

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS  
SAFETY ADMINISTRATION

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GAS PIPELINE ADVISORY COMMITTEE (GPAC)  
TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

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THURSDAY  
JANUARY 12, 2017

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The GPAC met at the Hilton Arlington,  
950 North Stafford Street, Arlington, Virginia,  
at 8:34 a.m., Paula Gant, Chair, presiding.

MEMBERS PRESENT

PAULA A. GANT (Government), Chair, Principal  
Deputy Assistant Secretary, Office of  
International Affairs, U.S. Department of  
Energy

STEPHEN E. ALLEN (Government), Director,  
Pipeline Safety Division, Indiana Utility  
Regulatory Commission

MARK BROWNSTEIN (Public), Associate Vice  
President & Chief Counsel, U.S. Climate &  
Energy Program, Environmental Defense Fund

CHERYL F. CAMPBELL (Industry), Vice President,  
Gas Engineering and Operations, Xcel Energy  
Incorporated

J. ANDREW DRAKE (Industry), Vice President,  
Operations and EHS, Spectra Energy  
Transmission, LLC

SUSAN L. FLECK (Industry), Vice President, Gas  
Pipeline Safety & Compliance, National Grid

SARA ROLLET GOSMAN (Public), Assistant  
Professor, University of Arkansas School of  
Law

ROBERT W. HILL (Public), County Development  
Department Director & Emergency Manager,  
Brookings County Zoning & Drainage

ROBERT KIPP (Public), President, Common Ground  
Alliance

RICHARD F. PEVARSKI (Public), Chief Executive  
Officer, Virginia Utility Protection  
Service, Inc.

TERRY L. TURPIN (Government), Deputy Director,  
Office of Energy Projects, Federal Energy  
Regulatory Commission

CHAD J. ZAMARIN (Industry), President, Cheniere  
Pipeline Company

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1 P-R-O-C-E-E-D-I-N-G-S

2 (8:34 a.m.)

3 MR. MAYBERRY: Good morning, everyone.

4 (Chorus of good morning.)

5 MR. MAYBERRY: I'd like to welcome you  
6 back to day two of the Gas Pipeline Advisory  
7 Committee meeting. For, I guess for the benefit  
8 of those that weren't here yesterday, my name's  
9 Alan Mayberry. I'm Associate Administrative for  
10 Pipeline Safety and the designated federal  
11 official for this meeting.

12 And I'll be -- the meeting will be  
13 chaired or is chaired by Dr. Paula Gant with the  
14 Department of Energy. She's our government  
15 representative on the committee.

16 Also, for the benefit of those who  
17 weren't here yesterday, as far as comfort items,  
18 the restrooms are out to my left. Men's room is  
19 to the left if you go out, and ladies' room is  
20 straight back towards the stairs.

21 Emergency exits, similarly, you can go  
22 out to my left and down the stairs straight back

1 that way. Or you can go out these doors to the  
2 right and take a right, and there's a stairwell  
3 at the end of the hallway there. I think that  
4 covers -- oh, and then if you would, just make  
5 sure your phones are silenced, cell phones and  
6 the like.

7 A couple of announcements. First off,  
8 for everyone's benefit as far as our schedule,  
9 you know we had another meeting scheduled for  
10 early February. And to give us a little more  
11 time to, you know, come work items from this  
12 meeting, I think we're going to post -- we're not  
13 going to have that meeting but we'll make the  
14 third meeting our second meeting. So we'll have  
15 the meeting on February 28th through March 2nd.  
16 So we'll stick with that one, but we will not  
17 have the early February meeting.

18 As far as a rundown on today, and before  
19 I turn it over to Dr. Gant, we will cover two  
20 items, the two remaining items that we were going  
21 to cover: corrosion preventative and mitigative  
22 measures -- that's both internal and external

1 corrosion -- and integrity management  
2 clarification. So two items.

3 I expect we will -- it's hard to gauge,  
4 but we could end up by about noon today, looking  
5 at what we have before us.

6 And then we have five items to vote on  
7 that we'll do after we cover those two topics.  
8 Little bit of a change.

9 Cameron, I've decided to go, we're going  
10 to do the two remaining topics and then, finally,  
11 we'll end up with the vote at the end.

12 I think that covers it. So with that,  
13 I will turn it over to our Chairman, Dr. Gant.

14 Thank you.

15 CHAIR GANT: Thanks, Alan.

16 Good morning, everyone. Cheryl, could  
17 you do a roll call for the record before we get  
18 started? Do you have a -- Right, thank you.

19 MS. WHETSEL: Okay.

20 Steve Allen.

21 MEMBER ALLEN: Here.

22 MS. WHETSEL: Dave Danner is not here.

1 Paula Gant.

2 CHAIR GANT: Here.

3 MS. WHETSEL: Don Stursma is also not  
4 here.

5 Terry Turpin.

6 MEMBER TURPIN: Here.

7 MS. WHETSEL: Cheryl Campbell.

8 MEMBER CAMPBELL: Here.

9 MS. WHETSEL: Andy Drake.

10 MEMBER DRAKE: Here.

11 MS. WHETSEL: Sue Fleck.

12 MEMBER FLECK: Here.

13 MS. WHETSEL: Rich Worsinger is not  
14 here.

15 Chad Zamarin.

16 MEMBER ZAMARIN: Here.

17 MS. WHETSEL: Mark Brownstein.

18 MEMBER BROWNSTEIN: Here.

19 MS. WHETSEL: Sara Gosman.

20 MEMBER GOSMAN: Here.

21 MS. WHETSEL: Robert Hill.

22 MEMBER HILL: Here.

1 MS. WHETSEL: Bob Kipp.

2 MEMBER KIPP: Here.

3 MS. WHETSEL: And Rick Pevarski.

4 MEMBER PEVARSKI: Here.

5 MS. WHETSEL: Thank you.

6 CHAIR GANT: Great. Thanks, Cheryl.

7 So, we have a quorum and we're ready to get  
8 started with business.

9 So first up are P&M requirements to  
10 address corrosion, internal and external in high  
11 consequence areas. So first we'll hear from  
12 staff. Then we'll have public discussion and  
13 back to the committee for comment.

14 Okay, and this will be Steve?

15 Excellent. Over to you, Steve.

16 MR. NANNEY: Yes, I've got to do it  
17 early before I get stopped up today, you know. I  
18 hope, I hope no one's going through a cold like  
19 I've been going through late yesterday and last  
20 night.

21 But anyway, to get started on the P&M  
22 requirements. As you can see here, the item that

1 we're addressing is the P&M measures are needed  
2 for public safety, for enhanced HCA, and for  
3 greater protection of the HCAs.

4 The basis is disbonded coatings  
5 corrosion where there were significant  
6 contributing factors, such as Marshall, Michigan;  
7 and the West Virginia incidents. And, also, that  
8 was in the Act in Section 29 on seismicity.

9 Also, proposed in the Act, enhanced  
10 internal and external corrosion control programs  
11 in HCAs, to provide additional protection for  
12 corrosion, and to consider measures such as  
13 additional right-of-way controls and how to site  
14 tests in areas where material has quality issues  
15 or lost records. And also to address seismicity  
16 in evaluating P&M measures for outside force  
17 damage.

18 As far as the comments we got, going to  
19 the next slide, it was supported by citizen and  
20 government groups and pipeline safety advocates.  
21 The requirements that were proposed are in 935(f)  
22 and (g). And some of the comments we got there,

1 they were too broad and prescriptive.

2 The third bullet we got that PHMSA  
3 should reference ASME standards for P&M measures,  
4 and ensure that they are consistent with NACE  
5 standards.

6 And then the next bullet was on 935.  
7 Again, continuous gas quality monitoring should  
8 only apply if internal corrosion is at risk,  
9 which, which we agree with. And should not have  
10 to be real time.

11 And then, also, there should be a  
12 periodic indirect inspection, should only be  
13 required if there's a history of corrosion, in  
14 (g).

15 And then the last comment here was PHMSA  
16 should assure that the requirements in 933 and  
17 713 align with ASME and other standards.

18 PHMSA's initial take was that PHMSA  
19 would consider these comments in the proposed  
20 requirements for external and internal corrosion.  
21 And, also, PHMSA intended for these requirements  
22 to supplement existing industry standards.

1           And the proposal is intended to provide  
2           an enhanced level of safety for all HCAs, not  
3           merely those with a known history of failures.  
4           The intent is to prevent future incidents in  
5           HCAs.

6           With that, going to the next item would  
7           be public comments.

8           MR. REYNOLDS: Good morning. Lee  
9           Reynolds with NiSource. Just a follow-up from  
10          yesterday's conversation.

11          In regards to the external corrosion,  
12          additional P&M requirements as being proposed for  
13          935, as an operator I believe there is some, from  
14          a perspective, there seems to be some  
15          duplication. The requirements that's being  
16          proposed for subpart I, you know, for example on  
17          interference testing and the like, it's being,  
18          it's being discussed there. But then again, you  
19          also include it under 935 as well.

20          So where you can, we'd, you know, from  
21          an operator perspective just ask that minimize  
22          duplication, since subpart I applies to all

1 protected section, it also would cover HCAs as  
2 well. So just PHMSA to consider minimizing  
3 duplication on some of the code requirements,  
4 where possible.

5 Other comments, again, there's some on  
6 the proposed external corrosion P&M measures,  
7 especially like around referencing to coatings in  
8 light, again, some of the criterion and specific  
9 tools. Ask that PHMSA, again, allow the operator  
10 some flexibility to provide tools. Other tools  
11 would not be as specific within the 935 section.

12 In regards to corrosion overall in 935,  
13 it seems that the original intent of the code  
14 seems to be working, as far as an operator  
15 experience. Seems to be working fine. If we do  
16 identify external corrosion and some issues, we  
17 believe the existing code requirements are  
18 sufficient and really not in need of any  
19 additional requirements on top of the specificity  
20 that's provided in 935.

21 That's been my experience with our  
22 current operations that we operate in. And,

1       therefore, do not see the actual additional  
2       details because I believe it's already covered,  
3       the intent of the external corrosion  
4       requirements, what an operator needs to do to  
5       mitigate the threat of external corrosion.

6             Thank you.

7             MR. BENNETT: Good morning. I'm Frank  
8       Bennett with UGI Utilities.

9             I concur with what Lee said. But, also,  
10       there is some duplication here. The introduction  
11       says additional measures beyond what's described  
12       in 192. And some of the descriptions that are in  
13       there for 192 for internal and external corrosion  
14       are duplicated here. So they don't need to be in  
15       both places.

16            And, also, I do like the part where  
17       you've actually required that P&M measures be  
18       based on the risk assessments, and including root  
19       cause of incidents. I like that.

20            But then you go into the internal  
21       corrosion, and you're very descriptive of what's  
22       in there. And I can think of an example from my

1 past where the internal corrosion was caused by  
2 the hydro test. We had contaminated tankers that  
3 brought bacteria in the pipeline. In most spots  
4 it wasn't cleaned properly.

5 And I was looking through this list  
6 here, and I do identify internal corrosion, but  
7 putting in my own equipment would not help.  
8 Putting in separators would not help. What would  
9 help would be pigging and biocides or inhibitors.

10 So I think you need to have the options  
11 here. It's not everything, it's what's  
12 appropriate for the situation.

13 The other thing, maybe the introduction  
14 could be changed. When the operator gains  
15 experience about internal corrosion or external  
16 corrosion. I ran a pig last year. Through our  
17 pig we found we had no internal corrosion in the  
18 pipeline.

19 Did I learn something about the pipeline  
20 internal corrosion? Yes. According to reading  
21 this rule, I would have to do those activities if  
22 I didn't find internal corrosion.

1 Thank you.

2 CHAIR GANT: Any further comments from  
3 the public?

4 (No audible response.)

5 CHAIR GANT: Thank you.

6 Now I'd like to open the floor to  
7 discussion amongst committee members. Did  
8 someone put a card up? Okay. I was looking that  
9 way.

10 Mr. Drake and Mr. Brownstein.

11 MEMBER DRAKE: Thank you. I think the  
12 comments from the public area very appropriate.

13 I think my primary concern here is what  
14 are we trying to accomplish actually gets a  
15 little confused here. We're trying to give  
16 guidance to operators about things they should be  
17 considering in preventative mitigative measures.

18 A very long list of things people should  
19 consider is appropriate. But the language  
20 changed, and I don't know why, from should to  
21 must. And it's a very long list of must  
22 considers.

1           And, really, what that, I think, creates  
2 just from a very pragmatic standpoint, is an  
3 incredible exercise in documentation of every  
4 single P&M measure for every single HCA so that  
5 we can conduct a regulatory audit. And I don't  
6 think that's what the intent is, but that's going  
7 to be the reality of that word being in there.

8           And I think if we're trying to get  
9 people to think through P&M measures and what's  
10 their role, I don't know why we would shift away  
11 from should and a very long list. Make it as  
12 long as -- of all the things, you know, some of  
13 the things that folks were adding from the  
14 public. But when you shift that word must, the  
15 regulators in these states are going to  
16 absolutely hammer us to have a definitive answer  
17 for every single P&M measure in every situation  
18 and HCA. And I don't think that's what we're  
19 trying to accomplish here.

20           So I think here the question is, is the  
21 juice worth the squeeze? Is this incredible  
22 records exercise accomplishing something that we

1 aren't able to accomplish in a dialog where we  
2 define what the regulatory target is through  
3 should, and then operators should be able to  
4 defend that verbally in a discussion with a  
5 regulator.

6 That's really the crux of my comment.

7 CHAIR GANT: Thanks, Andy.

8 Mark.

9 MEMBER BROWNSTEIN: So I guess two  
10 thoughts as it relates to 935. One is that, you  
11 know, while I appreciate the long list of things  
12 that folks can, and maybe should, be doing, I  
13 also think that there is something missing here,  
14 right, with regard to incentivizing folks to use,  
15 you know, either new or emerging technologies.

16 All right, so one of the risks with  
17 listing out everything that one should do, right,  
18 is is that you're only, right, you're only smart  
19 as today allows you to be. Right? And what  
20 we're finding is, you know, through our work, is  
21 is that there's a whole host of new remote  
22 sensing technologies which are coming into the

1 marketplace and are quite effective at enhancing  
2 your ability to find and fix leaks.

3 And I think that we're only at the  
4 beginning of that. Right? And so to my mind  
5 this provision is not doing enough to make sure  
6 that we're creating an expectation that operators  
7 will continue to, to innovate.

8 Now, along those lines, in response to  
9 a comment that was just made, I can appreciate,  
10 right, in a former life having been, you know, in  
11 a utility I can appreciate what has been said  
12 about the effectiveness kind of language in terms  
13 of an environmental or performance audit.

14 However, I think that there has to be some kind  
15 of happy medium. Right?

16 Because if you put out a list of things  
17 that an operator should consider, but without any  
18 expectation that they actually will, it becomes,  
19 it becomes somewhat meaningless. And so I'm not  
20 suggesting the previous concern there is concerns  
21 are, you know, out of line, but I do think that  
22 there is something -- there may be a happy medium

1 between, you know, you have to show that you've  
2 looked at every possible thing all the time and,  
3 you know, having a list in a rule that  
4 essentially has no practical effect.

5 CHAIR GANT: Thanks, Mark.

6 Any other comments? Sara?

7 MEMBER GOSMAN: Good morning, everyone.

8 I think one of the difficult pieces of  
9 this integrity management program is finding the  
10 balance between allowing operators flexibility  
11 and making sure that the risk analyses and the  
12 types of considerations actually result in better  
13 safety. And I think that in my mind you can  
14 still allow overall for a very good management-  
15 based flexible program while providing specifics  
16 on issues that you know you want the operators to  
17 do.

18 And I think, and maybe particularly in  
19 the preventative and mitigation mode where I  
20 think it's maybe more unclear what these  
21 analyses, what these identification is supposed  
22 to do as it relates to risk.

1           So I do support the proposed rule as  
2 written. I think that adding advanced leak  
3 protection would also be very useful.

