  
2 Inspection Agencies, begin reporting -- inputting  
3 their inspection reports directly into the  
4 Jurisdictional Reporting System, known as JRS.

5 Now, as some background, the State or  
6 the Boiler Unit transitioned to this web-based  
7 program back -- last June. And for the past year,  
8 we've been accepting text files from insurance  
9 companies that are on a different system than JRS  
10 and inputting that data into our system now, using  
11 our personnel. As a result of that, we are 4,000  
12 inspections behind in getting entries into the  
13 system.

14 Now, the grace period that we gave of  
15 a year was to allow these insurance agencies to  
16 transition to Jurisdictional Reporting Systems  
17 themselves and put this data in, directly into the  
18 system for us.

19 But it has become unmanageable at  
20 this point for us to continue doing this and keep  
21 up. We're two months behind and as I said, 4,000  
22 entries. And it needs to be -- the 1st of July I  
23 put as an arbitrary stop date for accepting any  
24 kind of text files where we would have to -- our  
25 personnel, our admin staff, would have to put it

1 in before that. But after that, we will not  
2 accept any more text files.

3           So the board case is this: We would  
4 like the Board to reply that it should be  
5 mandatory that the AIAs record their inspections  
6 into the present system, JRS, that is being used  
7 by the Boiler Unit; and also, for the Board to  
8 agree to adopt the NBIC forms, NB-6 for fired  
9 vessels and NB-7 for pressure vessels, in their  
10 current edition. This allows us to consolidate  
11 this kind of adoption into putting all the  
12 information directly into the safe JRS and to  
13 utilize the information that are on the most  
14 current forms of the NB-6 and NB-7.

15           So that's what we're asking today for  
16 the Board to consider.

17                           CHAIRMAN BAUGHMAN: Thank you,  
18 Mr. Herrod.

19           So I'll call up front, is there any  
20 conflict of interest on this item?

21                           MR. LASHLEY: I will have a  
22 conflict in vote.

23                           CHAIRMAN BAUGHMAN: You will  
24 have a conflict and --

25                           MR. LASHLEY: In the vote.

1 CHAIRMAN BAUGHMAN: In the vote.

2 MR. LASHLEY: There's a conflict  
3 of interest, but I will be speaking.

4 CHAIRMAN BAUGHMAN: Okay. And  
5 that conflict of interest, do we need to describe  
6 what that is to clarify it, to know whether or not  
7 it does interrupt with the vote? I didn't know if  
8 legal needs to interpret the conflict or not.

9 MR. LASHLEY: There is a  
10 significant financial impact to the insurance  
11 industry if the recording or licensing of JRS is  
12 required.

13 CHAIRMAN BAUGHMAN: Okay.

14 MR. DEASON: Your abstention is  
15 based on?

16 MR. LASHLEY: On financial  
17 interest.

18 MR. HENRY: Does this affect our  
19 quorum?

20 CHAIRMAN BAUGHMAN: I don't  
21 believe it affects our quorum. We still have a  
22 quorum with the three of us.

23 Thank you for that advisement.

24 But he may still discuss, correct?

25 MR. DEASON: Yes. He may engage



1 in discussions.

2 CHAIRMAN BAUGHMAN: Okay. Very  
3 good. So we've got one conflict.

4 Do I have a motion to discuss?

5 MR. HENRY: So moved.

6 CHAIRMAN BAUGHMAN: Second?

7 MR. COLLINS: Second.

8 CHAIRMAN BAUGHMAN: All right.

9 Let's bring forth the discussion.

10 MR. HENRY: Anybody have, by any  
11 chance, a copy of NB-6 or 7?

12 CHAIRMAN BAUGHMAN: Yes, I have  
13 a copy.

14 Does everybody have a copy, or if  
15 they need a copy?

16 Here is my copy, Jeff, of NB-6 and 7.

17 MR. HENRY: Thank you very much.

18 CHAIRMAN BAUGHMAN: You're  
19 welcome.

20 MR. COLLINS: I had more of a  
21 question. So it says the adoption of NB-6 and NB-7.  
22 Is that in addition to -- and I'm not sure who I'm  
23 addressing the question to. Is that in addition to  
24 reporting in the JRS system, or does the information  
25 that you input into the JRS system automatically get

1 put into the NB-6 and 7 format?

2 MR. HERROD: What is on the NB-6  
3 and NB-7 forms now will go into JRS. That's what it  
4 does. The JRS system will be built to whatever the  
5 current edition is of NB-6 and NB-7, so that  
6 information will be consistent.

7 MR. COLLINS: So programs that  
8 are currently inputting that information in JRS will  
9 just continue to do that, and naturally, they're  
10 going to be satisfying that second point.

11 MR. HERROD: Yes.

12 MR. LASHLEY: So the  
13 Jurisdiction Online system also submits the NB-6 and  
14 NB-7 forms, correct?

15 MR. HERROD: They do. They  
16 submit those forms to us.

17 MR. LASHLEY: So, I mean, either  
18 system that is being utilized right now has already  
19 adopted the 6 and 7 forms.

20 MR. HERROD: The issue is not  
21 really the 6 and 7. It's the data entry into the  
22 web-based programs. JRS is a nationwide system  
23 developed by the National Boiler Board. That's why  
24 we went to it. Tennessee was the first jurisdiction  
25 in the country to go to it. Because of the

1 improvements over the current system that we had, we  
2 had no -- really had no choice since we were coming  
3 off of a lazy system, had to go to a new system.

4 But we accommodated these insurance  
5 companies in their data entry portion by doing it  
6 for them. And we feel like going past July the  
7 1st, it would continue to be unmanageable and slow  
8 down the entire process.

9 These companies that get inspected  
10 want their Operating Permit or their Certificate  
11 of Operation. And with a two-month delay in the  
12 entry and then another two or three months'  
13 approval delay, you can see how much of a problem  
14 this is with everyone, not just the Boiler Unit,  
15 but to the companies that we serve. So it's a  
16 customer service problem, more than anything.

17 MR. LASHLEY: I'd like to point  
18 out that Jurisdiction Online is also a national  
19 system. It has, you know, multiple jurisdictions  
20 that utilize that system. My company is one of the  
21 companies that utilize JO as opposed to JRS, just  
22 because it has tracked all of our recommendations  
23 and code violations for X amount of years.

24 Dual reporting is -- you know, will  
25 be a significant hit on our production time, other

1 companies as well that may use JOL or potentially  
2 WMS, I believe, HSB still uses. You know, this  
3 dual reporting is going to be a significant hit to  
4 production, to our paperwork time, and also will  
5 pose as a, you know, financial impact for  
6 licensing, to -- you know, to sign on to JRS and  
7 to be a subscriber.

8 MR. HERROD: Mr. Chairman, one  
9 other thing. The reason we've waited 12 months to  
10 make this decision is the fact that JO and JRS are  
11 in communication with each other to develop an  
12 application programming interface, an interface  
13 between the two that will automatically upload these  
14 documents.

15 In the past, the systems we had had  
16 that capability. But whether it's legal or  
17 whether it's technical, I don't know. But in  
18 order to push that along, because there's been  
19 delay after delay after delay, I put July 1st down  
20 as a start date to push either the insurance  
21 companies to go to JRS and do dual reporting, if  
22 that's what they have to do, or to encourage JRS  
23 and JO to make the legal and technical connection  
24 and have that interface there.

25 There may be a fix coming up in a few

1 weeks. It may be a few months. I'm sure it won't  
2 be a long process. If we don't get some relief  
3 from data entry, our people will not be able to  
4 continue this delay, delay, delay of getting  
5 certificates out to the customer. That's where  
6 we're getting so many complaints, is from  
7 companies that want their Operating Permit. We  
8 just can't get it to them.

9 CHAIRMAN BAUGHMAN: So that's  
10 the impetus behind it.

11 MR. HERROD: Yes.

12 CHAIRMAN BAUGHMAN: So just to  
13 clarify, Chubb is presently utilizing JO; is that  
14 correct?

15 MR. LASHLEY: Yes, sir.

16 CHAIRMAN BAUGHMAN: Okay. So  
17 the future is looking to integrate JO and JRS  
18 together?

19 MR. LASHLEY: I think that's up  
20 to JO and JRS.

21 MR. HERROD: Yes.

22 MR. LASHLEY: You know, I know  
23 that they have had talks to where they are looking  
24 to share data more freely.

25 I don't want to put words in your

1 mouth.

