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Minutes

Board of Boiler Rules

National Guard Armory, 14 Minuteman Lane, Wellesley, MA 02481

Meeting of March 15, 2012, 9:30 AM

1. Meeting called to order by the Chairman at 9:30 AM, followed by roll call.

Board Members Present:

Jay Johnson, Chairman
Thomas Healy
Charles Perry
Ernest Hall

Board Members Not Present:

Ray Archambault

Guests Present:

Brian Logan, DPS
George Streeter, DPS
Ted Carroll, DPS
Tom O'Rourke, DPS
Dave Gosselin, DPS
Don Stats, Travelers
Steve Sawyer, Travelers
Frank Zarrella, Travelers
Hector Raymond, CNA
John Spizuolo, CNA
Ed Kawa, Liberty Mutual
Don Stats, Travelers

Francis Bucchiere, DPS
Henry Geryk, DPS
Leah Francis, Liberty Mutual
Tom Stanton, Arise
Glen Robinson, HSB
John Spizuolo, CNA
Mike Robillard, Chubb
Paul Barra, Liberty Mutual
Carrie Torrisi, DPS
Cesar Lastra, DPS
Holly Bartlett, DPS

2. Minutes of previous meeting: The minutes from the previous meeting on January 5, 2012, were distributed. *A motion to accept these minutes into record was made by Ernest Hall, seconded by Charlie Perry, and approved by a unanimous vote.*
3. Petitions for inspectional considerations:

- a. Courtyard by Marriott – Request dated November 4, 2011, for variance of internal inspection of 2 units (MA#91985 and MA#91987) as required per MGL 146 Section 70 (This matter is being continued from the meeting on January 5, 2012). District Engineering Inspector Dave Gosselin made a site visit to this location, and met with the Chief Engineer there. Inspector Gosselin has determined that there is no reason that the required inspection of this unit cannot or should not be completed. Leah Francis, the third party inspector of this unit, agreed with Inspector Gosselin. *Motion made by Ernest Hall, seconded by Charles Perry, to disapprove this request, motion passed by unanimous vote.*
 - b. Pilgrim Nuclear Power Plant – Request for variance on an air pressure receiver (This matter is being continued from the meeting on January 5, 2012). Per discussion at the January meeting, Brian Logan has contacted the chief engineer for additional information, which was provided. However, a recommendation on the part of the insurance inspector was not provided. *Motion made by Ernest Hall to deny this request until the facility provides further information from the insurance inspector, seconded by Tom Healy; motion passed by unanimous vote.*
 - c. Bunker Hill Community College – Request dated February 22, 2012, for 6 month extension of 2 units. District Engineering Inspector John Lawrence provided a written recommendation to approve this request (attached). *Motion made by Tom Healy to approve this request, seconded by Ernest Hall; motion passed by unanimous vote.*
 - d. Fitchburg State College – Request dated March 7, 2012, for 2 month extension of 1 unit. District Engineering Inspector Tom O'Rourke said that he had visited this site, and recommends approval of this request. *Motion made by Charles Perry to approve this request, seconded by Ernest Hall; motion passed by unanimous vote.*
4. Review of CMR: The Chairman introduced this topic, explaining that changes being made by the Board will be presented at this meeting; public comment on the changes will be heard at a later date to be determined, not at this meeting. The Board proceeded to review the proposed changes to the regulation. The Chairman read through each item changed in the proposed draft. *(The line-by-line read through of this document has not been included in these minutes; please refer to recording.)*

Following this review, all changes/corrections discussed will be entered, and the regulations will be reviewed once again at the next meeting of the Board of Boiler Rules.

5. Special Subcommittee: Charles Perry suggested that the Board create a subcommittee for the purpose of conducting research/gathering technical information on matters presented to the Board to provide the members of the Board with additional information. The Chairman confirmed with the Assistant General Counsel that this is a legal matter; she responded that it is, and that the Board can form any subcommittees that it deems necessary, but any such subcommittees are still subject to the open meeting law. The Chairman will confirm this with General Counsel.
6. Public Comments
- a. Frank Zarella, Travelers: Mr. Zarella began to provide input to the regulation draft. The Chairman stopped him, reminding him that public input regarding changes to the regulations will not be heard at this meeting, and that the public hearing to take such input will be announced prior to the date of such hearing. One board member asked about hearing public comments prior to finalizing their draft so that the Board might consider that input. The Assistant General Counsel replied that the Board can listen to any comments they want, but that the DPS General Counsel wants the Board to prepare their draft prior to considering any public input.

- b. Paul Logan, Steam Engineering Institute: Mr. Logan questioned the legality of the appointment of the Chief of Inspections – Mechanical to the position of Chairman of the Board of Boiler Rules, pointing out that the language of the statute only allows for the ‘Chief of Inspections’ to be appointed
 - c. Ed Kawa, Liberty Mutual: Mr. Kawa questioned whether the Board actually does have the authority to delegate variances per statute, and, following on the matter pointed out by Mr. Logan, further pointed out that a disconnect between the Board and a person delegated to issue variances could result from the difference in the language designating ‘The Chief’ (not specifically the Chief of Inspections – Mechanical) as the Chairman of the Board.
7. Adjournment – The Chairman proposed that the Board meet next on Thursday, May 3, 2012 at 9:30. Motion made by Ernest Hall, seconded by Charlie Perry, followed by a unanimous vote to adjourn this meeting at 10:56.