4           CHAIR GANT: Thanks, Sara.

5           Mark, is your card up again? Okay.

6           Anyone else? Okay, over to Alan or  
7 Steve to respond, please.

8           MR. NANNEY: Yes. In the three comments  
9 here we've got, we understand and we hear what  
10 all three are saying. And also, we would be  
11 taking into account the comments late yesterday  
12 because we think -- just like what I think Andy  
13 was alluding to when he was talking, I think  
14 we've got to put this together with what we had  
15 yesterday.

16           So, so I think we're hearing everybody's  
17 comments and thoughts.

18           CHAIR GANT: Chad.

19           MEMBER ZAMARIN: Sorry. I got my card  
20 up late.

21           I just have one, maybe just to put a  
22 little bit of backdrop around P&M measures, and

1 what I think the issue may be. When we developed  
2 the concept of P&M measures in B31.8S it was  
3 always the intent that it's a -- you have a  
4 collection of tools that you can bring to bear  
5 and you tailor the deployment of those tools to  
6 the threats that are unique to your system.

7 You know, we have a very complex  
8 operating environment. We have multiple  
9 different threats to the systems, and you  
10 implement a suite of -- ideally, you implement a  
11 suite of P&M measures that's laser-focused on the  
12 threats that you have to your system.

13 And I think I've seen over the years  
14 that one of the concerns is that maybe, maybe we  
15 didn't put a lot of meat around what that should  
16 look like. And it's hard to, it's hard to, I  
17 think, make that prescriptive. And it's also  
18 hard to make that kind of easy to demonstrate.

19 But I think similar to the comments that  
20 we've heard, I do think you need to balance  
21 between these are tools that are available, and  
22 at the same time you don't want to prescribe a

1 medication for when you don't know what disease  
2 you're treating.

3 And so, you know, we just have to  
4 continue to remember that these are complex  
5 systems, that the incidents that occur are due  
6 to, typically, very complex causes. And there's  
7 typically not a single answer. And so I think  
8 you just have to be careful that you don't  
9 prescribe a bunch of activities that aren't form  
10 fit to the issue that you're trying to solve.

11 Thanks.

12 CHAIR GANT: Cheryl.

13 MEMBER CAMPBELL: Thank you. I agree  
14 with what's been said. I do think the balance is  
15 kind of tricky. And this goes back to a comment  
16 I made yesterday. I think that not only do we  
17 need to work to find that balance, we also need  
18 to find ways to help our regulators and our  
19 inspection folks, right, to ask the right  
20 questions. Right?

21 I mean we should, to your point, Mark,  
22 we shouldn't be -- an inspector should be asking

1 what an operator did and how they considered  
2 these measures and how they're addressing the  
3 threat.

4 So, I mean I think there's a multi-  
5 faceted approach to solve some of this stuff and  
6 to find that right balance. To some extent it's  
7 enforce the rules that we have. Add rules where  
8 we need them, right, when we don't have enough  
9 specificity. And then require operators to do  
10 the things that they need to.

11 But there's -- it's got to be, it's got  
12 to be multi-faceted, and it's not trivial. I'm  
13 not sure that this one finds the right balance.  
14 I think there is -- it's pretty complicated out  
15 there, as Chad said, and we need some  
16 flexibility. But we should also be held  
17 accountable to make sure we're, we are  
18 considering and all the different ways that we  
19 can reduce corrosion and issues on our systems.

20 CHAIR GANT: Mark.

21 MEMBER BROWNSTEIN: So this raises a  
22 question for me that's not so much tied to the

1 specific language of the rule, but it's really a  
2 programmatic question to the folks at PHMSA.

3 Within the agency, right, what resources  
4 are available and made available to not only  
5 folks in industry but, frankly, to field  
6 inspectors about the range of techniques and  
7 technologies that are out there?

8 Because the reason why I ask that  
9 question is for two reasons. Right? One is, is  
10 because it seems to me that a -- you're more  
11 tempted to be very prescriptive in a provision  
12 like this, right, if you feel that this is your  
13 one and only time to communicate with folks in  
14 the field about what they can and should be  
15 doing. You know? It's written down; follow it.

16 If there are many opportunities,  
17 documentable opportunities for PHMSA to be able  
18 to share with folks in the field what's out there  
19 and what the best, you know, the best of what's  
20 out there, right, you have many more  
21 opportunities to stimulate the thinking on the  
22 part of both field inspectors and, frankly,

1 operators in the field about what it is that they  
2 should be doing to make sure that their systems  
3 are leak free.

4 And, you know, if the answer is is the  
5 agency doesn't have the resources to be able to  
6 maintain that kind of intellectual capital and  
7 share it, you know, that in and of itself is an  
8 issue quite apart from what this rule says.

9 If there are opportunities, right, for  
10 that, first of all, we should be encouraging more  
11 of them, and, second of all, you know, I'm not  
12 quite sure how you would work it into the rule  
13 language, but it seems to me that that, that  
14 plays a role here.

15 So I'll cut short the soliloquy and just  
16 ask the simple question, right? You know, what  
17 role does PHMSA play in understanding the best of  
18 what's out there and advancing a state of  
19 knowledge about what's out there? And what  
20 mechanisms currently just programmatically to  
21 share that with state inspectors and with  
22 operators?

1           MR. MAYBERRY:  It's a good question.  I  
2           can address that.

3           As far as PHMSA related to corrosion,  
4           actually related to a lot of the topics, we have,  
5           for one, different committees.  We have a  
6           corrosion committee, for instance, that has  
7           representation from each region, and then a chair  
8           of the committee.  And typically those members  
9           are also engaged -- we have a number of people on  
10          NACE committees as well.  And we're quite active.  
11          In fact, I'm active myself as far as attending  
12          the annual NACE conference.

13          You know, it's a big area for us.  So  
14          it's a heavy area of focus.  So we have a team  
15          that's really constantly looking at what's out  
16          there and staying relevant and passing that  
17          information on to, you know, internally through  
18          different methods, or all inspectors meetings for  
19          instance, and the like.  But that's happening all  
20          the time.

21          That's part of our, you know, if you  
22          look at our oversight program, there is where we

1 go beyond like just putting out inspections or an  
2 inspection enforcement program in our policies.  
3 But, you know, so engaging industry. So we do  
4 try to stay relevant by doing that, being  
5 involved.

6 MEMBER BROWNSTEIN: And if I may, just  
7 as a follow-up. How do you know that, how do you  
8 know -- so I, you know, frankly, so thanks for  
9 that, you know, summary answer. I think I'd like  
10 to know more, you know. This may not be the time  
11 and place to do that. But I think I'd like to  
12 know more.

13 And I'd also like to sort of ask the  
14 question how do you know that you're being  
15 effective? Right? You know, how do you know  
16 that there's uptake of the information? Right?  
17 And that the practices are actually getting a  
18 fair hearing with inspectors and with operators,  
19 and that you're seeing evolution over time?

20 I mean, look, the bottom line for me is,  
21 is that with, you know, sometimes with the best  
22 of intentions field operators and field

1 inspectors fall into same old same old kind of  
2 thinking. Right? We've always, you know, this  
3 is the way we've done it. We've always done it  
4 this way. It's always worked pretty well. You  
5 know, leave me alone.

6 And that's certainly been our experience  
7 in the work that we've been doing on leak  
8 detection and repair. And not just, not just in  
9 the pipeline industry. Right? So I don't mean  
10 to -- I think it's just a human nature sort of  
11 deal.

12 And lots of people will go to lots of  
13 conferences and lots of seminars and sit there  
14 and nod their heads and take notes, you know, and  
15 like what? So the question then becomes, like,  
16 so how do you know as a practical matter that  
17 people are really taking it, you know,  
18 challenging themselves?

19 People don't like to challenge  
20 themselves, frankly. Right? You're doing a job.  
21 You get paid to do a job. You don't really, you  
22 know, like human nature.

1           MR. MAYBERRY: Yes. That's, I guess,  
2 where the proverbial journey comes in. You know,  
3 it's something you have to constantly work at.

4           But I can tell you, we, we engage quite  
5 heavily and question, you know, the standards to  
6 try to improve them. I know that's probably one  
7 of our areas of heaviest engagement is with the  
8 NACE committees and trying to improve and make  
9 sure those standards are relevant.

10           But anyway, we'd be glad to talk to you  
11 further about that. And that's where I think the  
12 topic came up yesterday about the potential for a  
13 workshop on this topic, which might be an option  
14 we explore.

15           I just want to add I appreciate the  
16 comments as well. And like Steve said, I think  
17 we're looking at, you know, making some changes  
18 like we were talking about yesterday on gas  
19 quality, to address what's the way, and to  
20 address, you know, making sure that, really, risk  
21 is driving what we're after here.

22           A specific example cited, you know, was

1 Sissonville, an incident that occurred that  
2 involved shielding of pipeline. You know, it's  
3 good old fashioned corrosion where the pipe's  
4 sitting on rock. You know, we cite that. But  
5 we've also, you know, looking at our incident  
6 history, if we take a step back and see, okay,  
7 what are we trying to solve You know, that's one  
8 issue we've seen, this good old fashioned  
9 corrosion that's happening. How do you address  
10 that?

11 You know, maybe we overly focused on  
12 specific tools and we can, you know, because  
13 we're trying to prevent corrosion that can occur,  
14 you know, a number of ways. Shielding is the  
15 example noted, like pipe sitting on rock. And  
16 we've seen that, you know, probably a few times  
17 too many.

18 But we don't want to address that and  
19 preclude the use of creativity and use of, you  
20 know, other tools that might be available to  
21 address, you know, other aspects of corrosion.  
22 So I think we're going to take that back and, you

1 know, come back to you with additional language  
2 that kind of talks about that flexibility, so we  
3 don't stifle creativity or innovation, you know,  
4 or relevant technology.

5 Thanks.

6 CHAIR GANT: Mark, a piece of your  
7 question Alan can't answer because it would be  
8 talking about his budget. And he can't talk  
9 about his budget, but I can.

10 And this has been an ongoing issue, I  
11 think, for PHMSA is having money available to do  
12 R&D or participate in R&D analysis and  
13 deployment. I mean that's a piece of what you're  
14 talking about. And I think that's something only  
15 stakeholders can address.

16 That said, there are places that since  
17 that does have the ability to engage, DOT's labs  
18 are engaged, they're engaged with the Department  
19 of Energy labs and programs. And the Department  
20 of Energy has a new midstream program focused on  
21 leak detection and mitigation practices for the  
22 midstream. That just got around, just got

1 started this year.

2 We have the ARPA-E program that has 11  
3 projects that will be wrapping up this year to  
4 develop low cost detection and measurement  
5 devices.

6 So there is some good work going on out  
7 there, as well as all the industry fora that are  
8 focused on, you know, everyone pitching their  
9 technology and then operators considering it. I  
10 think it's a good question, Does it work?

11 And part of the answer I think has to be  
12 in looking to the requirement on these companies  
13 to develop safety management systems that are  
14 effective, and the incentives built into that to  
15 find the best, most cost-effective technologies  
16 to do so.

17 But to me, in the vein of considering a  
18 workshop or something, and that, that might be a  
19 good way to frame it, is are we -- because  
20 there's a lot of technology development  
21 happening, right, is it, is it getting where it  
22 needs? And have some, you know, some examples

1 about how that's happening. Might be useful.

2 So, and then there's always, you know,  
3 the budget matter that only, only stakeholders  
4 can address, not the agency.

5 So Chad and then over to Sue.

6 MEMBER ZAMARIN: Thanks. Chad Zamarin,  
7 Cheniere Energy.

8 It sounds like we're making progress,  
9 based on Alan's comments and, I think, the  
10 comments we've heard. I think just to maybe put  
11 a finer point on what I was trying to articulate  
12 around P&M measures.

13 You know, when I think about integrity  
14 management, it kind of started as a pig and dig  
15 rule. It was very heavily focused on kind of the  
16 blocking and tackling. We always saw management  
17 of change, P&M measures. Those were kind of the  
18 higher level activities.

19 And I guess what I'm just trying to  
20 encourage is I don't think we ever meant P&M  
21 measures to be kind of a prescriptive recipe for  
22 all pipes. It was meant to be an encouragement

1 that you think about the issues that you face and  
2 you tailor your, your P&M measures to those  
3 issues.

4 And I think we haven't done a great job  
5 as operators demonstrating that, that we, that we  
6 look at our unique pipelines and we tailor P&M  
7 measures. And I know that that was a frustration  
8 during audit: how do you see it? How do we  
9 demonstrate it? But if there's a way to  
10 encourage that, as much as or more so than kind  
11 of listing the what we think are the right  
12 answers right now broadly, I really think that  
13 the value of the P&M measures aspect of integrity  
14 management is driving the behavior that you have  
15 to look at your unique pipeline conditions and  
16 you have to tailor your activities.

17 There is not a one size fits all. That  
18 was always the intent of P&M measures, that  
19 you're going to, you're going to pick those  
20 measures that are going to be effective to that  
21 unique circumstance.

22 Thanks.

1 CHAIR GANT: Thanks, Chad.

2 Sue, over to you.

3 MEMBER FLECK: Sue Fleck, National Grid.

4 I agree with what Chad said completely.

5 If you prescribe every single thing that's  
6 supposed to be in your integrity management plan,  
7 you've negated the whole point of it, which is  
8 figure out what your risks are, understand then,  
9 and then develop appropriate programs for each  
10 piece of your pipe based on the risks that are  
11 there.

12 So it would be nice if we could get back  
13 there.

14 I have a couple other comments. I feel  
15 like we've wandered away from the topic that was  
16 supposed to be considered here, which is really  
17 935(f) and (g). It feels like we've moved to all  
18 P&M measures, so I'm a little confused. I kind  
19 of wish we'd stayed on point with corrosion, but  
20 it feels like that, a lot of the conversation  
21 we're having belonged in the next section.

22 So I don't, I don't think we've covered

1 all the P&M conversation we want to have in the  
2 next section. We may have covered P&M well  
3 enough. I'm not sure. But I am a little bit  
4 confused. I feel like we've wandered off. And I  
5 hope you can summarize it a little better for me.

6 And then I wanted to address one other  
7 question on, or one other issue around  
8 technology, because I think this is a  
9 conversation we really do need to have. How do  
10 you incorporate new technology?

11 Because in a lot of our states, before  
12 we're allowed to use any new technology we have  
13 to demonstrate that it works, that it's at least  
14 as good or better than the existing technology.  
15 And for a company like a National Grid, a big  
16 company, that's not such a big deal. We have R&D  
17 departments. We have big, robust engineering  
18 departments. So we could bring in a new  
19 technology, we could explain it to the regulators  
20 and get them to, you know, get them to understand  
21 it.

22 For a lot of the smaller companies

1 that's just not possible. It's very, very  
2 difficult. So if the state has a requirement  
3 that you have to demonstrate the efficacy of a  
4 product before you use it, they're not going to  
5 do that. So they're going to keep using their  
6 existing stuff potentially longer than they  
7 should.

8 So it's an issue. It needs to be dealt  
9 with. It definitely needs to be dealt with. But  
10 it's extra work for the company to go and get the  
11 state to really understand that new technology  
12 and accept it as the new norm. So it's a  
13 challenge for PHMSA, it's a challenge for the  
14 state regulators, and it's a big challenge for  
15 the companies.

16 But we'd like to be able to do that  
17 easier and quicker.

18 CHAIR GANT: Sara.

19 MEMBER GOSMAN: So, yes, I just think  
20 this, this section more broadly, and I understand  
21 the point about focusing on corrosion, but this  
22 is where I think we could do so much good in

1 terms of moving the risk-based system.

2 And, you know, another thought that I  
3 have about this is, you know, if the focus is on  
4 technology and being able to allow for different  
5 types of technology over time, I think, you know,  
6 sort of using performance standards in the  
7 traditional way that you would think about an  
8 environmental law, for example, like best  
9 available technology, I mean there are ways of  
10 getting at we have high expectations for how you  
11 should be doing these P&M measures. And here's  
12 what our category is going to be, here's the  
13 performance we're going to hold you to, more than  
14 create a program, you know, identify measures,  
15 implement them.