2 MS. SIMPSON: Yep.

3 MR. LASHLEY: But, you know,  
4 that has been the understanding for the past,  
5 probably, two years, even before Tennessee. Once  
6 again, you know, they were the first to sign on.  
7 Unfortunately, they are getting -- you know, they're  
8 getting the guinea pig treatment.

9 I know Maryland, North Carolina,  
10 and --

11 MS. SIMPSON: Missouri.

12 MR. LASHLEY: -- Missouri has  
13 also recently signed on. But that's a lot of data  
14 that's being integrated into a completely new  
15 system.

16 So, you know, I think it is -- you  
17 know, it's a communication and a mutual agreement  
18 issue more with JO and JRS than something that,  
19 you know, is being pushed on either the  
20 jurisdiction or the insurance companies to where,  
21 you know, we're feeling the pressure from our  
22 clients, from, you know -- from different  
23 organizations within the state, and they're  
24 waiting on their certificates.

25 So, you know, that's the push that we

1 feel as well from our client. Hey, where is my  
2 certificate?

3 CHAIRMAN BAUGHMAN: Sure.

4 MR. LASHLEY: You know, I field,  
5 you know, 15, 20 calls a week from locations that I  
6 visited, you know, two months ago. Hey, where is my  
7 certificate? It used to be, did you pay your  
8 invoice, was my initial question. And now it's  
9 the -- the first question is, you know, like, let me  
10 look to see when I was out there, and, you know,  
11 understanding that there has been a little bit of an  
12 extended delay.

13 CHAIRMAN BAUGHMAN: Because of  
14 the acronyms, what does "JRS" and "JO" stand for?

15 MR. LASHLEY: Jurisdictional  
16 Reporting System is JRS, and Jurisdiction Online is  
17 JO or JOL.

18 CHAIRMAN BAUGHMAN: Very good.  
19 Thank you.

20 So input?

21 MS. SIMPSON: Debbie Simpson.

22 CHAIRMAN BAUGHMAN: Thank you.

23 MS. SIMPSON: I'm from Central  
24 Square. We are the company that funds JOL. We just  
25 wanted to come here. We have been operating in some

1 of the -- a couple of states that they mentioned  
2 already. We're already submitting our inspection  
3 files and doing our status updates as well as our  
4 regular inventory.

5           So as far as we're concerned, you  
6 know, as soon as you are capable of being able to  
7 accept those files and have that back and forth,  
8 we really welcome the ability to be able to do  
9 that so that it doesn't impose that level.

10           We're doing this in many states  
11 already. So, you know, we have over 30 states  
12 that are participating or jurisdictions that are  
13 participating. We submit inspection files, status  
14 files not only to JRS but to other systems as well  
15 in at least 14 different jurisdictions. That's  
16 one of the things that we do for the insurance  
17 companies, is able to submit those files  
18 electronically.

19           So we just want to make sure that we  
20 don't lose that ability to submit those. Because  
21 even prior to JRS, we used to submit,  
22 electronically, our files to the State of  
23 Tennessee, and it didn't require any of your  
24 people to input that. It came right into the  
25 system.



1 MR. HERROD: Right. Because  
2 there was an interface built into the software.

3 MS. SIMPSON: Yes.

4 MR. HERROD: And there's not  
5 that capability now. And since we're not the  
6 gatekeepers of JRS -- we're the user -- we can't --  
7 it's up to JRS and JO to make that interface  
8 connection happen.

9 In the old systems where we had  
10 control of it, that interface was built in. It's  
11 not with JRS. And we knew there was some  
12 limitation when we went to it, but we had a  
13 problem with the system we were coming off of.

14 So one year of doing the data entry  
15 for insurance companies is sufficient for them to  
16 have transitioned, learned the system. There is  
17 no economic cost to the insurance companies to get  
18 on board with JRS at this point. They're  
19 accepting at no cost for them to be trained and  
20 to -- even if it's dual entry, have a minimum  
21 amount of economic hit for that.

22 CHAIRMAN BAUGHMAN: So what I'm  
23 understanding is we've got JRS with the State.  
24 We've got JO -- you mentioned JOL. Is that a  
25 different --

1 MR. LASHLEY: Same thing.

2 MS. SIMPSON: Same thing.

3 CHAIRMAN BAUGHMAN: Same thing.

4 Thank you. I'm just trying to keep up with my  
5 acronyms.

6 MS. SIMPSON: Sorry.

7 Jurisdiction Online. We'll keep it that simple.

8 CHAIRMAN BAUGHMAN: All right.  
9 I appreciate the response ASAP. Just a lot of  
10 acronyms to keep up with. Thank you.

11 So what we're looking at is, really,  
12 presently there's an integration issue.  
13 Hopefully, that will get resolved at some point in  
14 time through the powers to be in the companies.  
15 But it seems like the issue is where there's  
16 additional data input, JO and JRS, versus at some  
17 point just being able to put forth information  
18 directly into JRS. I'm just trying to get a good  
19 grasp of it.

20 MR. LASHLEY: And, I mean, just  
21 going back to the Chief's report, you know, this  
22 past year, insurance agencies have inputted 26,000  
23 inspections, you know, giving -- and this is -- I  
24 think this is a generous number, of ten minutes per  
25 inspection. You know, if we're dual reporting

1 ten minutes per inspection, that's, you know,  
2 4,000 hours additional time onto us.

3 Some companies are salaried, some  
4 companies pay by the hour, you know. I mean,  
5 that's a significant hit financially for the dual  
6 reporting aspect. You know, that's where I'm  
7 coming from in this aspect, is it's a financial  
8 hit.

9 CHAIRMAN BAUGHMAN: Sure. I can  
10 appreciate that.

11 Mr. Matue, I'll recognize you.

12 MR. MATUE: Thank you, Chairman.

13 My name is Brandon Matue. I'm an  
14 inspector with FM Global. We've used JRS and JOL,  
15 Jurisdiction Online, for a year now. And I've got  
16 to tell you, for the State of Tennessee, for  
17 having their database to look at your backlog, I  
18 would question that backlog even being accurate  
19 because the two, they don't communicate at all.  
20 JOL and JRS are not communicating. They don't. I  
21 mean, actually, that's what's completely wrong  
22 with them.

23 Now that we're on JRS, I can look and  
24 see exactly what's the deal with the Tennessee and  
25 know that's the due date of the objects. I can

1 submit it to the correct person as far as billing.  
2 Everything is going a lot smoother now with JRS,  
3 off of JOL.

4 So, I mean, from a standpoint of your  
5 backlog, I think everybody has to be on one page  
6 on JRS. But to be on Jurisdiction Online, they  
7 don't communicate at all between the two.

8 So talking about the communication, I  
9 can show you. If you guys put in a new tank, it  
10 will pop up showing it's overdue for me, and you  
11 guys put it in a month ago. That's what we're  
12 seeing.

13 So we're doing dual inputting, so  
14 we're doing double the work, but it's getting  
15 smoother and smoother as we're going. So at least  
16 the data that we're looking at is accurate for  
17 both parties, if that makes sense, if that helps.

18 CHAIRMAN BAUGHMAN: It does.  
19 Thank you for that input, Mr. Matue.

20 MR. TOTH: What's the protocol  
21 for being called up?

22 MS. OWENS: You have to wait to  
23 be recognized.

24 MR. TOTH: Okay. I just noticed  
25 that, being recognized. Okay.

1 CHAIRMAN BAUGHMAN: Mr. Toth.

2 MR. TOTH: Okay. I just want to  
3 help everybody here that hasn't been involved with  
4 the Board or the Unit for the past 20 years. Just  
5 like styles, right, clothing styles, they come back  
6 every 20 years. This is not something new. Okay?