16 CHAIR GANT: Mark.

17 MEMBER BROWNSTEIN: Yes. So I don't  
18 think we should be under any illusions about  
19 budgetary resources and their availability. And,  
20 if anything, I think we should be realistic about  
21 the fact that with the change of administrations,  
22 right, we're likely to see less resources going

1       into, you know, going into regulation or  
2       regulatory bodies, both programmatic resources  
3       and, frankly, enforcement resources. Right?

4               And so the simply reality is, is that I  
5       want to resist the temptation here, sitting  
6       around this table, to play philosopher king and  
7       try to imagine what the perfect regulatory  
8       structure looks like, and try to advance them all  
9       in that regard, and not be mindful of the context  
10      in which we're working.

11             Because, candidly, the context in which  
12      we're working argues for a rule that is more  
13      prescriptive and more specific, precisely because  
14      you can't be confident that you're going to have  
15      that kind of, the kind of resources necessary to  
16      make a more performance-based approach work.

17             So I want to -- so two things come out  
18      of that, I think, as a practical matter. Right?  
19      One is, I think it is incumbent upon our, you  
20      know, my colleagues, my friends in the industry,  
21      right, to be mindful of the fact that advocating  
22      for performance-based approaches comes with it a

1 responsibility, an imperative to be speaking to  
2 policymakers at every level of government on what  
3 it really takes to implement that and to be  
4 committed to advocating for the resources to make  
5 that possible. That's number one.

6 And number two, to Sue's point, you  
7 know, I fully acknowledge that some of the --  
8 some of what I'm about to say may be predicated  
9 on my own ignorance about level of effort that  
10 the industry has put into developing and  
11 socializing advanced technologies. But my  
12 impression, right, is is that too little is  
13 happening on the part of industry to take on this  
14 responsibility itself. Okay.

15 And, you know, it shouldn't, it  
16 shouldn't all have to fall on National Grid or,  
17 you know, any one of the other larger operators  
18 that are sitting around this table. But I don't  
19 think it's a, I don't think it's a defense for  
20 industry to say that, you know, it's hard to get  
21 new technologies accepted by regulators because  
22 there's so little resources that industry has to

1 be able to develop and demonstrate these things.

2 If the industry is committed to a  
3 performance-based approach, the industry really  
4 has to be committed to putting the resources into  
5 making it work. And to the extent that you don't  
6 see those resources, either at the agency level  
7 or at industry, you get stuff like this.

8 So, notwithstanding all of my comments  
9 about how I would like to go with you on this  
10 journey, right, I'm more inclined to support  
11 something that's specific, for all the reasons I  
12 just articulated.

13 CHAIR GANT: Seeing no cards raised from  
14 the committee, and doing my level best to sum up,  
15 per Sue's request, here goes.

16 In listening to the discussion I heard  
17 some concerns with regard to some of the  
18 provisions here being duplicating other  
19 provisions elsewhere in the regulations, as well  
20 as being a bit too specific in such a way that it  
21 defines a subset of a universe that we would want  
22 operators to consider, rather than opening up

1 that universe to your consideration.

2 And so it seems to me that it would be  
3 beneficial, in taking the next look at this, to  
4 refer back to the provisions in the corrosion  
5 control sections in 461 and 478, that to me seem  
6 to be focused on awareness. How do you become  
7 aware that you have corrosion?

8 In this section it seems to me we're  
9 dealing with how do you act to prevent or  
10 mitigate corrosion when you have it, but it's  
11 based on that information that you got from the  
12 previous section, the previous analyses. So  
13 separating those out so we're not duplicating the  
14 measures that are being set out in the revised  
15 corrosion control sections.

16 And then as relates to sess -- this  
17 discussion today, it seems to me there's been a  
18 very consistent theme to this conversation that  
19 suggests in the section it should be very  
20 closely, the sections (f) and (g) is the ones I'm  
21 referring to, should be more closely linked back  
22 to the reference to the additional measures being

1 based on the risk analysis required in 192.917.

2 So to the extent that an operator has a  
3 requirement to conduct that risk analysis, that  
4 the P&M measures addressed in Section (f) on  
5 internal corrosion, and in Section (g) on  
6 external corrosion should be tailored corrosion  
7 solutions using -- linked back to the risk  
8 analysis performed on your system. And that  
9 they, in hearing some of the conver -- the  
10 concerns that if you just say there's a lot of  
11 nice things you could do, then that kind of  
12 leaves it a bit open.

13 It seems to me that if you link the  
14 requirement back to these are the types of things  
15 one might consider, there will be new  
16 technologies that are coming on we want you to  
17 consider, but you must choose solutions that are  
18 relevant to the risk analysis you performed on  
19 your system. You have to address the risk that  
20 you've identified.

21 So, I'd like to ask, show this to the  
22 PHMSA staff to conceptually respond to that and

1 then give the committee members a final chance to  
2 comment on wrapping it up that way, with  
3 guidance, since request the PHMSA staff to  
4 consider.

5 MR. NANNEY: As earlier, as I stated, we  
6 plan to go back and we'll look at how this is  
7 drafted, versus the language that we had drafted  
8 yesterday for some of the internal and external  
9 corrosion as far as monitoring. And see where,  
10 one, if it's non-HCA versus HCA, how we can  
11 actually interconnect it or disconnect it,  
12 depending upon which way we need to go there.

13 And so that's what I saw from today  
14 that, and based upon the comments. So we'll go  
15 back and look at that.

16 As far as the considers or the musts and  
17 shalls and some of that, one of the reasons of  
18 putting a shall or a must versus a consider is to  
19 make sure that they are actually considered and  
20 done. That part of it we'll look to see what we  
21 can do there to what I'd call hit a middle  
22 ground.

1           As far as new technology and that,  
2           what's been discussed, we're always in favor of  
3           that. But the other side is when we put new  
4           technology, we've got to be sure that it works or  
5           be sure that it works that we don't have it all  
6           over the place and it doesn't work for anyone.  
7           So, you know, we've got to pick our spots there.

8           Now, from the PHMSA side, we do have  
9           other technology submittals that you can come in  
10          and get approval. And we also have the special  
11          permit process, which the other technology is  
12          where we would rather go because it's a lot  
13          quicker process and everything.

14          So we can look to see what we can do  
15          there, just like what we said we would do  
16          yesterday.

17          CHAIR GANT: Using the Chair's  
18          prerogative, I do want to respond back to the  
19          point that was made about state regulators  
20          needing to have some ability to access the  
21          technology and understand how it works in order  
22          to include cost recovery.

1           In my former office in oil and gas at  
2           DOE, the midstream program has a component of it  
3           that arises out of a conversation the secretary  
4           had with state regulators, that's the technical  
5           exchange with DOE and state regulators. I would  
6           offer you that those exchanges are only as robust  
7           as the stakeholders that participate in them.

8           So, we have a mechanism. We have some  
9           budget there. But the value is going to become -  
10          - is going to come through stakeholders engaging  
11          the channel, otherwise it's just a very narrow  
12          conversation. So that's my pitch.

13          Mr. Drake.

14          MEMBER DRAKE: This is a great  
15          conversation. This is actually the purpose of  
16          the committee.

17          The challenge that we have is to strike  
18          the balance. I like that word. Because the  
19          thing that I think we wrestle with is unintended  
20          consequences. I think we all share the goal  
21          trying to clarify the regulatory target and  
22          strike some sort of balance.

1           And I think the concern that I see is  
2           you have a huge industry. The people around this  
3           table are large, for the most part. They have  
4           the resources. They're probably doing it. The  
5           problem is how a whole industry consistently  
6           applies this. And that inconsistency creates  
7           risk.

8           And I think our challenge is how do we  
9           get that balance? I think the issue that I see  
10          in front of us is clarify what we're trying to  
11          accomplish. What is the target? What do you  
12          want people to do? Without creating a lot of  
13          misplaced energy.

14          The concern that I have is when you come  
15          up with this long list and then you make it a  
16          must, what you're going to create is just an  
17          exercise to create a defensible audit record.  
18          They're not -- If we're worried about  
19          inconsistency, people are just going to create a  
20          physical record to answer every single one of  
21          those issues for every single HCA, and they're  
22          done. And they missed the point of the exercise.

1           And I think that's what we have to try  
2           to figure out how to balance as we go through  
3           this.

4           So, you know, I don't think my comment  
5           is intended to say we don't want to do all these  
6           things. We want to go through them, and more,  
7           because the purpose is bigger than that. And  
8           it's not about creating paper, it's about doing  
9           an analysis. So we struggle with that and how do  
10          we best accomplish that, is really the challenge,  
11          I think, that is in front of this group.

12          And it's not just in this section, it's  
13          throughout all of this. So we're going to go  
14          through this discussion, I think, constantly  
15          because we're endeavoring to strike a balance  
16          between performance regulation and prescriptive  
17          regulation. We've seen the limitations of  
18          prescriptive. And the MEBS are heavy on  
19          performance. And I think both countries are  
20          actually working towards some sort of integration  
21          or balance between those two.

22          So how do we best do that without

1 creating a lot of bureaucratic drag on records?  
2 There's already a huge -- these audits are  
3 incredibly intensive and demanding already. How  
4 do we get to the purpose of the exercise, rather  
5 than just the paperwork side of it?

6 CHAIR GANT: Thanks, Andy.

7 Mark, can I go to Steve first and then  
8 back to you?

9 MEMBER ALLEN: Thanks. Steve Allen,  
10 IURC.

11 I have to agree with what Andy said  
12 there. And I wonder whether or not that guidance  
13 documents or the results of the risk modeling  
14 work group that's currently going on might help  
15 to inform how this rule might look going forward.  
16 I mean there are limited resources.

17 You don't want to have a situation, I  
18 don't think you want to have a situation where we  
19 have form over substance, which in my opinion as  
20 a state regulator, we see a lot of that. You  
21 know, an operator will do what they need to do to  
22 pass an inspection, as opposed to actually

1 internalizing the need to assess the risk.

2 And I'm not an expert in this. I'm on  
3 this risk modeling work group. And what I hear  
4 from those that are involved with that, there are  
5 a lot of different approaches that can be taken.  
6 And those different approaches also depend on the  
7 size of the organization.

8 And I've mentioned to many of you here,  
9 I'm going to be a broken record, you know,  
10 stepping up for the little guy because most of my  
11 operators are very small and don't have the  
12 resources to, perhaps, focus their records on the  
13 riskiest things that they need to do.

14 So my response here is a little  
15 convoluted. I agree with what you're saying.  
16 And I think that the larger operators, more  
17 performance-based regulation is necessary. I  
18 think for some of the smaller operators, they  
19 need the prescription. They need to know what is  
20 it that I need to do? And not so much just  
21 because I want to check the box, but I just don't  
22 know what to do. So you help me to determine

1 what I need to do. So there you have it.

2 CHAIR GANT: Thanks, Steve.

3 Mark, back to you.

4 MEMBER BROWNSTEIN: Yes, that's, so  
5 that's a very important point.

6 You know, at the risk of stating the  
7 obvious, right, one of the challenges you have  
8 with performance-based approach is, absent clear  
9 accountabilities and metrics, is is you quickly  
10 fall into kind of the wink and the nod kind of  
11 approach. Oh, yeah. Did you consider? Oh,  
12 yeah, I considered it. Okay. You know?

13 And then for the smaller folks it's  
14 like, please just tell me what I need to do.  
15 Right? Because I've got 12 other things to do in  
16 addition to my HAC responsibilities. You know,  
17 I'm four guys and a laptop.

18 And so, you know, performance-based  
19 approaches there's a, I think there's a little  
20 bit of a nip sometimes about performance-based  
21 approaches. They're less bureaucratic but  
22 they're not necessarily less resource intensive.

1 In fact, if you're doing them right, in some ways  
2 they're more resource intensive. Okay.

3 And, you know, again, we're going into  
4 a world where the agencies involved here are  
5 going to have less resources. So that makes me  
6 nervous. I mean that's the reality, folks.

7 And so, Paula, I liked something that  
8 you said in your summation which I'm not sure has  
9 been explored fully enough, which is what's the  
10 mechanism by which folks confronted with this  
11 list of 935, what's the mechanism by which they  
12 communicate that in fact things have been  
13 considered?

14 And so maybe it's less about did you,  
15 you know, here's a list of 15 things that you  
16 should consider, and I want to see evidence that  
17 you considered each one, but maybe there is  
18 something that needs to be put in here, here or  
19 somewhere else, an enforcement paragraph, right,  
20 that talks about how the company will demonstrate  
21 that, you know, both existing and emerging  
22 technologies were considered. Right? What's the

1 evidence that you really did the -- that you did  
2 your homework. Right? And that you can show  
3 that you fully identified, you know, that you did  
4 a good job of identifying the risks, and you did  
5 a good job of identifying the tools that could  
6 address those risks.

7 And if someone could read that, you  
8 know, and say, yeah, that was a reasonable effort  
9 to do this, or not.

10 I don't know if that's in here. But if  
11 not, it should be.

12 CHAIR GANT: Steve, is your card still  
13 up or newly up?

14 So I think the question on the floor is,  
15 is there something already in the larger body of  
16 this rule that is relevant to the question, as  
17 applied to Sections (f) and (g), how does the  
18 company demonstrate that risks have been  
19 identified and that, relative to those risks, the  
20 appropriate approaches have been considered, and  
21 the appropriate information -- mitigation has  
22 been conducted?

1           So I think it's a more global question,  
2           too, not just -- and I think it connects back to  
3           overall integrity management.

4           So would staff like to take the  
5           question?

6           MR. NANNEY: We'll be talking about risk  
7           a little later. Let us address that there.

8           But it is something that we've seen has  
9           not been adequately addressed. And we're in the  
10          process of a work group coming up with a risk  
11          document to give more guidance to operators there  
12          on what to do.

13          But let us talk about -- we've got a  
14          section here to talk about here in these slides.  
15          If that's okay, we'll talk about that then.

16          CHAIR GANT: Okay. I just want to  
17          clarify the question, though, is not how to  
18          conduct risk analysis, it's for purposes of this  
19          section, how does a company demonstrate that they  
20          have results of risk analysis that have been used  
21          to assess the tools and the solutions that are  
22          available? Which is a different question than

1 how do you conduct risk analysis.

2 Chad and then over to Cheryl.

3 MEMBER ZAMARIN: Yes. I'm just going to  
4 tell you the practical example of how it should  
5 work. You know, we're pigging out HCAs on  
6 recurring times. It's by far the most  
7 sophisticated, advanced technology available,  
8 gives us the most information about the  
9 conditions of our pipelines. And if we have 100  
10 lines that we're assessing and 95 of them are  
11 demonstrating no change in condition, no growing  
12 corrosion, no metal loss at all, but 5 of them  
13 are showing even what might be very small  
14 indications, changing over time, we want to  
15 implement more strategic, targeted resources to  
16 those 5 pipelines.

17 We don't want to treat all 100 with more  
18 medicine because, frankly, that's not an  
19 effective use of resources. It's not focusing on  
20 where the issue exists.

21 So that's really the concern with how,  
22 I think, this section is structured. It's

1 basically treating, you know, I go back to you're  
2 treating patients, you're treating everyone in  
3 the room for a sickness that only a couple of  
4 people may have. And, you know, that's typically  
5 not a very surgical, smart way to do it.

6 So that's my concern with kind of the  
7 applying these broadly across all HCAs. The  
8 whole intent was learn about your systems and  
9 then add additional measures where you're seeing  
10 indications that would warrant it, not just add  
11 additional measures across the board.

12 CHAIR GANT: Thanks, Chad.

13 Cheryl, over to you.

14 MEMBER CAMPBELL: I think, Mark, I think  
15 what you're asking is, in my simple, practical  
16 view of the world, is, you know, how does an  
17 operator show the effectiveness of their program.  
18 Right? That they are truly improving the health  
19 and condition of their assets over time, truly  
20 improving public safety, truly moving in the  
21 right direction. How do you prove that it's  
22 effective?

1           And I think that when I think back on  
2 where operators started with integrity  
3 management, I think, Chad, you might have said  
4 it, take integrity, I mean that's sort of a just  
5 put your head down and put a tool in it and go  
6 dig a hole. Right? And, I mean, I think a lot  
7 of operators, it's been interesting to watch the  
8 evolution of the program. Maybe the question is  
9 how do we get it to evolve faster? Right?

10           Because if I look at where it started in  
11 the early 2000's and where we're at today, I  
12 think the vast majority of operators are in a  
13 totally different place. But to your point, how  
14 do we continue to push it forward faster and in  
15 the right direction? How do we bring the smaller  
16 operators along and maybe are less -- who have  
17 less resources? And then how do we measure the  
18 effectiveness of our programs? And no fair just  
19 saying, well, I haven't had an incident, because  
20 we know that that doesn't mean that you're  
21 necessarily on the right path.

22           So I don't know how we work that into

1 the rules, but it just feels like that's what  
2 we're talking about is measuring the  
3 effectiveness of the programs.

4 MEMBER BROWNSTEIN: So I think that, you  
5 know, I'm hearing a fair amount of agreement  
6 around the table. What I'm not, what I'm not  
7 hearing yet, and I guess we're going to put it on  
8 our friends at PHMSA to figure, to take all this  
9 and figure it out, is so, therefore, what do you  
10 do? Right?

11 Okay. Because I will tell you, in  
12 absence of something better coming along, right,  
13 it's going to look like that, or it should look  
14 like that. Right? And so we can all agree that  
15 that's not the -- you know, there should be  
16 something better. There should be something  
17 better than that.

18 Okay, but, you know, we're going to  
19 leave it to them to sort of figure out what that  
20 is, absent us providing further guidance.

21 CHAIR GANT: Okay. To sum up, to use  
22 Chad's analogy, for this section the task of

1 PHMSA staff is to reflect that in another  
2 section, in the conversation we're going to have  
3 after this, a company will have conducted risk  
4 analysis. We're going to talk about how that  
5 happens and how you demonstrate that to the  
6 regulator in the next section.

7 But for now, assume there is a risk  
8 analysis, appropriate risk analysis. For this  
9 section, how do you demonstrate that you've taken  
10 the results of that risk analysis, as related to  
11 internal and external corrosion, and taken the  
12 appropriate measures relative to the risk  
13 identified to mitigate that corrosion?

14 And that still is not in here. But  
15 that's the specific point that we need to hit in  
16 this section so that we can move on now to the  
17 more complete discussion of how do you do -- how  
18 do you demonstrate to the regulator you've taken  
19 an appropriate approach to risk analysis more  
20 generally?

21 Anyone disagree with that final  
22 diagnosis for this conversation?

1 Cheryl, is that a holdover or no?

2 MEMBER CAMPBELL: I'm sorry. This is a  
3 holdover.

4 CHAIR GANT: Okay. Alan, over to you to  
5 respond, please.

6 MR. MAYBERRY: I really appreciate all  
7 the comments. So just, you know, we can, we'll  
8 issue a regulation. And we have to then work  
9 with our state partners, Steve and his peers, to  
10 implement it.

11 And if you look at a common thread, if  
12 you look at, you know, whether it's San Bruno;  
13 Marshall, Michigan; Sissonville, numerous others  
14 you've not heard of, you know, we need to, we  
15 need to be there. I mean it's well in this, we  
16 need to ask the right questions.

17 And so it's one thing to issue this with  
18 prescription or with performance base, but it's  
19 up to us to ask the right questions and not just  
20 check that the P&M measures were, you know,  
21 there's something out there, but is it relevant.

22 So that's something we fully appreciate

1 that is an area of focus.

2 The other is just measuring safety  
3 outcomes that, you know, we could probably do a  
4 better job with integrity management as far as  
5 measuring the effectiveness of it, or measuring  
6 the effectiveness, for instance, of our R&D  
7 program, which does put money related to, like,  
8 corrosion control R&D. But what are the safety  
9 outcomes of that investment? That's another area  
10 we looking at.

11 Anyway, thanks.

12 CHAIR GANT: Okay. Are we ready to move  
13 on to that very simple and straightforward topic  
14 of integrity management clarification? Okay.  
15 Over to you, Steve.

16 MR. NANNEY: The next is improving  
17 requirements for collecting, validating and  
18 integrating pipeline data.

19 And a little background. As you can  
20 see, I'm going to jump to the basis. San Bruno  
21 highlighted the weaknesses in this area. Not  
22 only was it the explosion, but it was some other

1 factors that happened even after that of where  
2 the staff I think found some other issues.

3 Also, from the 2011 Act mandate, and  
4 also the NTSB safety study.

5 And the issue is operators were  
6 collecting much data, but an integrated and  
7 documented analysis is often lacking. And if you  
8 look at where you're proposing this, in HCAs  
9 Class 3 and 4 and those type areas, and you look  
10 under integrity management, as we go through this  
11 you'll find that that's been a part of the  
12 program for a while.

13 And, in fact, when we, we brought up  
14 this -- and I'm going to regress to another  
15 committee, the Liquid Pipeline Advisory  
16 Committee, we had this same type criteria to go  
17 into it. And, in fact, we had a meeting on it in  
18 February of 2016. And there was a lively  
19 discussion there, just like some of the ones  
20 we've had here yesterday and today.

21 But that one was even probably more  
22 lively because it was pointed out by some of the

1 committee members to some of the other committee  
2 members that this data has been in the regulation  
3 since 2002 or 2004, and some of the, some of the  
4 committee members was wanting five years to  
5 implement what they thought should have already  
6 been done and which was the code applied to.

7 So just to give you a little background.  
8 And what we're trying to do here is very similar  
9 on the gas side as what we're doing on the  
10 liquid.

11 And we're proposing, again, to clarify  
12 the data to be verified and validated. And that  
13 data is in B31.8S, so, and everything. We're  
14 also clarifying the requirements for integrating  
15 the analysis of the data and information. We're  
16 establishing minimum pipe attributes that must be  
17 included. And, also, we're requiring use of  
18 validated and objective data whenever practical.  
19 And we're addressing requirements for use of SME  
20 input.

21 Again, looking at comments that we  
22 received, again it was supported by citizen and

1 government groups and pipeline safety advocates.  
2 It was strongly supported by NTSB. We have a  
3 letter from NTSB supporting it.

4 Others acknowledged the importance of  
5 verified and validated data, but had some  
6 concerns.

7 And then regarding codification of  
8 B31.8S attributes, it was supported by one  
9 operator. These are not burdensome, but may not  
10 always be possible to collect in practice. A  
11 more limited list of attributes would be more  
12 useful.

13 And the trade associations noted that  
14 the proposed language may be more prescriptive  
15 than the SME standard, and could introduce  
16 confusion. And I would agree, there's a few  
17 items that are in the list that may not be in the  
18 Table 1 of B31.8S, but it's very, very similar in  
19 most cases.

20 Going to the next slide on comments we  
21 received. Regarding the proposal to address the  
22 quality of SME input, one of the comments we got

1 was PHMSA should delegate references to SME bias  
2 and replace the text with general language to  
3 include peer review and verification.

4 One operator commented that this would  
5 add unnecessary cost.

6 And a trade association commented that  
7 the proposals are common industry practice and  
8 don't need to be incorporated into the  
9 regulations.

10 Another comment we got was the  
11 requirement to identify the relationships is  
12 unclear and potentially burdensome.

13 And to remove the requirement for  
14 fracture mechanics modeling to address cyclic  
15 fatigue and defect weld seams, such as low  
16 frequency ERW seams. And also, to extend the  
17 frequency to reevaluate cyclic fatigue was a  
18 comment there.

19 And I don't think -- Since this initial  
20 take was we were trying to codify B31.8S data,  
21 and we were proposing the data sets basically to  
22 mimic B31.8S with some clarifications. And also

1 to include what the congressional mandate was.

2 B31.8S, Section 4, Table 1, which I've  
3 been alluding to, is already prescribed as  
4 mandatory data set in B9.17D.

5 And then repeating the mandatory data  
6 set in the rule is intended to provide clarity,  
7 not confusion.

8 The last thing on PHMSA's take is  
9 regarding the proposal to address the quality of  
10 SME's input. The need to address human SME bias  
11 in the design in populating the risk models is  
12 standard concept in effective risk analysis.

13 Some additional information on PHMSA.  
14 Regarding the comment that the requirement to  
15 identify the relationships is unclear, again, we  
16 were trying to put in Section 4, 5, the B31.8S  
17 information that's referenced.

18 Public comment? Oh, skipped one? Yeah,  
19 skipped one, I guess I did.

20 Regarding comments to remove  
21 requirements for fracture mechanics modeling to  
22 address cyclic fatigue and defective weld seams,

1 we have sponsored research that provides what we  
2 need as far as fracture mechanics as an effective  
3 means for crack and crack line defects in order  
4 to understand pipeline integrity.

5 And PHMSA believes that the proposed  
6 fracture mechanics requirements are essential in  
7 order to allow any such defects to remain in the  
8 pipe unrepaired.

9 And then the last bullet. PHMSA will  
10 consider comments to extend the frequency to  
11 reevaluate cyclic fatigue.

12 And, really, the comments here on these,  
13 we will get into those more in a later session.  
14 This is really not to focus on this today.

15 And then public comment.

16 CHAIR GANT: Thank you.

17 MR. NANNEY: Yes, on the fracture  
18 mechanics.

19 CHAIR GANT: Comments from the public,  
20 please.

21 MS. BARTHOLOMEW: Good morning. My  
22 name's Mary Bartholomew. I work for Southwest

1 Gas Corporation.

2 Appreciate the opportunity to address  
3 this with PHMSA. And we really do as a company  
4 recognize how PHMSA's working very hard on public  
5 safety, and we do appreciate that.

6 A couple concerns with the section in  
7 917. B31.8S does specifically require some data  
8 elements but there is a provision in B31.8S that  
9 does say if you don't have a particular data  
10 element, then that particular threat that may be  
11 addressed by that data element must be considered  
12 as existing.

13 So there is in B31.8S other ways to  
14 address the lack of specific data sets. And we,  
15 in our risk model, have over 100,000 specific  
16 pipeline segments that must be populated. And we  
17 are continually looking for new data sets to add  
18 to our risk model. Every time we run our risk  
19 model we add additional data sets.

20 This particular prescribed list will add  
21 several data elements that will be very difficult  
22 to acquire. And I'm not sure, as a company, how

1 much that's going to add to the relevance of our  
2 risk model.

3 Another concern we have is the drive  
4 towards a probabilistic model. Not that we're  
5 against the probabilistic model. Quite frankly,  
6 we're working in that direction. But that's the  
7 key, we're working in that direction.

8 The section does not include any kind of  
9 a phase-in period and implementation period. And  
10 to go from ground zero to a probabilistic model  
11 is not realistic.

12 Finally, we're just a little concerned  
13 about some of the wording: validating,  
14 integrating, verifying. I know we talked about  
15 TVC records. We understand that. But these are  
16 just some broad terms and it gives us a little  
17 bit of discomfort as to what that really means  
18 from a regulatory standpoint.

19 Thank you.

20 MR. KERN: Good morning. Mike Kern with  
21 National Grid.

22 National Grid does support the use of

1 risk modeling as a tool to understand the risk of  
2 pipeline systems. We've applied the principles  
3 of both relativistic and probabilistic modeling  
4 to our system. This has given us an  
5 understanding of what it takes to implement risk  
6 modeling and how the results of both can be used  
7 to reduce the risk of operating pipelines.

8 This modeling can be a powerful tool if  
9 applied correctly. It is data-intensive,  
10 detailed, and can be a subjective process.

11 If not applied correctly, it can cause  
12 you to deploy your limited resources to the wrong  
13 place.

14 National Grid has recently been asked to  
15 present what we have learned to the Risk Model  
16 Working Group. And we encourage PHMSA to allow  
17 the Risk Model Working Group to finish its  
18 guidance material before issuing regulations and  
19 integrity management risk models.

20 So two things in addition. So National  
21 Grid has actually a lot of experience in doing  
22 both, both probabilistic and relativistic, or

1 some people call them index models, and has some  
2 understanding of what's out there. And I know  
3 PHMSA ran the workshop for some risk modeling and  
4 kind of expressed their vision of a probabilistic  
5 model and what people think it can do for you.

6 So our experience with modeling is,  
7 first, there is limited -- there are models out  
8 there on a probabilistic basis. There is no  
9 model that we know of that ties all these  
10 attributes or all these risks together. So what  
11 we did is we modeled primarily one risk with a  
12 handful of attributes for a couple pipelines that  
13 we thought were our highest risk. And the  
14 results of that were very interesting and allowed  
15 us to develop some mitigative measures from that.  
16 And that's what we presented.

17 But we also realized this is a massive  
18 undertaking. So we just did small sections of  
19 pipeline. And we found it very useful. But it's  
20 useful with a relativistic model as well.

21 And I guess the second comment I have is  
22 on the SME. Don't discount the SME, all right?

1 These companies, all our companies have a lot of  
2 very knowledgeable people, both from an  
3 engineering perspective and in the field. And if  
4 we just blindly use the output of models to make  
5 decisions without any SME input, we're going to  
6 go in the wrong direction.

7 I'll give you an example. So we did, we  
8 did some probabilistic modeling. And we had the  
9 results. And it says you need to do more patrols  
10 in pipeline sections, in certain sections.

11 And when we looked at the sect -- if we  
12 would have just taken that and just applied that  
13 blindly, we'd have just increased the patrols in  
14 all the sections. When we went and we looked at  
15 the results, we realized that a lot of these were  
16 in soybean fields. All right? And they were  
17 adjacent to some HCAs. But when you there -- and  
18 we were looking at third party activity -- we  
19 were really spending resources to patrol there  
20 when, really, that wasn't where the threat was.

21 So if we would have blindly applied it  
22 without any SME review or intervention and saying

1 Does this result really make sense? we would have  
2 been wasting resources. So don't downplay the  
3 SME importance of all the results, reviewing the  
4 results. All right?

5 Thank you.

6 MS. KURILLA: I'm Erin Kurilla, American  
7 Gas Association.

8 I'm going to encourage the PAC to kind  
9 of break this section up into pieces as well.  
10 917 covers a lot of different areas. Obviously,  
11 one is the risk modeling on your transmission  
12 assets. But there's a Section 917(e) that tells  
13 you how to deal with additional threats or  
14 specific threats.

15 I know, Steve, you mentioned that we are  
16 going to talk about some of this in a later  
17 meeting, but I wanted to get something on the  
18 public record specific to 917(e)(3) that tells  
19 you how to deal with manufacturing and  
20 construction threats.

21 Usually I address this in our written  
22 comments, but for the GPAC to hear, basically

1 there is a conflict between this section and what  
2 you'll talk about in a future meeting on MAOP  
3 verification and how you consider an M&C threat  
4 stable. And it really deals with pipelines that  
5 have had an incident due to M&C threats.

6 I'm not going to go through it, I  
7 promise, but I just want to call this out. But  
8 basically when you hit 192.624 for MAOP  
9 verification when you've had an incident due to  
10 M&C threats, you can pick one of the five methods  
11 to address that. But then once you hit  
12 917(e)(3), you can only consider that threat  
13 stable if you'd had a hydrostatic pressure test  
14 to 1.25 times MAOP.

15 So can meet all the intent of 192.624,  
16 but I am in conflict with 192.917(e)(3).

17 I just wanted to offer this as an  
18 example. This is a very confusing topic. It  
19 took us a long time living with it to realize  
20 this conflict. But and I don't know if you will  
21 address -- and I don't want to word smith in this  
22 meeting -- but I just want to get it on the

1 record, we'll need to clean up some of those  
2 issues before this rule is finalized.

3 Thank you.

4 MR. OSMAN: My name is C.J. Osman and  
5 I'm with INGAA.

6 Similar to Erin's comment, wanted to  
7 bring one additional change to the PAC's  
8 attention. Again, not trying to word smith, but  
9 we think this is important.

10 There is a change made to the current  
11 code in 935(a) which removes a statement that's  
12 in there right now that suggests an operator must  
13 base the additional measures on the threats the  
14 operate has identified to each pipeline segment.

15 Additionally, the proposed changes to  
16 935(a) add a list of P&M measures that we believe  
17 a prudent operator would consider as part of  
18 their risk assessment and in assuring the safety  
19 of the pipeline system. However, with the  
20 removal of that sentence, we believe the language  
21 implies that an operator must execute every  
22 single one of these P&M measures in 935(a) every

1 single time. And based on PHMSA's webinars and  
2 other discussions, we don't believe that was the  
3 intent.