7 Micah, this is not something new.

8 This Boiler Unit went through a  
9 massive change two decades ago when we went  
10 electronic. It was the same time that we were  
11 building -- as Mr. Herrod communicated, we had  
12 built an internal API. Okay? It's that link  
13 between multiple systems. It's the same link that  
14 I hope that JRS and JOL are working toward.

15 My business with the National Board,  
16 I'm very familiar with the individuals with JRS.  
17 Okay? It has been brought up to them that how  
18 important -- I've been involved in some of those  
19 conversations -- how important it is that there is  
20 an API developed.

21 But with that said, Mr. Herrod and  
22 his staff is at a tremendous disadvantage right  
23 now. I've been through this. I've seen the  
24 delinquents increase because we could not get the  
25 reporting in.

1                   Yes, it's an API that Mr. Herrod and  
2 the State are not going to build, but he's the  
3 person and the support from above that are going  
4 to require the JRS's and JOL's to communicate.  
5 Because if not, it's going to be 8,000 behind. He  
6 does not have the staff. I did not have the staff  
7 during my time to handle the inspection loads that  
8 are coming in.

9                   There's an easy solution to this.  
10 And Mr. Herrod is putting his foot down and is  
11 going to make the two parties put the API in place  
12 so it's not putting a burden on his department.

13                   CHAIRMAN BAUGHMAN: Well, thank  
14 you for that input. I think that's well put out  
15 there for us, and I agree. It's all right in front  
16 of us. We kind of know the direction of why it's  
17 being put out there, the impetus behind it,  
18 understanding the State's position, understanding  
19 the insurance's position. Everybody is affected by  
20 it. But the State is in a position of needing to  
21 act, and this kind of moves things, forces things to  
22 happen. So thank you.

23                   Any others, comments?

24                   With yourself, I appreciate your  
25 input. Is there anything else that you can add to

1 it?

2 MS. SIMPSON: No. We welcome  
3 any conversations where we bring the two parties  
4 together and really make sure that that is a  
5 priority.

6 CHAIRMAN BAUGHMAN: Very good.

7 Mr. Robinson.

8 I'm sorry, Mia.

9 MR. ROBINSON: Just a small  
10 question. Is it -- if the Board makes it a  
11 mandatory adjustment for the AIA companies, is that  
12 going to be legal, for them to point out which  
13 vendor to use?

14 MR. TOTH: Huh-uh. That's not  
15 what they're doing. But go ahead.

16 MR. ROBINSON: If what Mr. Toth  
17 said comes to fruition and you do implement an API,  
18 there's no need to mandate it.

19 MR. HERROD: But if I don't  
20 mandate it --

21 MR. HENRY: Yeah. That's right.

22 MR. HERROD: -- there won't be  
23 an API.

24 MR. HENRY: You don't get the  
25 API.

1 MR. TOTH: Mr. Chairman?

2 CHAIRMAN BAUGHMAN: Ms. Owens.

3 MS. OWENS: Okay. Everyone  
4 cannot speak at the same time. The court reporter  
5 can only catch one voice at a time. And no one in  
6 this room, including everyone at the table except  
7 for the Chairman, can speak unless the Chairman  
8 recognizes you.

9 CHAIRMAN BAUGHMAN: Is there any  
10 other -- Mr. Toth.

11 MR. TOTH: Just to kind of back  
12 up what you were saying, at no time did the State of  
13 Tennessee, back when we implemented the electronic  
14 entry program, require the individual insurance  
15 companies -- and owner/users, I might add, had to be  
16 included in this, okay -- to utilize our system.  
17 They could if they wanted to, but they were allowed  
18 to utilize JOL.

19 What happened was, as Mr. Herrod  
20 alluded to when he said "text file," it was a  
21 fixed-link text file. It's 1149 characters long.  
22 Okay? I'll never forget that number. Okay?

23 The thing is, is what that text file  
24 did is it placed all the information that was  
25 required on the NBI-6 or 7 form to be transmitted.



1                   Because it was a fixed-link text  
2 file, the API was able to take that information  
3 from the text file and place it inside of our  
4 program, no different than what it would do if it  
5 were JOL, JRS, or XYZ company. They would be  
6 asking for that information to be put through an  
7 API that can then populate JRS's system.

8                   CHAIRMAN BAUGHMAN: And I  
9 appreciate the clarification. I don't think there's  
10 any question on our understanding of what we had  
11 previously. So moving forward is kind of the  
12 impetus behind what we're looking to vote on within  
13 this board case. Thank you, Mr. Toth.

14                   Mia.

15                   MS. WILEY: Just to piggy-back  
16 on Mr. Toth and what the Assistant Commissioner is  
17 saying, we had a text file, so it would  
18 automatically upload. Since moving to JRS, the  
19 staff is having to manually enter in those insurance  
20 files, which is causing the backlog on both entering  
21 and approving. So that's where we are right now  
22 with the two different systems, and that's just why  
23 we're asking for help.

24                   CHAIRMAN BAUGHMAN: And I get a  
25 pretty good picture of that. Not being intimately

1 involved with all the ins and outs, I appreciate the  
2 discussion and laying that out, on how it gets  
3 entered. Where we were at back in the day of the  
4 API, where we're at now, and again, as you said,  
5 it's kind of, if we don't do this, this doesn't  
6 happen. If we do it, it kind of pushes it to  
7 happen. So it's a -- yeah. That's the long and  
8 short of it.

9 Mr. Robinson.

10 MR. ROBINSON: Yes. One  
11 question for Ms. Simpson.

12 Do you have a timeline for your API  
13 interface?

14 MS. SIMPSON: So we've already  
15 been submitting to North Carolina and Maryland, so  
16 we already have the file specs that we need to  
17 submit to. So we're ready to go at any point, as  
18 soon as JRS is capable of ingesting the file.

19 CHAIRMAN BAUGHMAN: Mia.

20 MS. WILEY: JRS hasn't -- JRS  
21 communication.

22 MR. HERROD: Okay. There is no  
23 communication with JRS and JOS, as we said. And we  
24 get the text files now and have the data. If there  
25 is what Maryland and what --

1 MS. SIMPSON: North Carolina.

2 MR. HERROD: -- North Carolina,  
3 I'll talk to JRS after the meeting and see what it  
4 is they have there.

5 But all I'm saying is at this point,  
6 we don't have that capability, and it may be  
7 tomorrow when we get it or it may be next month or  
8 months away. I don't know. But unless we mandate  
9 July the 1st, we're going to continue down this  
10 path, which is, like I say, unsustainable. I  
11 mean, it's already long-term. We just have to put  
12 a stop to it at this point and catch up with what  
13 work we have.

14 CHAIRMAN BAUGHMAN: One question  
15 that I've got is an inquiry. Number 2 is adopting  
16 NBIC forms NB-6 and NB-7 in their current edition,  
17 making sure that that's understood. When we say  
18 "current edition," that as those two forms possibly  
19 revise in the future, that it is meaning those  
20 current editions that are present.

21 MR. HERROD: Yes.

22 CHAIRMAN BAUGHMAN: Okay.  
23 Because the last thing we want to do is have to go  
24 back and revisit that. So I just want to make sure  
25 that I understood the wording correctly.

1 MR. DEASON: I think,  
2 Mr. Chairman, if you want to -- I would suggest that  
3 with that as a concern, that if you wish to do that,  
4 to specifically state that in the motion, "in its  
5 current form," you know, "subsequent iterations" or  
6 something like that, or "as may be amended," that  
7 kind of language so that you don't have to come back  
8 and...

9 CHAIRMAN BAUGHMAN: Sounds good.

10 I don't know the particular wording.  
11 You're pretty good with that, Mr. Henry.

12 MR. HENRY: The idea would be  
13 that you use the most -- you use the forms currently  
14 accepted by the National Board.

15 MR. HERROD: That's fine.

16 CHAIRMAN BAUGHMAN: Currently.  
17 Yeah, making sure there's no misinterpretation.  
18 It's in the minutes for what we're accomplishing in  
19 that wording, but definitely don't want any  
20 misinterpretation in going back. So "in their  
21 current and" -- "in their most current edition."

22 MR. HENRY: Yeah.

23 CHAIRMAN BAUGHMAN: Okay.

24 MR. DEASON: I think the Board's  
25 intent is clear in the discussion.

1 CHAIRMAN BAUGHMAN: Okay. So  
2 we'll change that wording in the inquiry.

3 Does the Boiler Rules agree to adopt  
4 the NBIC forms NB-6 and NB-7 in their most current  
5 edition?

6 MR. DEASON: If you want to be  
7 super technical, "in the most current edition and as  
8 they may be subsequently amended."

9 CHAIRMAN BAUGHMAN: Okay.

10 THE REPORTER: Can you say that  
11 again?

12 MR. LASHLEY: "By future  
13 revisions."

14 THE REPORTER: Can you say that  
15 again?

16 MR. DEASON: "Future revisions  
17 by the" --

18 THE REPORTER: Excuse me. Can  
19 you say that again, please?

20 MR. DEASON: Oh, I'm sorry. I  
21 didn't know that was you talking.

22 So we want to say, "in its most  
23 current version and any future revisions."

24 MR. HENRY: Does that apply,  
25 when you say "its most current"?

1 MR. DEASON: That would apply to  
2 today, technically, particularly. This is -- I  
3 mean, we just want to get rid of ambiguity. I'm not  
4 disagreeing with you.

5 CHAIRMAN BAUGHMAN: "In the most  
6 current edition and any future revised editions."

7 MR. DEASON: Do they present  
8 them as editions, like Edition 1, 2, 3?

9 MR. HERROD: No. They're just 6  
10 and 7. I think they're just 6 and 7. It's just  
11 updates as they go along. Okay? So it's an updated  
12 NB-6 or an updated NB-7.

13 CHAIRMAN BAUGHMAN: "In their  
14 most current and any future revised editions."

15 MR. DEASON: I think you can  
16 just put "in its current form or current -- and any  
17 subsequent revisions." I think that will cover it.

18 CHAIRMAN BAUGHMAN: Thank you.

19 Any more input, discussion?

20 (No verbal response.)

21 CHAIRMAN BAUGHMAN: Good  
22 discussion.

23 Any last-minute pleas?

24 (No verbal response.)

25 CHAIRMAN BAUGHMAN: All right.

1 Well, do we vote on each inquiry separately, being  
2 it's presented separately and the reply is separate?

3 MR. DEASON: How do you want to  
4 separate that out? I'm looking. So the board case  
5 is transition to JRS for inspection reporting by all  
6 AIAs and adoption of -- you want to separate those  
7 two, reporting into JRS, and the next one being the  
8 adoption. Is that --

9 CHAIRMAN BAUGHMAN: Well, the  
10 inquiry is about, do AIAs performing the inspections  
11 and testing need to enter the reports directly into  
12 the existing JRS system by the Boiler Unit?

13 The reply being, the Board of Boiler  
14 Rules believes it's mandatory for AIAs to record  
15 their inspections into the present operating  
16 system employed by the Boiler Unit.

17 So to me, that's not a yes or no  
18 reply. That's more of a statement.

19 Inquiry Number 2 agrees for an  
20 adoption of what is being presented. Does the  
21 Board of Boiler Rules agree to adopt NBIC forms  
22 NB-6 and NB-7 in their current and any subsequent  
23 revised editions?

24 So inquiry Number 1 is more of a  
25 voting on agreement, I think, with the inquiry,

1 that -- do we believe it's mandatory, I guess, is  
2 the -- it's not posed as a question. The reply.  
3 It's more posed as a statement, unless I'm reading  
4 that wrong.

5 So do we vote on both inquiries at  
6 the same time, which is fine. Or how do we --  
7 what's the protocol, I guess is what I'm asking  
8 for.

9 MR. DEASON: I'm still not  
10 following. I don't see that on what I have.

11 CHAIRMAN BAUGHMAN: Under the  
12 board case?

13 MR. DEASON: Yeah.

14 CHAIRMAN BAUGHMAN: For 24-01,  
15 at the bottom, Inquiry 1, Inquiry 2.

16 MR. DEASON: I don't have that.

17 MR. HENRY: I don't either.

18 CHAIRMAN BAUGHMAN: Interesting.  
19 Okay. (Reviews document.) Okay. Well, this is the  
20 actual board case.

21 MR. HENRY: Okay.

22 CHAIRMAN BAUGHMAN: Uh-huh.  
23 Does everybody have that? It's up here. So if we  
24 scroll down, that should be where the information --  
25 there we go.



1 MR. DEASON: So I think the  
2 Board can take those two questions and you can call  
3 it to a vote.

4 CHAIRMAN BAUGHMAN: Okay.  
5 Combining Inquiry 1 and Inquiry 2 into a vote of yes  
6 or no. Okay.

7 MR. DEASON: Well, I mean,  
8 technically, you might want to take two votes since  
9 it's two questions. I know they are interrelated to  
10 some extent, but it's two subject matters there.

11 CHAIRMAN BAUGHMAN: I agree.  
12 That was my viewpoint with blinders on, but I just  
13 want to make sure that we addressed it from a  
14 protocol standpoint.

15 MR. DEASON: Yes, sir.

16 CHAIRMAN BAUGHMAN: So let's  
17 look at Inquiry Number 1 and present a vote on it.

18 Do AIAs performing inspections in  
19 Tennessee need to enter their reports directly  
20 into the existing operating system, JRS, used by  
21 the Boiler Unit?

22 The reply to that, the Board of  
23 Boiler Rules believes that it's mandatory for AIAs  
24 to record their inspections into the present  
25 operating system, JRS, employed by the Boiler

1 Unit.

2 So that is what we'll vote on first.

3 MR. HENRY: So moved.

4 CHAIRMAN BAUGHMAN: Second?

5 MR. COLLINS: Second.

6 CHAIRMAN BAUGHMAN: All right.

7 All in favor, say "aye."

8 (Affirmative response.)

9 CHAIRMAN BAUGHMAN: Opposed?

10 (No verbal response.)

11 CHAIRMAN BAUGHMAN: Not voting?

12 MR. LASHLEY: (Indicating.)

13 CHAIRMAN BAUGHMAN: All right.

14 Inquiry Number 2.

15 And for the record -- you got it.

16 Thank you.

17 Does the Board of Boiler Rules agree  
18 to adopt the NBIC forms NB-6 and NB-7 in their  
19 current edition and any subsequent future  
20 editions?

21 So I'll call for a vote.

22 MR. HENRY: I don't mean to get  
23 picky, but when you say "in their current edition  
24 and any subsequent editions," that means you're  
25 adopting multiple editions.

1 CHAIRMAN BAUGHMAN: Yes, sir.  
2 Any future editions.

3 MR. HENRY: But I thought what  
4 we wanted to say, we only want to use the most  
5 recent edition.

6 CHAIRMAN BAUGHMAN: Yes. So  
7 difference on the wording?

8 MR. HENRY: Yeah. I think that  
9 we just should be clear that what we're saying is  
10 whatever is the current edition recognized by the  
11 NBIC is the edition that will be used.

12 CHAIRMAN BAUGHMAN: So put that  
13 word "most current" --

14 MR. HENRY: "Most current."

15 CHAIRMAN BAUGHMAN: -- back in  
16 there. I'll revise that inquiry.

17 Does the Board of Boiler Rules agree  
18 to adopt the NBIC forms NB-6 and NB-7 in their  
19 most current edition and any subsequent future  
20 edition?

21 MR. HENRY: Personally, I think  
22 if you say "in their most current edition," you've  
23 said everything you need to say.

24 CHAIRMAN BAUGHMAN: Okay.

25 MR. HENRY: I think it's going

1 to confuse people that there will be multiple  
2 editions they can use, including any revisions.

3 CHAIRMAN BAUGHMAN: Okay. I'm  
4 open to that.

5 Does legal -- I'll tender.

6 MR. DEASON: I see what you're  
7 saying.

8 MR. HENRY: I think there is  
9 some precedent too in the code, because they're  
10 referencing whatever are the acceptable editions.  
11 For example, material specifications, they use  
12 terminology like "current edition" or "the most  
13 current edition," something like that.