4 To provide a specific example, one of  
5 the P&M measures that's listed is replacing the  
6 pipeline with heavier wall pipe. Clearly, that's  
7 not something that would make sense in every  
8 situation every time, to go and do a pipe  
9 replacement.

10 Additionally, there's references to  
11 installing automatic and remote control valves.  
12 And while that's certainly a useful P&M measure  
13 in many cases, again it's not something that  
14 would make sense in every case. And,  
15 additionally, that's something that PHMSA has an  
16 additional rulemaking considering in the future  
17 to address automatic control valves and remote  
18 shut-down valves.

19 So just wanted to bring that to the  
20 PAC's attention. Thank you.

21 CHAIR GANT: No further comments from  
22 the public. I'd like to open the floor to

1 comments from the committee members.

2 Ms. Fleck.

3 MEMBER FLECK: That was fast. I didn't  
4 even get the card up. You are good, Paula. You  
5 are good.

6 First of all I want to thank the public  
7 comments. I think you've covered every single  
8 thing on my list. So, Southwest Gas, National  
9 Grid, AGA, INGAA, I think you guys hit the high  
10 points. So I'm just going to do a little bit of  
11 repeating.

12 Probably my, one of my main concerns  
13 with this section is, is the time frame for  
14 implementation. And without something being  
15 said, it becomes effective immediately. And some  
16 of the data collection, verification, integration  
17 efforts are ongoing with, you know, consistent  
18 with MAOP verification. A lot of companies are  
19 in the middle of collecting some of this data.  
20 So it doesn't make sense for it to be required  
21 immediately when those efforts are ongoing.

22 So I think consideration has to be given

1 to what's an appropriate time frame. Align the  
2 requirements of this section with the  
3 requirements of those other sections where we're  
4 creating those data sets.

5 Another point I want to reiterate that  
6 we heard is, is the data sets listed within ASME  
7 B31.8S are understood, they're consensus  
8 standards, it's already in the code, everybody's  
9 working on them. The newer prescriptive list of  
10 48 creates, you know, some confusion. I think  
11 Steve said that you are going to consider that.  
12 Some of those need to be added.

13 But just make sure that the ones you're  
14 adding really do need to be added and it's, you  
15 know, there's a good justification for that. You  
16 know, asking for the full 48 for everything is an  
17 awful lot, so make sure there is some value to  
18 what you want. And we'll certainly get any data  
19 that's important.

20 I have to agree with the Southwest Gas  
21 comment about integration, verification and  
22 validation. Don't really know what that means.

1 We're getting much more used to TVC language  
2 about data. And that's something that's  
3 comfortable. But, you know, integration,  
4 verification, validation, not sure what that, not  
5 sure what that means. I'd like to get some  
6 understanding on that.

7 My next concern is around everybody  
8 being forced to use a probabilistic risk model.  
9 And I think Mike made some, Mike from National  
10 Grid made some really good comments about that.  
11 It's very comprehensive. It takes a lot of work.  
12 If you do it segment by segment for every piece  
13 of your pipe, for every potential risk, you'll be  
14 -- you'll get into analysis paralysis.

15 So using a combination of probabilistic  
16 and relativistic models is probably the best way  
17 to go. Just make sure the language in this part  
18 doesn't force everybody to go down that path.

19 We talked a lot about 935(a) in the  
20 previous section and this section around what are  
21 the right kind of P&M requirements. And I think  
22 we can probably continue that conversation.

1 Erin covered the 624.917 contradiction.  
2 I think that needs to be addressed and clarified  
3 one way or the other.

4 And those are my main topics.

5 The other thing that Mike from National  
6 Grid brought up, and I think this will probably  
7 engender a lot of conversation here, but the, you  
8 know, the SME bias question is, is concerning.  
9 You want SMEs. You select SMEs to help you  
10 understand data in a quicker, deeper way.  
11 There's always the possibility that an SME could  
12 have a bias. But how do you strike the right  
13 balance there where you want people who know  
14 what's going on so they can make good decisions,  
15 but you don't want people who've already pre-  
16 formed opinions?

17 So I think any wording around reducing  
18 SME bias has to be very carefully stated because  
19 we need our subject matter experts. We don't  
20 want people who don't know what they're doing  
21 making these kind of difficult decisions around  
22 risk on our pipelines. So I just hope that we

1 really think about that and strike the right  
2 balance. Because we need SMEs. We want to get  
3 rid of bias. But that's going to be very  
4 difficult to put into regulatory language.

5 So, thank you.

6 CHAIR GANT: Thanks, Sue.

7 Andy.

8 MEMBER DRAKE: I'd like to echo some of  
9 those comments.

10 I think there's a lot of good things in  
11 here. I think that the intent of codifying  
12 B31.8S data sets is a good thing. I think, as  
13 Sue said, that's been something people have been  
14 working on. It's a standard. I think we want to  
15 try to, we want to try to get that clarity out to  
16 folks.

17 I think the more consistent you can be  
18 with the database, the better, because it's a  
19 standard people know and have been working on, at  
20 least the larger number of the -- the vast  
21 majority of operators.

22 I think if you have different data sets

1 that you're going to add, which you have proposed  
2 quite a few, I'd be very articulate, why? And  
3 what do you need out of that? I mean this is,  
4 again, just to help clarify the landing path.  
5 You know, why did we add this? What are we  
6 looking for here? Because it will be a change  
7 and it will just help manage that change.

8 I do agree with the probabilistic  
9 modeling. You know, probabilistic modeling is a  
10 good thing in certain places. I don't know that  
11 we want to try to go there, everywhere, all the  
12 time. I think that's, again, back to this  
13 discussion about performance-based language.

14 I think relative modeling is very  
15 effective. I think you probably want to do both  
16 in certain cases. And maybe relative modeling is  
17 good enough. In certain places it's probably  
18 very effective for particularly smaller operators  
19 where they don't have that energy to gather that  
20 much data to do an effective, realistic  
21 probabilistic model.

22 But I do think the question is, what are

1 we trying to accomplish here? Are we actually  
2 trying to get to probabilistic modeling  
3 everywhere or are we just saying you should do  
4 both? It was not clear. It sounded kind of like  
5 we were driving towards probabilistic was the  
6 answer, and that's what we want to do. And I  
7 don't think that's -- I hope that's not the  
8 accented syllable we have here.

9 I think one comment I have about  
10 fracture mechanics and cyclic fatigue. I agree  
11 with the comment, I think there's some carry-over  
12 here from the liquid discussion, that we want to  
13 calibrate. Cyclic fatigue is an order of  
14 magnitude different issue on gas than liquid. So  
15 when we bring over the frequency to re-do the  
16 study from the liquids, we need to calibrate an  
17 order of magnitude different relative impact on  
18 gas.

19 And I think that this helps reset that  
20 requirement. Sue, you alluded to that. I think  
21 that's appropriate. It just came across  
22 completely intact from the liquid group. And I

1 don't think that that's appropriate on gas.

2 And I do think that I'd caution at least  
3 some debate about the fracture mechanics approach  
4 is extraordinarily conservative. I don't know if  
5 we're going to talk about that in another section  
6 or not.

7 MR. NANNEY: That's another section.

8 MEMBER DRAKE: Okay, good. We'll leave  
9 that behind.

10 I think the P&M measures here, the  
11 conversation we just had we don't need to repeat.  
12 But I think this is actually a significantly more  
13 pronounced problem here than it was in corrosion.  
14 This is actually at a place now where it's  
15 impractical. We can't do all these things. It's  
16 not even consider, it's do. So it went to  
17 another level of, you know, difficulty.

18 This isn't just a menu of things to  
19 consider or even document why we didn't, it's a  
20 list of things to do physically which is,  
21 including replace the pipe, which if we replace  
22 the pipe everywhere that, that changed

1 everything.

2 So, you know, I think we've got to  
3 really back away from the tree here and look at  
4 this. This got to be so far down the track that  
5 it now is impractical to even do.

6 Those are my comments.

7 CHAIR GANT: Sue, is your card still up  
8 from before? Okay, Sue and then over to Sara.

9 MEMBER FLECK: So a couple other points  
10 came up while I was listening to Andy, and  
11 realized I missed one on my list.

12 First of all, it is important, to echo  
13 what Andy said, you know, the industry is  
14 absolutely committed to continuing to improve on  
15 how we look at integrity management programs. I  
16 mean the whole point of an integrity management  
17 program is like a safety management system. It's  
18 a plan-do-check-act loop. So we should  
19 constantly be trying to learn more, do more,  
20 evaluate the risk and drive it down.

21 So I think that wasn't said, but I  
22 should have said that.

1           I want to go back to something Steve  
2           said earlier in his comments about the Risk  
3           Modeling Working Group. Mike mentioned it. A  
4           couple of other people mentioned it.

5           If we've got a group out there of people  
6           who really understand this stuff and they're down  
7           in the weeds working on coming up with some  
8           guidance, why wouldn't we wait until they come  
9           out with that guidance before we write language  
10          into code?

11          So I would, I would urge you to wait for  
12          that group to finish before any of this becomes,  
13          you know, becomes the final code.

14          And the last point I want to make is --  
15          and this is probably, you know, not going to be  
16          super appreciated -- but I think the impact  
17          analysis that was done by PHMSA considered this  
18          neutral cost-wise. Industry thinks this is going  
19          to be a lot of cost to implement this level of  
20          data collection and modeling. And I know they've  
21          thrown out a number like \$100 million. I don't  
22          know what the number is, but this is not free.

1 This has a cost. It has an impact. And I'm not  
2 sure that was considered in the overall  
3 conversation about this section.

4 Thank you.

5 CHAIR GANT: Sara, over to you.

6 MEMBER GOSMAN: Thanks. I have some  
7 clarifying questions, if I may.

8 So the first question I want to ask is  
9 as it relates to these sets of data. I'm not  
10 sure whether these, this data was already  
11 required under the industry standard or if we've  
12 added things here when we imported over the  
13 language to the regulation. So that would, that  
14 would help me.

15 I will say then, consistent with my  
16 comments yesterday, I think it's terrific that  
17 you're taking the language of the standard and  
18 putting it actually in the regulation. I'm  
19 really glad to see that. But I'm just having  
20 trouble understanding what got changed, if  
21 anything, in terms of the data sets that are  
22 being put in the reg.

1           MR. NANNEY: Well, I'm not prepared to  
2 go through item by item and compare them. But if  
3 you do go and look at B31.8S, the main ones that  
4 we were wanting to get are in Table 1. Yeah,  
5 it's in B31.8S, Table 1.

6           And that goes through the attribute  
7 data, whether it's pipe wall thickness, any  
8 construction practices, those type things. There  
9 are a few -- and like I said, without getting  
10 into item by item of comparing them that are in  
11 here -- that are a little different. But they  
12 shouldn't be major difference. We --

13           (Off mic comments.)

14           MR. NANNEY: I am. Can you hear me now?

15           (Laughter.)

16           MR. NANNEY: I'm sorry. I thought I was  
17 right by it. Okay.

18           But anyway, if you, if you compare  
19 what's in the, in the proposed language, there's  
20 a few items that we added. I don't have them  
21 listed right now to discuss back and forth. But  
22 the key part we were trying to do was to make

1       sure that we got Table 1 from B31.8S.

2               And that's what we had the discussion  
3 with the Liquid Committee and we said the same  
4 thing. And, you know, we can go back and look to  
5 see what those differences are. I think they're  
6 minor. There may be some that are more major  
7 than what we thought and everything.

8               But the key part, the key part is that  
9 the, that we're finding that a lot of this data  
10 may not be being kept by the operators. Whether  
11 PHMSA's picking it up and enforcing it on  
12 inspections, that I'm not here to discuss today.  
13 That's not the intent of this meeting.

14              But the main thing is these are data  
15 points that need to be collected. Maybe not  
16 every one, every time, but most every time. So  
17 we're trying to make sure that that gets put in  
18 the code and it's not just said, well, we  
19 considered it, and we didn't do it type language.  
20 So that's the intent of what we're trying to do.

21              And we think if you go back and look at  
22 some of these estimates, you know, some of that

1 could have been a factor in them.

2 MEMBER GOSMAN: Thank you. I mean I  
3 guess I would be interested in hearing from  
4 people on the committee who are concerned about  
5 the data sets, which specific ones they feel like  
6 are being added here that are going to be very  
7 expensive. Because I haven't been able to gather  
8 that, at least from what I've heard.

9 If this is taking an industry standard  
10 and a set of data that everybody was supposed to  
11 be collecting already and putting it into a  
12 regulation, then it seems to me very logical to  
13 do that and to make sure that people are  
14 collecting it.

15 I guess the other question I have is on  
16 935, this language here about the additional  
17 measures must be based on risk analyses required  
18 by Section 192.917, and must include, but are not  
19 limited to. The criticism I've heard is that  
20 everybody would have to do all of these.

21 I'm assuming that wasn't your intent in  
22 drafting this particular language? Okay. Okay,

1 so that's just a technical drafting issue, not a  
2 policy choice. Okay, thank you very much.

3 So I'll just say over all that, as a  
4 person who's spent a lot of time on environmental  
5 law, and more recently energy law, I mean I think  
6 what makes this regulatory program so different  
7 from every other regulatory program is the  
8 integrity management program, is the fact that  
9 you're relying on management-based regulation.  
10 And management-based regulation is different from  
11 performance-based regulation.

12 What we're asking here operators to do  
13 is to manage and supposed to meet a very specific  
14 performance standard like, you know, this amount  
15 of risk. Right? Or this particular -- in the  
16 environmental context, right, the end of pipe  
17 pollutants. So to make that work, it has to be  
18 based on really good risk analyses because that's  
19 what makes this program successful.

20 And I think that these, this proposed  
21 language -- and I don't know if you're driving at  
22 probabilistic risk assessment or not here -- but

1 if you are, you know, to me that's great. I mean  
2 I think that if we're going to -- it's a  
3 tradeoff; right? If we're going to give  
4 flexibility to operators to manage their own  
5 risks, we need to be confident that they're  
6 analyzing and assessing those risks in a way that  
7 is very sophisticated because that's the only way  
8 then that we are sure that this risk-based system  
9 does work.

10 And so I think that's the tradeoff and  
11 I think that's what you're trying to do here, as  
12 I understand it. And to me, that should benefit  
13 everybody. That is, if we want the system to  
14 work we need a risk assessment that is really  
15 going to be successful.

16 On the SME bias side, I haven't done a  
17 ton of research on that particular issue. But  
18 I'll tell you that the issue of expert bias as it  
19 relates to assessing risk, is one that recognized  
20 across different areas. It's not meant to be,  
21 you know, a hit against any particular expert. I  
22 think it's just a reality of the way that people

1 think about risk. The public thinks about risk  
2 in a particular way. Also has blinders on it in  
3 some ways. So do experts. And there are studies  
4 out there.

5 So I think just acknowledging the fact  
6 that that happens, and putting into place  
7 processes to deal with that bias, if in fact  
8 there is bias, and I think that's clear from the  
9 language, it says, you know, that if there's any  
10 bias, right, we should put in these, these  
11 protective measures, makes a lot of sense to me.

12 Again, it's not meant to be a criticism  
13 of anyone who does this, you know, incredibly  
14 technical work or to devalue experience over, you  
15 know, quantitative crunching of numbers. But I  
16 think it's important to understand what the  
17 biases might be and be able to account for them.

18 Thank you.

19 CHAIR GANT: Thank you, Sara.

20 Chad. I'm not sure if Chad or Steve had  
21 their card up first. You guys want to arm  
22 wrestle?

1 MEMBER ZAMARIN: He's bigger than I am.

2 CHAIR GANT: Okay. Steve, Steve gets to  
3 go.

4 MEMBER ALLEN: A little bit, yes.

5 Steve Allen, IURC. I just wanted to say  
6 that I agreed with something that Susan said just  
7 a little bit ago relating integrity management to  
8 SMS. It is a process. And it is a process where  
9 continuous process improvement is expected and  
10 desired.