14 CHAIRMAN BAUGHMAN: While you're  
15 pondering that, Mr. Deason, Mr. Toth.

16 MR. TOTH: Precedence has been  
17 set in this body. It approved that all the latest  
18 editions of the ASME and National Board codes are  
19 accepted once they become mandatory. The NB-6 and 7  
20 forms are part of the NBIC code. So, therefore,  
21 they would become mandatory as well, just to let you  
22 know that.

23 CHAIRMAN BAUGHMAN: Thank you.

24 MR. DEASON: So is that --

25 CHAIRMAN BAUGHMAN: I still

1 think --

2 MR. DEASON: Albeit the need  
3 for --

4 CHAIRMAN BAUGHMAN: I still like  
5 this from a clarification standpoint. We've adopted  
6 NBIC in a very broad brush stroke, but this gives  
7 specific clarification to address any questions  
8 regarding NBIC.

9 So "in their most current and latest  
10 edition."

11 MR. HENRY: Yeah. I think  
12 that's good.

13 CHAIRMAN BAUGHMAN: Good? All  
14 right. So we'll revise the inquiry.

15 Does the Board of Boiler Rules agree  
16 to adopt the NBIC forms NB-6 and NB-7 in their  
17 most current and latest edition?

18 MR. HENRY: So moved.

19 CHAIRMAN BAUGHMAN: All right.  
20 Second?

21 MR. COLLINS: Second.

22 CHAIRMAN BAUGHMAN: All right.  
23 All in favor?

24 (Affirmative response.)

25 CHAIRMAN BAUGHMAN: Opposed?

1 (No verbal response.)

2 CHAIRMAN BAUGHMAN: Not voting?

3 MR. LASHLEY: (Indicating.)

4 CHAIRMAN BAUGHMAN: Micah.

5 All right. So we're good to go on  
6 that. Thank you for the discussion and the input  
7 from all those.

8 So that wraps up 24.01, and that  
9 takes us to Number 9, Open Discussion Items.

10 So the first item, should the State  
11 of Tennessee enforce requirements for boiler  
12 operator training and licensing similar to what is  
13 required by Shelby County, Tennessee?

14 The impetus behind this was a  
15 proposal to City Council in Memphis that they drop  
16 the requirements for any boiler operator's  
17 certification and what have you because the rest  
18 of the state of Tennessee did not have any  
19 mandated type of requirements. That discussion  
20 was had.

21 I talked to a couple of City Council  
22 people along with Codes and told them that I would  
23 hold off -- my recommendation was to hold off on  
24 such a vote so that it could be discussed where  
25 the State of Tennessee is heading with any

1 possible future training requirements, so forth,  
2 for boiler operators in the state of Tennessee.

3 So that's the open discussion. I  
4 would like to hear some input.

5 Mr. Toth, you're at the podium.  
6 Would you like to input?

7 MR. TOTH: I am. I'm waiting to  
8 hear what the Board has to say before I volunteer.

9 MR. HENRY: I mean, if the  
10 notion is that you should drop any requirements,  
11 that seems to be patently absurd.

12 CHAIRMAN BAUGHMAN: For Shelby  
13 County to drop any requirements. The State of  
14 Tennessee has no other requirement itself, and the  
15 State isn't regulated in -- or the State isn't part  
16 of Shelby County's mandate for boiler operator  
17 certification.

18 So what we're looking at is should we  
19 talk about --

20 MR. HENRY: Statewide.

21 CHAIRMAN BAUGHMAN: -- moving  
22 towards a discussion to where people that operate  
23 boilers in the state of Tennessee have some means of  
24 training, certification, so forth?

25 As it presents now, some of us here

1 in this room can operate a boiler. But if you  
2 consider Tia, Cassandra, Melissa, Stephanie,  
3 anybody can operate a boiler in the state of  
4 Tennessee if they're deemed competent by the owner  
5 of the boiler.

6           What determines competency and how do  
7 we test for competency? What's competent to one  
8 person may not be competent to another. There's  
9 no mechanism in the state of Tennessee to actually  
10 determine competency.

11           So that's left to the owner,  
12 actually, of the boiler. And if the owner of the  
13 boiler is actually -- if this boiler is in a  
14 leased facility and that leased facility is owned  
15 by a real estate conglomerate in Chicago, it  
16 becomes very convoluted, back to who actually owns  
17 that boiler and who is responsible and so forth  
18 and so on.

19           So to consider my 96-year-old mom,  
20 who's a great person, very intelligent, but to  
21 think that somebody could deem her competent in  
22 the operation of a boiler seems pretty  
23 far-fetched.

24           Those are extreme thoughts, but what  
25 we want to do is to have a conversation to think



1 about what it means in the state of Tennessee for  
2 people to be trained to operate these potential,  
3 for lack of a better term, bombs, which they've  
4 got more expansive power than TNT. And to think  
5 that we license hairstylists, we license  
6 cosmetology, but to operate a boiler in the state  
7 of Tennessee, we have no operator requirements at  
8 all except in Shelby County.

9 MR. TOTH: Thank you. Just to  
10 give a little bit more background, Mr. Henry,  
11 30 years ago, when I started with the State of  
12 Tennessee, Shelby County had its own code  
13 enforcements when it came to boilers. Max Lovelady  
14 was the Chief Boiler Inspector. The minute Max  
15 Lovelady retired, they did not replace him with a  
16 commissioned boiler inspector.

17 Therefore, the State of Tennessee  
18 took over responsibility for the inspection --  
19 in-service inspection of those boilers. However,  
20 they did maintain -- and this is where  
21 Chairman Baughman alluded to, is they did maintain  
22 the requirement for stationary engineers. They  
23 have different names for them, different levels.

24 I would like to offer a better example.  
25 If the State decides to go in the direction of a

1 licensed operator, not to use Shelby County. No.  
2 But to, maybe, look at other jurisdictions.

3 I know Arkansas does have a licensing  
4 program in place, 50-horsepower units. There's  
5 a lot of units out there that are being operated,  
6 as Mr. Baughman sees, Micah sees, that are being  
7 operated that are below 50 horsepower. So that  
8 would not have an operator that probably would  
9 need one more than the larger units.

10 But I can play both sides of this fence.  
11 Being an owner of a boiler training company,  
12 industrial training company, and say, hey, this is  
13 great, you know. Wow, more business, you would  
14 think, right? Being someone who sat in the seats  
15 of the individuals in this room that had to work  
16 with legislature and work with the public and have  
17 to be very aware of the concerns when it comes to  
18 the financials.

19 I know we can sit here and say all day  
20 long it's all about safety, but let's not be naive  
21 either. Because there are people that are in  
22 state government that don't know a boiler from a  
23 toaster, but they do have constituents that they  
24 have to deal with. Okay? So be very careful with  
25 that.

1           When we started the boiler installation  
2 permit program under my tenure, one of the  
3 things -- and we spoke about this many times, was  
4 that we wanted to look at having a boiler operator  
5 license. That went down really hard because of  
6 that financial burden that we're putting on.

7           That's why, when we look at the rules  
8 that state that boiler attendants have to be  
9 qualified by the owner and user -- so let's not  
10 just put it on the one in Chicago who owns, but  
11 the user of that unit is also responsible. That  
12 takes the onus and the responsibility and the  
13 liability off of the State of Tennessee that says,  
14 we're going to have a boiler operator license,  
15 that you are licensed with the State of Tennessee,  
16 and then something goes wrong. Obviously, that  
17 would be an uphill battle for the plaintiff in  
18 that case. But be very careful with that.

19                           CHAIRMAN BAUGHMAN: I appreciate  
20 that input very much.

21           So with that said, there's a lot of  
22 moving parts for it. And this is part of the  
23 discussion, looking at -- playing devil's  
24 advocate, seeing how other people view this, both  
25 from a safety standpoint -- we've had multiple

1 discussions over years about this. And it's one  
2 of those things that we need to consider a lot of  
3 different positions, albeit Number 1 is safety.

4 MR. TOTH: Safety.

5 CHAIRMAN BAUGHMAN: That trumps  
6 everything. So once we put that in place, then we  
7 can start looking at the mechanisms of how we  
8 present this.