11 Each operator has a unique set of  
12 circumstances, and each operator needs to examine  
13 whatever information is available to them, and  
14 then consider that information and apply it to  
15 adjust their program going forward.

16 So it was just a little plug to SMS  
17 there, and I just kind of want to go on record  
18 saying I agree with what she said.

19 CHAIR GANT: We'll all doing the wave in  
20 our minds. Yes.

21 Okay, Chad, over to you. That was our  
22 exercise for the morning.

1           MEMBER ZAMARIN: Chad Zamarin, Cheniere  
2 Energy.

3           Maybe to Sara's question about cost or  
4 the -- I think the first half of this section is  
5 really good. I think the idea of reinforcing  
6 risk-based process and data collection/data  
7 integration is sound. I think there we've heard  
8 some, maybe some around-the-edges shaping that  
9 could be considered, but I think it's really  
10 good.

11           I do think, maybe to echo Andy's point,  
12 where I, I think, have my only issue is with the  
13 shining of such a bright spotlight on cyclic  
14 fatigues and the assumption that, in the absence  
15 of a pressure test, the manufacturing-related  
16 threat is something that has to be dealt with. I  
17 think there are other data and other indications  
18 that can make sure that we're not inappropriately  
19 allocating resources to that threat, aside from  
20 just whether or not you had a pressure test.

21           So those, to me, are the two issues in  
22 this whole section that I think are potentially

1 over-compensating in an area where that threat is  
2 important, but it's not a common, a very common  
3 or prevalent threat because of the nature of gas  
4 pipelines, certainly much different than how they  
5 operate versus liquid pipelines. But as far as  
6 this, the risk and integrity management, data  
7 integration stuff, I think it's a really good  
8 add.

9 CHAIR GANT: Alan, I'd like to ask you  
10 to -- Do we have the specific language that's  
11 being referenced on the SME bias? And if so,  
12 could we put it up?

13 MR. MAYBERRY: Yes, that's one of the  
14 areas I wanted to address. A couple others. But  
15 related to SME, we're not saying you can't -- you  
16 know, there's nothing in the rule language that  
17 says do not use an SME. I think we value the  
18 role of the SME, and that's not going away.

19 I think, you know, and here again you  
20 take a step back and look at what are we trying  
21 to solve? I think some observations based on,  
22 you know, what, certainly what the NTSB pointed

1 out, I believe, but then also on inspections, is  
2 the use of the SME. Maybe we need to put some  
3 boundaries around, you know, how that is  
4 employed.

5 So that's really what we, you know, the  
6 intent of that section. It was not to -- not to  
7 use SMEs. I can certainly appreciate that. You  
8 use algorithms to assess risks. And, you know,  
9 sometimes it takes another set of eyes to say,  
10 okay, let's do a reality check, is this really  
11 what's going on out there?

12 We do that with our inspection program,  
13 too. We'll get a printout with a risk run from a  
14 run model and we do a reality check. Okay, this  
15 shows the riskiest segments but, you know,  
16 sometimes we change the order based on our own  
17 knowledge. So but this is really meant to put  
18 some boundaries around that, sort of what it  
19 means to use an SME.

20 Because in the past regs it's been a bit  
21 lax. So that's the intent here.

22 And just real quickly, related to the

1 model use, you know, we had that workshop, one of  
2 the working groups that stood up out of the Risk  
3 Modeling Workshop. But, you know, the intent  
4 there again, here, in our intent here we're not  
5 really saying you cannot use index models. We're  
6 not saying you must use probabilistic models. I  
7 think, you know, my guts telling me we need to be  
8 more sophisticated in our use of risk models.  
9 And that's why we had that workshop, and that's  
10 why we stood up the working group, that the  
11 output of which will provide guidance to industry  
12 on the use of models, where they're approp -- you  
13 know, where they're appropriate and how do you  
14 use them.

15 Because we have some issues. With the  
16 index models we've seen that, you know, some  
17 risks can be overlooked. And I know there's been  
18 a lot of work done on probabilistic models. We'd  
19 like to see it move more that way, but we're not  
20 saying models have to be, you know, all  
21 probabilistic models.

22 But we do need to consider the data

1 before us. And certainly that involves some  
2 probabilistic models.

3 Anyway, we've got the text up there for  
4 related SME. So anyway, we're, you know, the  
5 point is we're not saying don't use them.

6 CHAIR GANT: Could I ask for  
7 observations from members of the committee on  
8 aspects of this that don't comport with your --  
9 with how you approach SMEs already?

10 Andy.

11 MEMBER DRAKE: This is Andy Drake.

12 I think this goes back to the  
13 conversation we were having a little bit ago.  
14 This is a great idea. I mean, yes, you have to  
15 be careful. Some operators could overuse SMEs  
16 where they just dismiss ideas because they don't  
17 want to change, or they're used to a certain  
18 paradigm and they don't want to come out of that  
19 paradigm. And we need to figure out how to break  
20 out of that model, so to speak.

21 The devil may be in how do you do this  
22 in an enforcement environment? How are you

1 actually going to make sure that a second  
2 somebody hasn't guessed, second guessed this  
3 person's -- you know, how to you play that?

4 I think that's a large part of the  
5 question. It's not should you be conscious of  
6 bias, it's should you be managing bias? Yes,  
7 yes, yes. And you should be using SME -- how,  
8 just how do you do this?

9 MR. MAYBERRY: How do you enforce it?

10 MEMBER DRAKE: How do you make it work  
11 in enforcement.

12 CHAIR GANT: Can I ask another question  
13 just to be clarifying? In one way it seems to me  
14 that everybody who's involved in your integrity  
15 management is an SME of some sort. So in your  
16 approach to integrity management in your safety  
17 management system are there -- is there training  
18 already included in your safety management  
19 system, your approach to culture, safety culture,  
20 that applies across the board and is not  
21 necessarily specific to SMEs?

22 Sue.

1           MEMBER FLECK: You may need to repeat  
2 your question. But what I was going to comment  
3 on was really the last line: Operators must  
4 document the names of all SMEs and information  
5 submitted by the SMEs for the life of the  
6 pipeline.

7           You know, in a large company with a big  
8 engineering department working on integrity  
9 management, that's a lot of documentation. And,  
10 I mean, if we have to track the names of every  
11 single person who provided every single piece of  
12 data, and you're requiring 48 pretty extensive  
13 data sets to be analyzed, it's just, it's really  
14 just a lot.

15           And how do we define who's an SME?  
16 We're going to have to have some criteria put in  
17 place so we can say why did we say Mike Curran is  
18 an SME and Corinne Byrnes isn't, or Sue Fleck is  
19 or Cheryl Campbell isn't. And just that last  
20 line to me, I didn't really have a problem with  
21 the rest of it, you know, SMEs. You want to make  
22 sure there's no bias. I agree with Andy. I

1 agree with everybody else. But how am I going to  
2 document that every piece of data provided by --  
3 I wouldn't even know how to approach that. It's  
4 a very complicated ask.

5 CHAIR GANT: What I am trying to  
6 understand is if there's approach built into your  
7 safety management systems or integrity management  
8 where you're seeking to prevent bias by everybody  
9 that's participating. My point being that it  
10 seems to me everyone involved in this process is  
11 an SME of some sort. And bias suggests that  
12 they're acting in a way that's not consistent  
13 with what good practice and good analysis  
14 indicates that you would act.

15 So we don't want anyone doing that in  
16 this process, is my point.

17 So I'm trying to sort out, is this, is  
18 this distinction necessary or is it something  
19 that you want to apply that you generally  
20 reflects good integrity management, safety  
21 management?

22 And I guess I'm -- Professor Gosman,

1 your point about the research on bias made me  
2 think about this and how we're using the term SME  
3 in this context.

4 MEMBER GOSMAN: Yes, I would be -- I  
5 don't have that -- Sorry, sorry. I'll wait.

6 Part of Robert's Rules of Order.

7 So I would take it back to PHMSA. I'd  
8 be curious about what their definition of subject  
9 matter expert is and what they, what they  
10 understood that to mean. When I read it, I  
11 understood that to mean somebody who was  
12 specifically involved in the risk assessment and  
13 assessing this particular risk for the company.  
14 And to me, that seems like a more limited set of  
15 people.

16 But I would love to hear from PHMSA and  
17 from operators about what, what it actually means  
18 in practice.

19 CHAIR GANT: Cheryl and then Chad.

20 MEMBER CAMPBELL: Sure. So, you know,  
21 you brought up safety management system and  
22 integrity management. Sue said it earlier,

1 right, they're all part of that plan-do-check-act  
2 process. And I think that from my perspective  
3 we're working hard to ensure that we have enough  
4 data and analysis around the decisions. When  
5 something goes wrong, what went wrong? Why did  
6 it go wrong? Right? Trying to drive to the root  
7 cause.

8 Was it we didn't have enough  
9 information? Was it some bias? I mean we have  
10 found some of that. People have made some  
11 interesting assumptions. And then working to  
12 work that out of the process.

13 I mean you want data to drive a lot of  
14 your decisions. Mike's right, you want you SMEs  
15 to take a look at it. But you also want a lot of  
16 data to support the decisions that you're making.

17 So, do we have a silver bullet? No, we  
18 do not. It is a very much a learning process and  
19 an evolution right now as we all go through that  
20 plan-do-check-act, trying to find the right  
21 balance.

22 Do I have some very opinionated

1 technical people? I do. I've had people tell me  
2 that renewing certain types of pipe is the wrong  
3 thing to do, despite the fact that PHMSA has  
4 issued an advisory bulletin on those pipe  
5 materials. Which I find fascinating that I would  
6 have a technical person tell me that when PHMSA's  
7 already declared it, you know, a bad thing.  
8 Right?

9 So we do watch for it. And we do work  
10 hard to manage it out of the process. But I  
11 think a lot of it is around that plan-do-check-  
12 act cycle and using data to validate. When  
13 something doesn't work out the way you wanted,  
14 you go back and you're looking at it. So it  
15 takes, the bottom line is it takes a good solid,  
16 consistent management program, good leaders, and  
17 people willing to stand up and say, no, that's  
18 not the path we want to go on. We've got to go  
19 down a different path. So, not trivial.

20 CHAIR GANT: Thanks, Cheryl.

21 Chad.

22 MEMBER ZAMARIN: Yes, I, I agree. This

1 is Chad Zamarin, Cheniere Energy.

2 I don't know that we need -- I mean I  
3 don't have a huge heartburn over this section,  
4 although I don't know that it's necessary to be  
5 as detailed as it is. I mean, I wonder if just  
6 saying if subject matter experts are used,  
7 controls must be adequate in order to ensure  
8 consistency, or something.

9 I mean I'll just -- what we've done  
10 historically is I think a bit broader. We do  
11 risk management validation as part of the QA/QC  
12 process in integrity management. Are the results  
13 that you're getting out of your risk process  
14 reflected in what you're seeing on the ground?  
15 And if not, there's a breakdown somewhere. It  
16 could be SME input. It could be data input. It  
17 could be the algorithms you're using to make your  
18 determination.

19 But that's really something that's  
20 handled in your QA/QC system within integrity  
21 management. So I don't get too twisted over this  
22 section. I just don't know that it needs to be

1 as detailed as it is. But that's kind of our, my  
2 thoughts on how we've managed.

3 CHAIR GANT: Thanks, Chad.

4 Steve.

5 MEMBER ALLEN: Steve Allen, IURC.

6 To be a broken record talking about the  
7 smaller operators out there, I like the idea of  
8 incorporating something here discussing training  
9 of SMEs to help them understand that perhaps they  
10 may have some rating biases. Because in a lot of  
11 cases you have one individual. That's it. And  
12 that's the guy, he may have put the pipe in the  
13 ground himself 20 years ago. And I'm serious.

14 I mean, so that's, so I think that it  
15 really is important that there is something out  
16 there, some guidance provided to these folks to  
17 say, look, okay, we know that it's just you.  
18 But, you know, consider that you may have some  
19 biases and here's some things to consider. So,  
20 you know.

21 CHAIR GANT: Thanks, Steve.

22 Sue and then Andy.

1           MEMBER FLECK: Another check and  
2 balance, Sara -- this is Sue Fleck from National  
3 Grid -- that's out there around subject matter  
4 expertise and bias is really, you know, the state  
5 regulators. And on an annual basis they come in  
6 and they look at our integrity management  
7 programs and they challenge every decision that  
8 we make. And I'm pretty sure that's happening  
9 across the country.

10           So they are just another final QA/QC  
11 kind of out there that, you know, they ask you  
12 how you made that decision, you know, who was  
13 involved, where's the data? They look at the  
14 data sets. And they really do a pretty good, I'd  
15 say a very intensive look into that.

16           So, so we do have that constant  
17 regulatory oversight challenging our decisions  
18 and making sure that they are the right ones. So  
19 I think they're looking out for that bias on an  
20 everyday basis. They know us and they know where  
21 the biases are. They've developed over time.  
22 They know who thinks which way and they challenge

1 appropriately.

2 CHAIR GANT: Thanks, Sue.

3 Andy.

4 MEMBER DRAKE: Yes, just listening to  
5 this conversation we're trying to find the  
6 solution to a very slippery issue, which is,  
7 again, the challenge that this group has. I  
8 think what I hear the goal is is just improve  
9 awareness of significant decisions and  
10 incorporate some deliberate control around making  
11 sure that those decisions are well vetted or well  
12 based.

13 And I think some of the conversations  
14 we've had over the last couple -- or yesterday  
15 was the inclusion of the word significant. And I  
16 think that doesn't help provide clarity, but it  
17 does help provide some sort of differentiation to  
18 the operation. It's not everywhere. It's  
19 significant decisions that the operator has made  
20 in their risk assessments. If they're based on  
21 SMEs, there should be a process that's  
22 incorporated that vets out, counterbalances, or

1 challenges those key decisions.

2 And that should set up a conversation  
3 between the regulator and the operator to make  
4 sure that risk assessment was deliberate and  
5 appropriate, and that if there is bias, there at  
6 least has been some process to vet it to see does  
7 it still stand up. And then there is a, there is  
8 a -- hopefully, that just creates some kind of  
9 deliberate effort that we go through on critical  
10 issues.

11 And I think we're going to have to  
12 figure out how to ferret this down and get people  
13 focused on the issues that are germane and get a  
14 conversation going with the regulator that is  
15 appropriate to check the operators to make sure  
16 they're consistent in how that's deployed.

17 And I think that's sort of a challenge  
18 we've been having on many issues. But I think  
19 we're going to have to figure out how -- we're  
20 going to have to define that template a little  
21 bit more clearly because I think we want to use  
22 it over and over again in trying to get to what

1 you're talking about here, and that is trying to  
2 provide clear target to operators in a practical  
3 enforcement environment that checks that balance.

4 CHAIR GANT: Thanks, Andy.

5 So on this particular topic what I'm  
6 hearing is there is a recognition that there is  
7 the potential for SME bias. The concern is the  
8 details of how this is set out here create a set  
9 of data that might not actually be useful -- the  
10 most useful way to approach manifesting to the  
11 regulator that you've addressed SME bias.

12 So the question is then, how can you  
13 more effectively have guidance to the operators  
14 on what the showing must be that you've addressed  
15 SME bias?

16 And I know PHMSA staff is doing some  
17 thinking on this in the liquids rule as well. So  
18 I think there may be an opportunity to come back  
19 in the next conversation and have a new approach  
20 to this based on this conversation, as well as  
21 what's happening in the Liquids Committee on the  
22 same topic.

1           So what I would recommend, unless PHMSA  
2 staff wants to respond to this SME discussion, is  
3 that we break for 10 minutes.

4           Oh, Sara. We'll hear from Sara and then  
5 we'll.

6           MEMBER GOSMAN: So I was just hoping  
7 that PHMSA might be able to respond. But maybe  
8 that's better to do after the break?

9           CHAIR GANT: So, call on responding now  
10 or after the break. And then we'll come back,  
11 we'll finish out this section. And then we'll  
12 move to the other items that we have coming back  
13 to us from yesterday.