9 One of the things we've got is we  
10 don't want to shed this liability. We all know.  
11 We're boiler guys. Mr. Toth's got navy  
12 experience, practical experience in the industry.  
13 All of us have got different levels of expertise  
14 in the industry.

15 And I think if we had a show of hands  
16 in here of who thinks it makes sense to have some  
17 operator requirement -- albeit it may not be a  
18 license. It may be something that we're not even  
19 thinking about. It may just be a training  
20 requirement, whatever it may be. I think that we  
21 can all agree in this room that it makes sense to  
22 be able to have training to operate these pieces  
23 of equipment that can relocate this building and  
24 everybody in it.

25 So being that said, that's the

1 impetus behind this discussion, and Shelby County  
2 was in there. Shelby County is not what I would  
3 model our discussions after. But it's somewhat of  
4 the impetus of bringing this to the table for this  
5 discussion.

6           So being that said and done, I think  
7 what I would like to do is to just see if  
8 everybody is in agreement to carry this  
9 conversation over into another more defined open  
10 discussion, to then mold it into what it may be on  
11 bringing forth for a board case or actual putting  
12 into our rules and laws.

13           So is everybody in agreement in here  
14 that that's the direction we need to go?

15           Tia.

16           MS. XIXIS: Since this would be  
17 something that would possibly require legislative  
18 actions, not anything that could take place within  
19 this next cycle, but also knowing that for just my  
20 background, where did this question come from?

21           CHAIRMAN BAUGHMAN: Yes. So  
22 people have asked in industry, are there any  
23 requirements? There's people that especially work  
24 in the industry that are concerned. So the impetus,  
25 again, being the industry itself when you're tied to

1 a boiler operator that's been put into a position  
2 that they don't like to be put into, i.e., as a  
3 boiler operator and they go, I'm a boiler operator  
4 and I don't have the requirements. Well, what are  
5 those requirements? Exactly. There are no  
6 requirements. You're deemed competent by the owner,  
7 or the facility is putting you in charge of  
8 operating this boiler.

9           And so there's a lot of people that  
10 I've had conversations with directly over the  
11 years that want to be trained instead of being put  
12 in the position of, here is the -- it would be  
13 like saying, here, you're going to drive this car  
14 and I think you can drive it. I mean, somebody  
15 trained you and I'm saying you're good to go. And  
16 you've got to be licensed. You've got to pass  
17 some type of competency test. And we don't have  
18 that for this very volatile piece of equipment  
19 that's in operation.

20           Does that make sense?

21           MS. XIXIS: Yes. I would just  
22 add to that thought process, to -- if we could  
23 include any further discussion, anything about the  
24 economic impact to those employers, because this is  
25 kind of their liability being brought into question

1 that way, that that's just something that --  
2 anything you bring, that I would have to take --

3 CHAIRMAN BAUGHMAN: Sure.

4 MS. XIXIS: -- to the  
5 administration, that I'll have to have that  
6 information. So it needs to be included as one of  
7 the topics.

8 CHAIRMAN BAUGHMAN: And what I  
9 would do is also get the input from those companies.  
10 There's been accidents that have occurred in the  
11 state of Tennessee. There's been lawsuits in the  
12 state of Tennessee because of some of those  
13 accidents.

14 I would also probably confirm through  
15 other legal entities, what is the legal  
16 implication for any accident, whether it's  
17 catastrophic or not, that occurs because of a lack  
18 of competency of an operator? And if you could  
19 deem a lack of attendance or maintenance or lack  
20 of competency, how that affects commerce, i.e.,  
21 the end user, factories, so forth.

22 And also, how do factories look at  
23 it? How do insurance companies look at it? Is  
24 there a different rating that comes into play,  
25 i.e., lower costs because of having, actually,

1 people that are trained to operate the boilers?

2 I can't speak in that regard, but,  
3 again, that may be part of it. A lot of moving  
4 parts, but I definitely see what you're saying on  
5 how it can be viewed.

6 MS. XIXIS: Yes, because it  
7 could be someone outside of the jurisdiction of this  
8 body, with being able to come to that conclusion, to  
9 advocate for whoever these industry voices are. You  
10 know, that that may not be something that should be  
11 addressed in this forum is why I questioned where it  
12 came from and just asked for more information.

13 CHAIRMAN BAUGHMAN: You bet.  
14 And whether or not -- and thank you very much, Tia.

15 Whether or not the final result is  
16 outside of having a rule or law, but having -- as  
17 of right now with our variance, we require  
18 training as part of the variance. It may be to  
19 where there's a mechanism where this doesn't have  
20 to go into the rules or laws or go before the  
21 legislature, but we deem through what's already  
22 there and build upon it, this ability to have some  
23 type of training.

24 MR. DEASON: It's probably going  
25 to require legislation. I'm sure about that.



1                   CHAIRMAN BAUGHMAN: It won't be  
2 a quick process, but the first thing to do is to  
3 come to an agreement. Do we need training in the  
4 state of Tennessee for people that operate boilers?  
5 Because if we agree and say yes as a body, then we  
6 move forward with it. If we go, nah, I think we can  
7 go status quo, we're okay, then so be it.

8                   Again, I've got blinders on because  
9 I'm intimate with our industry and I see the end  
10 result of, dare I say it, incompetency.

11                   Do you have something else to add,  
12 Tia?

13                   MS. XIXIS: Well, I was going  
14 to, you know -- I, again, am not an expert. My  
15 expert is with government relations, and so trying  
16 to understand.

17                   So are you saying we have some  
18 ability to enforce that currently? Because I  
19 would believe that we do not have any ability to  
20 enforce that if you came to that conclusion.

21                   CHAIRMAN BAUGHMAN: Melissa?

22                   MS. OWENS: I think we're about  
23 to exceed the authority of the Board. The Board is  
24 a neutral party here to carry out any legislation,  
25 any rules that have already been passed. We do not

1 have -- I don't believe the Board has the authority  
2 to create new or even suggest --

3 MR. DEASON: The Board doesn't  
4 have the right to bring legislation with that kind  
5 of thing. The purpose of having bodies like these,  
6 though, is to look to you -- we do look to you for  
7 suggestions, ideas based on expertise, but the Board  
8 itself does not enforce that. That brings --

9 CHAIRMAN BAUGHMAN: Sure. So  
10 we've -- and I appreciate that. We have, oh, in the  
11 past -- it might have been during your tenure or  
12 later, but there's been multiple entities that came  
13 to the Board with the inquiry or the observation of  
14 needing this, and so -- and got copies of that  
15 because it was brought to the Board itself during an  
16 open discussion. There was a company in Knoxville  
17 that brought it up.

18 And so that would be -- again, the  
19 impetus is outside of this as it is others in the  
20 industry that are saying, I can't believe our  
21 state has no requirement at all for operations of  
22 boilers of any size. A boiler of this room can be  
23 operated. And so that's where the discussions are  
24 being brought up from.

25 MR. DEASON: And I think what

1 Ms. Owens was getting at, I don't know that, you  
2 know, this is the type of thing that we really want  
3 to bring, to ask the room to vote on.

4 CHAIRMAN BAUGHMAN: No.

5 MR. DEASON: You know, having  
6 input is fine, but this...

7 MS. OWENS: The Board is  
8 politically neutral.

9 CHAIRMAN BAUGHMAN: Absolutely.

10 MR. DEASON: This is a good  
11 discussion topic, but as far as -- it's something  
12 like this -- you know, we can take a vote on  
13 something like this. We can do that and --

14 CHAIRMAN BAUGHMAN: We're not  
15 asking for a vote. Not to interrupt. I'm sorry.  
16 But we're not asking for a vote. What we're asking  
17 or agreeing upon is the need for further discussion.  
18 Not so much to vote on yes, we're going to have this  
19 or yes, we're going to do that, other than bringing  
20 this up for further discussion. And if it needs to  
21 be brought up through an entity outside of the  
22 Board, i.e., Mr. Toth or somebody other than that  
23 for protocol, then that can, sure, be done.

24 Yes, Tia.

25 MS. XIXIS: To bring up as a

1 point of discussion, to offer your guidance towards  
2 a recommendation to the State, that that's where I  
3 think the issue kind of with the jurisdiction, that  
4 we do not have anything in statute that could become  
5 enforceable through this path of action is just how  
6 I want to keep it very clear and transparent to  
7 folks. Whatever decision, conclusion you come to  
8 could just become a recommendation to move forward  
9 to the authorities that can make the change.