14           So, Alan or Steve?

15           MR. MAYBERRY: Well, one area is to come  
16 back at the next meeting. And, you know, we did  
17 have a public meeting on, that covered, with the  
18 Liquid Committee, on the topic, this section that  
19 we're dealing with. So I think that would be a  
20 good data point to discuss at the next meeting to  
21 see where we landed there. So that was one.

22           MR. NANNEY: And we'll consider what

1 Chad said as far as, you know, if you go out and  
2 examine the pipe, making sure for that SME bias  
3 that you look at the findings there and  
4 incorporate it. Because we really tried to not  
5 put real detail, we put measures. We were trying  
6 to leave it up to the operator to come up with  
7 some measures. We were not trying to be  
8 prescriptive and say you've got to do one, two,  
9 three.

10 We've done some different things in the  
11 liquid rule that we can look at. We just aren't  
12 ready to talk about them today because we're  
13 still working on them for the liquid rule. So,  
14 we'll be able to do that at the next meeting, as  
15 Alan said.

16 CHAIR GANT: Great. Thanks, Steve.

17 Okay. We are going to take a 10-minute  
18 break. So that means that we will be back here  
19 at 10:45. I have to hold my phone far enough  
20 away to see.

21 (Whereupon, the above-entitled matter  
22 went off the record at 10:34 a.m. and resumed at

1 10:51 a.m.)

2 CHAIR GANT: Okay, back on track here.

3 So, we have one more section of this section to  
4 go through with a report from staff. And that's  
5 relative to risk analysis, Section (c), I  
6 believe, which has got risk assessment.

7 I'd like to tie up a couple of these  
8 other aspects of this section before we move on  
9 to that staff presentation, if we could. And so  
10 what I'd like to do is read through my notes to  
11 try to summarize the discussion on some of these  
12 aspects, leaving aside the discussion of the risk  
13 assessment in Section 917(c) for after Chris'  
14 presentation. And then ask the committee members  
15 to respond back in the event that I still have a  
16 question raised or that I didn't get the summary  
17 quite right.

18 What we've heard from the public and  
19 committee members is that there is no specified  
20 time for implementation. So, the concern being  
21 that it might be perceived to be effective  
22 immediately. Like some clarification around

1 that.

2 With regard to data sets, the concern  
3 has been raised that some of the data sets  
4 specified are mandated in the standard and some  
5 are just suggested. And it's not clear why those  
6 that have been suggested in the standard have  
7 been added.

8 The second concern is that there is no  
9 flexibility to focus on the data perceived  
10 relative to the threats under consideration, and  
11 that some discretion or flexibility would be  
12 useful for the operator to focus on the data  
13 relevant to the issue at hand.

14 On 917(e)(3) it looks like there was a  
15 conflict with 624.

16 On SME bias, there were some concerns  
17 about what SME means and the specificity set out  
18 about how to manifest that you have addressed SME  
19 bias, and a larger point made that the objective  
20 here is to ensure that an operator is addressing  
21 SME bias. A question raised as to whether a list  
22 of names might effectively do that, which led to

1 a larger discussion of the need to have more  
2 conversation and discussion around how you  
3 manifest to a regulator that you're doing  
4 something effectively, which is a pervasive  
5 conversation in the rule across the board.

6 Staff has heard that discussion and said  
7 they are considering this point, also in the  
8 liquids rule, so by the time we come back next  
9 together they'll have an alternative to consider.

10 Also, the point has been noted is that  
11 this issue comes up in a number of places in the  
12 rules of how do you manifest to a regulator that  
13 you've taken -- that what you're doing for a risk  
14 analysis or other integrity management  
15 perspective is effective, that you're not just  
16 going through a list of things, that you're doing  
17 things that are actually the appropriate things  
18 to generate better safety outcomes.

19 And so staff will consider is there  
20 opportunity for a continued dialog around that  
21 more general topic.

22 It was noted that there, the cost of the

1 rule as set out in neutral and that it is  
2 perceived, in the assessment of operators it's  
3 not zero cost. And that for cyclic fatigue that  
4 there is a need to be able to have the  
5 flexibility to use measures aside from pressure  
6 tests.

7 One area where I think we might benefit  
8 from a couple minutes discussion is on the point  
9 raised in 917(2). Right? Yes, two. Which  
10 starts with the language use objective,  
11 traceable, verified, and valid information. And  
12 the point was raised that this introduces new  
13 terms. That it doesn't, doesn't reflect other  
14 language in other parts of the rule, and a  
15 question of why the additional words were added.  
16 And could it be reframed?

17 So I'm not sure exactly what the right  
18 language is here that people are suggesting. I  
19 would ask the members of the committee if you  
20 have a suggestion.

21 Sue.

22 MEMBER FLECK: Yes. I think, you know,

1 if we stick with the language we use elsewhere in  
2 the code, traceable, verifiable, complete, I mean  
3 I think everybody pretty well understands that.  
4 When you start introducing new terms without  
5 saying what they mean, validated, integrated,  
6 unless you explain the difference, we're all  
7 pretty comfortable with -- and I don't know,  
8 everybody's, they're giving me dirty looks back  
9 there -- you know, try to, try to stick with  
10 language that people already understand, that's  
11 elsewhere in the code, defined in the code, you  
12 know, that sort of that.

13 I know, Cheryl, if you want to -- not  
14 TVC.

15 MEMBER CAMPBELL: I'm actually kind of  
16 smiling because I think when, Alan, when SIMSA  
17 first threw TVC out there, right, there was quite  
18 an uproar, right, about what does that mean.

19 So, so to Sue's point, right, I think  
20 between the regulators and the industry we've  
21 gotten comfortable with that terminology. Sara,  
22 from a legal standpoint I know it has a very

1 specific meaning, as I've talked to our attorneys  
2 and general counsel.

3 So I mean I think I would agree, to the  
4 extent that we can use something that people  
5 already have a common understanding, it would be  
6 helpful.

7 CHAIR GANT: Okay. Thank you.

8 Setting aside the comments raised  
9 regarding the shift to probabilistic models,  
10 those are the main issues that I have noted for  
11 our discussion. I'd like to wrap those up before  
12 we move on to the next section.

13 So any comments, Alan or Steve?

14 MR. MAYBERRY: No. I just wanted to add  
15 them. We're hurting by the fact that TVC just  
16 took hold so well, institutionalized, socialized,  
17 whatever. So we'll take a look at that. But if  
18 you have some suggestions, so I mean we'll come  
19 back with something next time.

20 But absent that, if you have some  
21 suggestions, like Paula had mentioned, we'd take  
22 them as well.

1 CHAIR GANT: Andy and then Cheryl.

2 MEMBER DRAKE: To your question earlier,  
3 can we get clarification? I don't know that it's  
4 the intent of PHMSA to drive the industry towards  
5 an absolute use of the probabilistic models. I  
6 think it's a both hands proposition. And it may  
7 just be the way people are reading the language.

8 CHAIR GANT: We're going to discuss that  
9 next.

10 MEMBER DRAKE: Oh, okay.

11 CHAIR GANT: We're not setting it aside  
12 permanently, just for like 30 seconds.

13 Cheryl.

14 MEMBER CAMPBELL: I just want to make  
15 one comment. And part of this is in defense of  
16 our smaller, our smaller operators, Steve.

17 But the way that some of the language is  
18 in -- and I'm probably, I'm just going to admit  
19 I'm probably going to blow the reference. Okay?  
20 I think it's like, what, B3? Yeah, B3. I think  
21 people are tending to read that as a mandate for  
22 a GIS system. And I'm not sure that that's what

1 you had intended.

2 I think a number of the larger operators  
3 have GIS systems. I'm not sure everybody does.  
4 I'm also not sure that a lot of our smaller  
5 operators do. And that might be one of the  
6 things that why the perception by the industry,  
7 right, that there's a cost here that's much  
8 bigger than the cost that PHMSA believes is  
9 there.

10 And was that your intention to mandate  
11 GIS?

12 MR. NANNEY: A mandate of the GIS wasn't  
13 intended. I'll have to look at that actual  
14 sentence you're talking about. I don't have it  
15 in front of me right now.

16 CHAIR GANT: Okay. So noted. PHMSA  
17 staff will look into the reference that I can't  
18 find either. Okay. Okay, so it's noted. Okay.

19 With that, I'd like to close out this  
20 section and move on to discussion of adding  
21 specific functional requirements for risk models,  
22 which is Section 192.917(b)(3). And I believe

1 Chris is going to lead us through this  
2 discussion.

3 MR. McLAREN: Yes. Good morning. And  
4 we've been hitting risk assessment quite a bit  
5 during the discussions this morning. And because  
6 this is all sort of tied together.

7 What we were looking, the issue was the  
8 need for more specificity and the need for the  
9 nature and application of those models to improve  
10 the usefulness of these analyses to control risk  
11 from pipelines. We've had two public meetings on  
12 this and formed a Risk Model Work Group, which  
13 was referenced earlier.

14 Certainly that work is going along,  
15 along concurrent with this committee's work. And  
16 anything that comes from that group would be  
17 reported back.

18 We were looking to incorporate concepts  
19 in the current requirements of B31.8S, Section 5,  
20 and not mandate any type of specific risk model,  
21 whether it be an SME or a relative index or a  
22 scenario-based or probabilistic, as talked about

1 in B31.8S. I kind of like the words quantitative  
2 more than probabilistic as we're trying to, as  
3 we're trying to get towards quantifying the data,  
4 whether that's through SME rules about unit list  
5 data input into a relative risk model, or  
6 specific unit price data going into a  
7 quantitative risk model.

8 We want to ensure that risk assessments  
9 adequately evaluate the affected interacting  
10 threats, the contribution of individual risks,  
11 the effects of uncertainty and unknown, as well  
12 as provide some level of the ability to predict  
13 and inform the user of the risk assessment of  
14 things he might not already have known prior to  
15 the use of the risk assessment, as is clearly  
16 laid out in B31.8S, Section 5.

17 We do require validation of risk models  
18 in light of incident leak and failure history,  
19 and other historic information. The request to  
20 require that validation came from an NTSB  
21 recommendation that we're trying to address.

22 And we've taken lessons not only from

1 the 2011 but also the 2015 Risk Management  
2 Workshop.

3 So we have a couple of pages of comments  
4 that we got, written submittals, supported by  
5 citizen and government groups and pipeline safety  
6 advocates, almost unanimously. Industry entities  
7 acknowledge the importance of risk assessment.  
8 And they commented that prescriptive regulations  
9 are unnecessary. And a regulatory commission  
10 proposed a performance-based alternative.

11 Operators individually commented. Some  
12 that they should have the discretion to select  
13 which data sets to incorporate as they were best  
14 able to identify which threats are applicable.

15 We had the comments that we should  
16 define what validate and verify mean. I think  
17 we've heard loud and clear about our defined  
18 usage of words and the TVC discussion, and other  
19 things that will continue to ensure that we have  
20 consistent application of all our words.

21 It may not be feasible to collect and  
22 integrate all data points without pipeline

1 upgrades, was a comment. Also, the regulations  
2 would require more extensive quantitative or  
3 probabilistic risk models, meaning more  
4 algorithms, computer program -- computer power,  
5 et cetera. And assume that would be what the  
6 commentator is trying to talk about the costs.

7 And that these requirements deviate from  
8 industry consistent standards. I think we  
9 previously addressed that, that that's not our  
10 intent.

11 And the commenters also recommended the  
12 phased-in period for operators to incorporate  
13 these requirements into their IM programs,  
14 ranging from two to five years, as this  
15 prescription is added to the existing 917(c).

16 So our initial take is the proposed rule  
17 leaves the techniques and procedures to the  
18 operator to determine, and really sets the  
19 performance objectives and functions that the  
20 risk assessment must accomplish.

21 Quantitative probabilistic models are  
22 certainly beneficial, as we see that they are

1 more able to be predictive and have more basis on  
2 the quantified data, removing bias and  
3 uncertainty, and help to achieve functional  
4 capabilities needed. But the rule does not  
5 prescribe which type of risk model to use that  
6 codifies the functional objectives of B31.8S,  
7 Section 5, which is already IBRed currently.

8 Also, it builds upon by incorporating  
9 those risk model requirements in B31.8S. It  
10 includes a new guidance for evaluating  
11 interactive threats in anomalous conditions.

12 Certainly that's some work that the Risk  
13 Model Work Group is doing to look at interacting  
14 threats and how to deal with those. And that may  
15 require some more complexity to current risk  
16 models.

17 And with regards to the phase-in time  
18 frames, we believe that already contains adequate  
19 language to set that expectation, not only for  
20 the interactive threats and the other pieces that  
21 are clearly laid out here, but also that these  
22 programs will continuously improve and mature.

1 And this continual improvement expectation would  
2 certainly apply to the changes that we've made to  
3 192.917.

4 CHAIR GANT: Thanks, Chris.

5 We'll turn to public comment. And I  
6 would ask that members of the public and the  
7 committee that have comments particularly  
8 addressing the perception, the read of this  
9 regulation that it requires probabilistic  
10 modeling, to give a bit more clarity about the  
11 read of the regulation and how it is -- the  
12 language actually suggests that you must move  
13 towards probabilistic modeling, so we can get  
14 some clarity around the language concerns.

15 Thank you.

16 MS. KURILLA: Hi. Erin Kurilla,  
17 American Gas Association.

18 First I want to address the kind of  
19 obvious confusion, I think, -- and I'm with it as  
20 well -- between using the words quantitative and  
21 probabilistic as synonymous terms. I understand  
22 those, after spending time on PHMSA's risk model

1 in the work group, to be two different terms.

2 You could have a quantitative risk model  
3 that is actually relative, meaning you have  
4 inputted data sets and you are still comparing  
5 your assets against each other to understand  
6 relatively which assets are riskier.

7 You can also have a quantitative  
8 probabilistic risk model that is attempting to  
9 understand when and if an incident will happen on  
10 your system, the probability of an incident.

11 So just, I think, that the use of these  
12 terms synonymously exemplifies the fact that we  
13 still have a lot of work to do with the industry  
14 to understand risk modeling and understand these  
15 terms.

16 So I just want to put that out there.

17 Secondly, to answer Paula's question, if  
18 you look at 917(c)(1) through (5), it says five  
19 items that a risk assessment must do. Not should  
20 do, not could do, but must do. And one of those  
21 is (b) -- or 971(c)(2) says that you need to  
22 analyze the likelihood of failure due to each

1 individual threat. In order to understand the  
2 likelihood -- and I will use likelihood and  
3 probability synonymously here -- in order to  
4 understand the likelihood of a failure due to a  
5 threat you need to have a probabilistic risk  
6 model.

7 So I don't see how an operator can do  
8 this without completely changing how many of them  
9 are doing risk modeling today and moving from a  
10 relative risk model to a probabilistic risk  
11 model.

12 I will say I think the industry supports  
13 moving to a quantitative model and using data  
14 versus I guess weighting factors, or weighting  
15 between different issues. But I don't think at a  
16 snap of a finger, or even before a next risk  
17 modeling run, any operator can do that quickly,  
18 moving from a relative to a probabilistic.

19 In fact, I know many operators took  
20 several, several years to do this, and are still  
21 trying to do it, those that are even trying now  
22 to do it. So, thank you.

1           CHAIR GANT:  Seeing no other comments by  
2 members of the public I'd like to open this up to  
3 committee discussion.

4           Cheryl and then Chad.

5           Are you still trying to figure out how  
6 to spell probabilistic?

7           Chad, Andy and then Sue.

8           MEMBER ZAMARIN:  Chad Zamarin, Cheniere  
9 Energy.

10           I see this as a really well-developed  
11 section.  Maybe we can just put on the record I  
12 did not interpret the analyze the likelihood of  
13 failure to imply that we needed to have a  
14 probabilistic model.  I think we calculate  
15 relative likelihood.  We calculate relative  
16 probability.  And those are the most common  
17 models that are available, I think, in the  
18 industry.

19           And maybe Steve or Alan can comment to  
20 this.  But I, I didn't -- I assumed it was not  
21 the intent to try to, you know, dramatically  
22 shift the way we're doing things but just to

1 identify best practices around how to perform  
2 risk management.

3 So, again, I thought this was a pretty  
4 well-developed section. Maybe we can just  
5 clarify that that was the intent.