10 CHAIRMAN BAUGHMAN: Absolutely.

11 MS. XIXIS: Okay.

12 CHAIRMAN BAUGHMAN: And that is  
13 exactly how I perceive it.

14 MS. XIXIS: Okay.

15 CHAIRMAN BAUGHMAN: But I thank  
16 you for that clarification for everyone in here.

17 Mr. Toth, did you have further input?

18 MR. TOTH: Again, this is  
19 something that we went through a number of years  
20 ago. I do -- and I would like legal counsel to help  
21 with this. I think it would be beneficial for this  
22 body to be able to generate some guidelines or at  
23 least offer some guidelines that would not become  
24 rule but allow for this body to take that step if so  
25 needed.

1           Again, we're a training company. We  
2 train all the time. Okay? So we see exactly what  
3 you're referring to, and we see the concern. And  
4 I tip my hat to those companies that invest in the  
5 education of their people.

6           But right now, until you go through  
7 those steps of the legislature, you know, right  
8 now I think it's probably your best bet to go with  
9 a guideline that is not -- can you not put a  
10 guideline out? You can't put a guideline?

11                   MS. XIXIS: We can educate the  
12 public, and that is something that we always try to  
13 advocate for.

14                   MR. TOTH: Sure.

15                   MS. XIXIS: One of the things  
16 that -- I don't know if our Assistant Commissioner  
17 has shared this information with this body. We have  
18 established an office of transformation, a division  
19 and team that's going through and reviewing our  
20 processes within the agency. And it's all around  
21 the thought process of doing better, more efficient  
22 transparent government within our resources. And a  
23 part of that is education of the public, because we  
24 do see this with constituent concerns, that people  
25 do not understand those authorities, that very

1 much -- in dealing with those customers, we  
2 sometimes have to refer them back to their  
3 third-party providers or authorities that are giving  
4 them, you know, maintenance or support in any sort  
5 of forum that we are not the people to even seek  
6 some of that guidance from because of where those  
7 jurisdictional black lines are. There's not a lot  
8 of gray in some of that. And so we have to make  
9 sure that in some of those compliance, we stay  
10 within our jurisdiction.

11 CHAIRMAN BAUGHMAN: Very good.

12 MS. XIXIS: But we can educate.

13 CHAIRMAN BAUGHMAN: That's  
14 great. That's great discussion. That's kind of why  
15 this was put out there, to know what to do, how to  
16 do it, start molding this and figuring it out.

17 But again, I think that this group of  
18 people, especially looking at the people in this  
19 room, there's a lot of expertise sitting in here  
20 and a lot of people being exposed to a lot of  
21 boilers and pressure vessels over the years and  
22 looking at this, going, I don't have the answers,  
23 but it's something that needs to continue  
24 discussion and see through legal, through input  
25 from government liaisons in the boiler industry,

1 how to put this together.

2 Good. Good discussion. Anything  
3 else to add to that?

4 (No verbal response.)

5 CHAIRMAN BAUGHMAN: Super.

6 Moving on to the next and last item  
7 in the open discussions is what's the time frame  
8 for a company to pass an initial inspection of an  
9 approved variance request before it is no longer  
10 valid?

11 So the impetus behind this, again, is  
12 the number of variances that have been brought  
13 before the Board. Most of them go through in a  
14 timely manner. But to address those that, for  
15 whatever reason, don't, of having at least  
16 something that could possibly be in place so that  
17 things get mandated and moved along. We spoke  
18 with McKee earlier. They're looking at possibly  
19 six months down the road. It's okay. They're  
20 going to be re-presenting. But again, wanted to  
21 have that as discussion.

22 MR. LASHLEY: I think a good  
23 starting point would be six months from tentative  
24 approval. You know, there's been a handful of cases  
25 that have come forward, and we give them approval

1 based on the installation of the control that they  
2 say they're going to buy. You know, it seems like  
3 that's, you know, kind of an open-ended approval as  
4 long as they finally purchase the control and get it  
5 in place.

6 I think we need to have a timeline,  
7 you know. Six months seems to be a good starting  
8 point. You know, we don't want people coming in  
9 three years prior to -- you know, to the  
10 installation of a new boiler just because they  
11 have it in their capital expenditures now and  
12 going after a variance before they even have, you  
13 know, the boiler or controls in place.

14 CHAIRMAN BAUGHMAN: Okay. So,  
15 Mr. Watson and Mr. Miller, do you both do the  
16 variance inspections?

17 (Affirmative response.)

18 CHAIRMAN BAUGHMAN: Well, and  
19 I'll ask for your input. And the reason for that  
20 being is that, again, I've got my own thoughts with  
21 it, but I want to make sure that there's not ever  
22 any changes that go on between the time it's passed  
23 and the time it actually gets inspected, so that you  
24 guys -- and I know you do a great job and are  
25 diligent in those manuals, but it doesn't behoove



1 anybody to deny the variance when they go out and do  
2 the initial inspection. You want everything to pass  
3 and so it makes sense to do it concurrently. But  
4 I'm interested in your input on -- thoughts with  
5 that.

6 MR. WATSON: I have one case --  
7 one business that we go to. We sent them a variance  
8 manual probably about 2022. I'm just guessing right  
9 now because I don't have it in front of me. But  
10 they went through so many different staff changes  
11 and losing boiler operators and just going over  
12 retraining, and then just stuff getting kind of lost  
13 in translation throughout the time that they  
14 originally submitted.

15 So I think a time limit like  
16 six months, nine months, something like that would  
17 be pretty reasonable, in my opinion.

18 CHAIRMAN BAUGHMAN: Okay. Thank  
19 you.

20 Mr. Miller, do you have any input on  
21 that?

22 MR. MILLER: I'll say six months  
23 would probably be the best, because we've got one  
24 that's a Cleveland, Tennova. And they've been a  
25 good -- what? Year and a half now, or greater, that

1 we're waiting for them to say, yeah, we're ready,  
2 but they're not ready at all.

3 CHAIRMAN BAUGHMAN: Okay.  
4 Mr. Toth.

5 MR. TOTH: Yeah. I think this  
6 is wonderful. As this body knows, ECS Consulting  
7 does quite a few variances. And this is a situation  
8 that we run up against constantly. Tennova  
9 Cleveland is a great example. Wonderful hospital,  
10 goes down and attends to their boilers, was every  
11 20 minutes, an hour now. They do everything they  
12 need to do.

13 But the turnover, as Jimmy was  
14 talking about, happens. And it happens not only  
15 at the street level, at the boiler room, it  
16 happens above and it gets lost.

17 I think -- in my opinion, I think  
18 that six months is holding them a little bit too  
19 tight. Okay? I think to be more conservative  
20 with that is to go 12 months, because of those  
21 capital investments.

22 A lot of clients that want to come to  
23 this body and will spend the money to come to this  
24 body before -- especially if they have a variance  
25 request that's outside of the norm. Okay? They

1 want to come to this body before they put forth  
2 that capital investment. Then if it's, we're  
3 going to not only put in the controls, we're going  
4 to put in a new boiler, now they're subject to the  
5 backlog of the boiler manufacturing company. So  
6 let's -- I would say be careful with that. But I  
7 think a year is perfect.

8           If I have a client that comes in and  
9 they say, "Hey, we're going to want to invest in  
10 this," I will ask them, "Okay. What are you  
11 looking at?"

12                   "Well, we're looking in 2026."

13           "Okay. Let's pull back the reins a  
14 little bit. We can do our back stuff, but let's  
15 wait before we approach the Board."

16           Tennova Cleveland is a great example.  
17 Other of my clients are a great example, that I'm  
18 constantly talking to them. Tennova Cleveland is  
19 about to -- you're about to get the notification  
20 of -- coming down. It had everything to do with  
21 training. "We'll take care of it. We'll take  
22 care of it."

23                           CHAIRMAN BAUGHMAN: Okay.

24                           MR. TOTH: People left.

25           So I do think that this is something

1 that needs to be done. I think putting it in that  
2 guideline to understand so the expectation is set  
3 and then have an avenue for them to apply for an  
4 extension but have to give good reasons for that,  
5 I think, are really good -- would be a really good  
6 avenue to take.

7 CHAIRMAN BAUGHMAN: Great.  
8 Thank you for that. And I agree. We've always got  
9 the ability to have a waiver, extend some time, but  
10 I think having something put in our variance  
11 requirements defining a time period is a direction  
12 we need to go or is a direction for discussion.

13 So being that, we can possibly move  
14 forward, then, presenting that. How would we go  
15 about -- let's say we want to take a period of  
16 time. How would we put that in place? Do we make  
17 that part of the variance itself?

18 Tia, please.

19 MS. XIXIS: I'm sitting, again  
20 receiving customer complaints and questions and  
21 things. If that could become part of the process so  
22 that it's very clear about those timelines, because  
23 it also will not waste your time as well, that folks  
24 have to come to you very prepared.

25 And it will also help with the

1 delinquency and, you know, compliance requirements  
2 of the Unit, so that everybody has a very  
3 established timeline, and that once you have any  
4 kind of failure within that timeline, about  
5 restarting, whatever that process is, about  
6 identifying that, then I think that's something  
7 that we can do easily.

8 CHAIRMAN BAUGHMAN: Within this  
9 body?

10 MS. XIXIS: Uh-huh.

11 CHAIRMAN BAUGHMAN: Okay. And I  
12 appreciate that. That makes sense to me.

13 I just want to make sure that that's  
14 how everybody else views it, the input and so  
15 forth.

16 Micah.

17 MR. LASHLEY: So it would just  
18 be easier when we do have a variance case come  
19 before us, to just -- within the tentative approval,  
20 you know, we want -- we do approve this tentatively  
21 based on you installing X, Y, and Z, and a -- give a  
22 time frame to have it installed, and that just be  
23 the final vote.

24 CHAIRMAN BAUGHMAN: That's a  
25 possibility.

1 MR. LASHLEY: Would that be the  
2 easiest avenue?

3 CHAIRMAN BAUGHMAN: It could be.  
4 I like things to be clear. Maybe addressing it  
5 right in the front of our variance application  
6 requirement or what have you, that everybody knows  
7 up front that there's a six-month period of time so  
8 that if they're making that application, they could  
9 possibly look at, we're not going to be doing this  
10 for a year. Why even come before the Board if we  
11 know that we're going to have to ask for a waiver  
12 and so forth?

13 MS. XIXIS: Especially with the  
14 constraints regarding, you know, products and  
15 things, that there may still be some transitional  
16 components with a conditional kind of approach, that  
17 it could shift within that.

18 But then it would be, I think,  
19 helpful to the body that if folks presented to you  
20 with a timeline, at least a tentative timeline,  
21 that they could, you know, make changes as  
22 necessary at the final vote, decision.

23 CHAIRMAN BAUGHMAN: I agree.  
24 I'll just add my input. Because of the hardware and  
25 people ordering things, sometimes what you're

1 ordering today may change in a few weeks, few  
2 months. And that's a hardware change, and the  
3 hardware change is going to change the variance  
4 manual.

5 Mr. Toth.

6 MR. TOTH: I think that's a  
7 great idea too. You can -- either you can establish  
8 it in your variance guidelines to say it's only good  
9 for this amount of time, or you can put it in your  
10 checklist to ask them when do they believe they'll  
11 be ready for this, so that they can establish to you  
12 and say, I think we'll be ready at this amount of  
13 time. But then you can put a cap on it as well.  
14 And then when you pass it, it's -- you make that  
15 tentative date.

16 Again, it can all fluctuate. But if  
17 somebody comes in here and says, I'll be ready  
18 tomorrow, they ain't going to be ready tomorrow.

19 CHAIRMAN BAUGHMAN: Sure.

20 MR. TOTH: I've done this long  
21 enough. But I think that's an opportunity.

22 CHAIRMAN BAUGHMAN: Okay. And  
23 we typically address that with each variance. The  
24 discussion is, we ask you when you're presenting, we  
25 ask McKee, Lionel and Kevin up there, "When is this

1 going to be ready?"

2 "I don't know. Three months. Should  
3 have it all installed in six months, maybe."

4 So those questions are asked. What  
5 we don't have presently is any guideline to be  
6 able to put things forward, but I believe we're  
7 headed in that direction.

8 Tia, any other input?

9 MS. XIXIS: And maybe what our  
10 counsel is going to add, that it probably may  
11 require some rule changes, though, and complete  
12 transparency if we change the application process,  
13 because we may want to allow for changes. You know,  
14 it may be something that we need to review as a  
15 whole, is the application process, not just a  
16 specific compliance.

17 CHAIRMAN BAUGHMAN: Okay.

18 MR. DEASON: It's kind of a due  
19 process thing. If we're going to do anything other  
20 than on a case-by-case basis, if we're going to set  
21 some standards, we're going to have to -- maybe  
22 nobody will ever read it, but we're going to have to  
23 write in somewhere, at some level, about rule  
24 policy --

25 CHAIRMAN BAUGHMAN: Okay.



1 MR. DEASON: -- statute, that  
2 kind of thing.

3 CHAIRMAN BAUGHMAN: All right.  
4 Good. I appreciate that.

5 So it sounds like we've got good  
6 discussion. We've heard six, nine, twelve. But  
7 there's at least been the discussion of putting  
8 forth a time frame. How we do that, again, I  
9 think will come as more thought's given to it on  
10 how to proceed, so then we can bring that forth.  
11 And I don't know the mechanism for that, but at  
12 least we know that we're heading in that  
13 direction. Nothing to vote on, but again, good  
14 open discussion.

15 Anything else?

16 Yes, sir.

17 MR. TELFER: Sorry if this is  
18 inappropriate.

19 CHAIRMAN BAUGHMAN: No. What is  
20 it?

21 MR. TELFER: This is for another  
22 agenda item. Is that okay to bring up at this time?

23 CHAIRMAN BAUGHMAN: It's  
24 possible. Bounce it off of me.

25 MR. TELFER: Okay. I see that

1 our documentation has been brought down, put on the  
2 table. I was just --

3 CHAIRMAN BAUGHMAN: You see no  
4 documentation. I'm sorry. Go ahead.

5 MR. TELFER: I was just  
6 wondering if it's possible to appeal to you to  
7 consider allowing Amaero to operate conditionally  
8 based on what is there and --

9 MR. DEASON: You can't do that  
10 ad hoc.

11 CHAIRMAN BAUGHMAN: Yeah. No.  
12 And I appreciate legal's input on that. Thank you.

13 MR. TELFER: I understand.

14 CHAIRMAN BAUGHMAN: Good try.

15 MR. TELFER: Thank you.

16 CHAIRMAN BAUGHMAN: I've got to  
17 say, I really appreciate everybody that's in here.  
18 What you bring, discuss is -- well, most everybody  
19 in here. But this is a great group, the folks that  
20 are on the Board, the administration, you here as  
21 the participants, because we're all working in the  
22 interest of public safety, and I do not want any  
23 time for us to be on the front page of the news.

24 This is a Board that I'd rather be  
25 inconspicuous, that nobody really knows about us

1 to a big degree until it comes time to, you  
2 know -- proceeding to make sure this Board stays  
3 as an entity and continues to work in regards to  
4 public safety.

5                   So being that, Number 10, upcoming  
6 2024 scheduled quarterly meetings are September  
7 the 11th, December the 11th. We will have the  
8 special meeting for August the 7th.

9                   And is there anything else?

10                   (No verbal response.)

11                   CHAIRMAN BAUGHMAN: Everybody be  
12 safe. It's good to see everybody.

13                   Meeting adjourned.

14

15                   END OF THE 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  
Commissioner's Designee, Tennessee Department of  
Labor & Workforce Development, State of Tennessee  
Board of Boiler Rules, on the 12th day of June,  
2024.

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 21st day of July, 2024.



-----  
Cassandra M. Beiling, LCR# 371  
Notary Public State at Large  
My commission expires: 3/4/2028