6 And likelihood is something we talk  
7 about in both probabilistic and relative risk  
8 models. We calculate probability. Whether it's  
9 relative probability, one section versus another,  
10 or it's an attempt to get to absolute  
11 probabilistic, you know, occurrence. I think  
12 this allows for the freedom to do both. But  
13 maybe, maybe PHMSA can comment.

14 CHAIR GANT: I think it was Andy and  
15 then Sue.

16 MEMBER DRAKE: I'd like to echo what  
17 Chad said. I think this is a very positive area.  
18 I don't really have a lot of comments here. I  
19 think this is a very constructive requirement.

20 I think it, the answer to my question a  
21 few minutes ago is What's your intent? I think  
22 you clarified that. I think that's good.

1 I do think you've got some unintended  
2 conflicts going on when you've ironed those out a  
3 little bit because I really don't think that's  
4 helpful to get to probabilistic. That's a big  
5 jump. And I think we all agree to that. And if  
6 we can manage that unintended consequence, I  
7 think we'll be fine.

8 I think that the conversation that we  
9 started having a few minutes ago with the last  
10 section, I think links in here very, very nicely.  
11 And I think it links to your concern, sir. And  
12 that is this issue about validation of the risk  
13 assessments. This is where that happens.

14 You know, we've tried to fix it with  
15 data collection, which is where we fix it. We  
16 fix it here. And I think this really goes to  
17 this conversation about SMS and not to this  
18 illusive, intangible plan to check act, and we're  
19 constantly getting better.

20 The point here is that as we look at  
21 this, the regulations currently require us to  
22 validate. But we have been very focused on

1 getting our feet under us by gathering data,  
2 doing the risk assessments, and fixing the  
3 obvious things that came out of that. We're  
4 still kind of early in the going.

5 But I think we need to ramp up the  
6 intensity of the validation phase. It's there.  
7 We need, we need to put a little more oomph on  
8 doing that because I think that's where you  
9 actually start to learn are you doing it right.  
10 If you've made these risk assessments -- I think  
11 Chad alluded to that a few minutes ago -- if you  
12 make these risk assessments but you never  
13 validate them, you never calibrate are you on  
14 target, are you doing this right.

15 If we actually get a little bit more  
16 robust in the validation phase, I think it starts  
17 to calibrate some of your concerns about are  
18 operators doing this appropriately? Are their  
19 SMEs biased? Are these decisions that they're  
20 making appropriate? Or do they need to change  
21 their process, their decisions, their approach?

22 That rests right here. And I think this

1 is an important place for us to deal with some of  
2 the things we've been kind of languishing about  
3 performance language, is get people to fire on  
4 validation.

5 CHAIR GANT: Thanks, Andy.

6 Over to Sue and then Steve.

7 MEMBER FLECK: Thank you. Sue Fleck,  
8 National Grid.

9 I agree with both Chad and Andy, this is  
10 one of the better-written sections. And I think  
11 that's evidenced by how few comments there are.

12 Although Erin did make a really good  
13 point about how some, and that's a lot of people,  
14 in AGA had the feeling that this meant  
15 probabilistic, that likelihood meant you were  
16 forcing probabilistic. So if you can change the  
17 language a little bit to get us to a better place  
18 so we have the opportunity to consider relative  
19 likelihood instead of just likelihood or  
20 something like that, I think that would be, would  
21 be very valuable.

22 Because, you know, again, my soapbox

1 theme is words matter to our state regulators  
2 when they're trying to enforce these. And words  
3 matter in how the utility companies put  
4 compliance programs in place to make sure that we  
5 do follow the intent of the rules.

6 So if it makes us feel like we need to  
7 have a probabilistic model, we're going to build  
8 probabilistic models. If that wasn't the intent,  
9 make us feel like we don't have to and change the  
10 language appropriately. I think that could be  
11 super helpful.

12 Thank you.

13 CHAIR GANT: Thanks, Sue.

14 Steve.

15 MEMBER ALLEN: Steve Allen, IURC.

16 Just to kind of point out on the, Chris,  
17 on your slide up there, there was a section that  
18 said there was a state public utility commission  
19 that recommended performance-based regulations in  
20 this area. That was my state.

21 And to correct that a little bit, or add  
22 to that, yes, we did recommend performance-based

1 regulations in this area for those operators  
2 where it was appropriate. Back home we have a  
3 number of operators that have spent an awful lot  
4 of time, money and effort in developing their  
5 programs. And they do a pretty good job

6 But in this area, we don't think one  
7 size fits all. And the need for some more hand  
8 holding and prescriptive-based regulations, again  
9 for the smaller operators, is probably  
10 appropriate. But to require some of our larger  
11 operators in Indiana to take a more prescriptive  
12 approach to this only adds costs that have to be  
13 borne by the ratepayers of the state.

14 Thank you.

15 CHAIR GANT: Thank you, Steve.

16 Sara.

17 MEMBER GOSMAN: Yes, so I agree with  
18 Andy that validation is incredibly important. I  
19 mean it seems to me that there is a process here  
20 that goes from getting the right data, the good  
21 data, being able to put that into a model that is  
22 sophisticated and is going to come out with

1 something that's helping, and making sure that  
2 you've addressed biases of SMEs and of all sorts.  
3 Right? And then being able to validate that the  
4 results actually are in line with real world  
5 effects.

6 And it seems to me that's all of the  
7 pieces that you have put in here. And so I think  
8 that's, that's really good.

9 I'm a textual type of person. I don't  
10 read likelihood as probability. I think they can  
11 be defined separately. But I understand the  
12 criticism. I think you could easily fix that to  
13 make sure that you, you know, you included  
14 relative risk within the concept of likelihood.

15 CHAIR GANT: Any further comments from  
16 the committee?

17 Chris.

18 MR. McLAREN: I just wanted to answer  
19 Chad's question and Andy's question prior to and  
20 after that with a yes, that is our intent.

21 CHAIR GANT: Wow, that was good.

22 MR. McLAREN: It is to not prescribe

1 each type of model but to allow flexibility as  
2 long as it meets these performance requirements  
3 and functions in these ways.

4 CHAIR GANT: So what I'm hearing from  
5 PHMSA staff is there is a recognition that the  
6 way things are worded is creating some concern  
7 that there is a steer towards requiring  
8 probabilistic models and there is a willingness  
9 to look at the text to provide some assurance  
10 that that is not the intention. That calculating  
11 relative likelihood and relative probabilities is  
12 within the set of things that are required here.

13 Also, in summing this up, I think it --  
14 I want to go back to what Andy just noted, that  
15 we've -- and a lot of what we've discussed over  
16 the past day-and-a-half there has been this theme  
17 of how do you demonstrate that you've done  
18 something effectively? And it seems to me, I  
19 think Andy raises a good point, that if this is  
20 an area, whether it's in this particular  
21 regulatory text or in this particular part of  
22 your ongoing conversation, to get a little -- to

1 continue to get more crisp on what does  
2 validation mean, as you're getting all this data  
3 and you're learning from these practices?

4 And maybe some discussion along those  
5 lines might be useful among this group or other,  
6 or a subgroup of this. Looking at, okay, we're  
7 doing -- we're learning how to do a lot of things  
8 differently; are we doing it right? Or are we  
9 getting better at delivering better safety  
10 outcomes? And how do we know that?

11 So, just for the record, I think that's  
12 an interesting, useful idea to consider.

13 So, with that, I think we're ready to  
14 wrap up this particular discussion, unless there  
15 are any other comments from some of the staff.

16 (No audible response.)

17 CHAIR GANT: Okay. What we'd like to do  
18 next is move -- come back full circle to the  
19 beginning of the agenda and begin to go through -  
20 - Oh, we have one more?

21 MR. McLAREN: We have one more.

22 CHAIR GANT: Oh.

1 MR. McLAREN: Sorry about that.

2 CHAIR GANT: Wow, Chris. Okay, then  
3 back to Chris.

4 MR. McLAREN: Okay.

5 CHAIR GANT: There's more fun.

6 MR. McLAREN: Yes. For more fun.

7 Also within the proposed rule we were  
8 looking to strengthen requirements related to the  
9 operator's use of insights gained from its IM  
10 program, that it's prudent to ensure effective  
11 risk management.

12 We wanted to clarify the expectations  
13 that operators use the knowledge from risk  
14 assessments to establish and implement adequate  
15 preventive and mitigate -- preventive measures  
16 and mitigative measures, and provide more  
17 explicit examples of these types of preventive  
18 measures and mitigative measures to be evaluated.

19 Our inspection experience has shown that  
20 these, that most operators are not implementing  
21 additional preventive measures or mitigative  
22 measures based on the evaluations required in

1 935.

2 Some of the comments to this, this  
3 piece, were that a vaguely-phrased risk  
4 assessment requirement should be removed or  
5 defined.

6 An operator requested clarification  
7 regarding which elements need to be included in  
8 the risk model versus those which only need to be  
9 included in the general IM plan.

10 Several commenters requested removing  
11 the requirement to perform all of the listed  
12 preventive measures and mitigative measures from  
13 935(a).

14 Our initial take is that the risk model  
15 must include the data elements and factors that  
16 are needed to adequately characterize the  
17 likelihood and consequences of pipeline  
18 incidents.

19 The learnings from some of the other  
20 distinct program elements, such as root cause  
21 analysis, are critical to properly characterizing  
22 risk and should be integrated. This fundamental

1 aspect of risk modeling is already required by  
2 virtue of B31.8S, Section 5, which was  
3 incorporated by reference in 192.

4 And we believe the list of preventive  
5 measures and mitigative measures is important.  
6 But we will consider adjusting the rule language  
7 to clarify that these measures must be  
8 implemented as applicable.

9 Thank you.

10 CHAIR GANT: I would like to open the  
11 floor for public comment.

12 (No audible response.)

13 CHAIR GANT: Seeing no hands raised,  
14 over to Mr. Drake. Sara --

15 MEMBER GOSMAN: No.

16 CHAIR GANT: No? Okay, Andy.

17 MEMBER DRAKE: I just, again, a question  
18 of intent. You know, we've got a work group  
19 going on on risk modeling right now. Are we  
20 going to incorporate the learnings from that  
21 group into the language of this? Or how do those  
22 two fit together?

1           So this is a question to staff.

2           MR. McLAREN: The Risk Model Work Group  
3 will probably conclude some time this summer with  
4 the publishing of a guidance document on the risk  
5 modeling/risk assessment topics. We hope it to  
6 be a very good topic guidance document with lots  
7 of insights. As well as providing some of those  
8 limits and benefits of the various risk models,  
9 as well as some of the benefits of the more  
10 quantitative risk models on the tools that can be  
11 used to provide better management decisions in  
12 risk management.

13           For some of those more advanced tools,  
14 you can do more with the data looking out, trying  
15 to understand where you can address risk more  
16 appropriately. We hope that guidance document  
17 supports, supports pipeline integrity in that  
18 way.

19           I don't know that the guidance document  
20 would, it not being a standard or such, would  
21 ever be incorporated by reference. But,  
22 hopefully, those learnings can be incorporated

1 into and presented to this committee at some  
2 point. But that is not known at this time.

3 CHAIR GANT: Any other comments from  
4 committee members on those sections?

5 (No audible response.)

6 CHAIR GANT: Okay. So, I think PHMSA  
7 staff has heard input, begun to respond to it. I  
8 know we'll, I'm sure, revisit it at some point.

9 I think now we're ready to go to Cam,  
10 who is going to set out the voting procedures for  
11 us as we loop back to basically the beginning of  
12 our agenda and consider some of the items that  
13 were suggested yesterday might be ready for a  
14 vote

15 PHMSA staff spent the evening at IHOP  
16 drafting, I understand, fueled by pancakes and  
17 bacon. Who could go wrong? And will, Cam will  
18 set out the voting protocol, a quick summary of  
19 the items that we're going to consider. And then  
20 we'll work through them one by one.

21 Some of them I think we should be fairly  
22 brief on because we had so much discussion

1 yesterday and we were very, very close. There's  
2 one or two I think where we may have a little bit  
3 more discussion based on the discussion  
4 yesterday. But we're all very eager to see what  
5 bacon and pancakes deliver for us.

6 So, Cam, over to you.

7 MR. SATTERTHWAITE: Oh my goodness.

8 Cameron Satterthwaite, PHMSA.

9 Basically what we're going to do here is  
10 tart off with the first slide which kind of talks  
11 about what we're going to be voting on, or what  
12 you are going to be voting on as far as  
13 recommendations to us as far as moving forward on  
14 these items relative to the gas transmission  
15 rule.

16 First thing will be reassessment period,  
17 the 6-month grace period.

18 Followed by the safety features for pig  
19 launchers and receivers.

20 Provisions on addressing seismicity.

21 And inspections following extreme  
22 events.

1           And culminating with a vote regarding  
2 management of change.

3           So as we lead into that we're just going  
4 to talk a little bit of background things as far  
5 as voting is concerned. And this is just a  
6 reminder that this transcript of this meeting is  
7 being recorded and that a transcript will be  
8 provided. And the transcript will be placed in  
9 the docket at this Docket PHMSA 2016-0136, which  
10 will be located at regulations.gov.

11           I think that will be very useful for  
12 this Advisory Committee because between now and  
13 the next meeting we should definitely have that  
14 transcript available so you can look at the  
15 proceedings that we've discussed and some of the  
16 topics that we're not voting on today.

17           And you -- well, maybe we'll not even go  
18 there.

19           The next thing we talk about is the  
20 basic committee action. What is the action  
21 that's about to take place?

22           And, basically, we are considering the

1 provisions proposed in the Notice of Proposed  
2 Rulemaking, the gas transmission rule that was  
3 published last year, in relation to its technical  
4 feasibility, reasonableness, cost effectiveness,  
5 and practicability.

6 In this situation, allow time for  
7 rulemakings, what we'll do is we'll break down  
8 individual aspects of that rule and vote on those  
9 individual aspects. There are some times when we  
10 vote on the whole rule. But that's not going to  
11 happen here.

12 (Laughter.)

13 MR. SATTERTHWAIT: We have the,  
14 basically whenever a decision or recommendation  
15 from the committee is sought after, the committee  
16 chair will request a motion for a vote. In this  
17 situation we discussed the five different things  
18 that decision have or recommendations have been  
19 sought after.

20 Basically, any member, including the  
21 committee chair, may make a motion for a vote.

22 We've talked about quorum here that is

1 required, and we have reached that quorum.

2 Statutory language, committee actions,  
3 we talked a little bit what we just said.  
4 Members to consider each proposed rule and the  
5 draft regulatory evaluation. The motion should  
6 include terminology from the statute to indicate  
7 that the committee has carried out its  
8 responsibilities.

9 Motions must originate from and be  
10 seconded by members of the committee.

11 There are basically three -- there's  
12 probably more options, but these are the three  
13 basic options for calling on a -- for calling a  
14 motion. And this I regarding the topic at hand.  
15 And that is that the committee as a whole agrees  
16 as proposed.

17 Another motion is that they are not in  
18 agreement with the proposal.

19 And the third is that they propose a  
20 change to the language in the NPRM.

21 And then we're going to go over a couple  
22 of samples.

1           If the committee were to agree as  
2           proposed, we will basically say in this case  
3           we're going to, instead of just saying the  
4           proposed rule, we'll just say the topic relative  
5           to the proposed rule, basically, as published in  
6           the Federal Register, and the draft regulatory  
7           evaluation are technically feasible, reasonable,  
8           cost effective, and practicable. So that's  
9           language you would see if it was to agree as  
10          proposed.

11          If there was a modification or non-  
12          agreement, if there was non-agreement then we  
13          would go with this -- you would go with this  
14          language which basically will say the proposed  
15          rule or the topic as published in the Federal  
16          Register and draft regulatory evaluation are not  
17          or cannot be made technically feasible,  
18          reasonable, cost effective and practicable.

19          There are times where an agreement is  
20          okay, provided certain changes are made. And  
21          that's when you have this language here that  
22          basically talks about the proposed rule or the

1 issue at hand as published in the Federal  
2 Register and the draft regulatory evaluation are  
3 technically feasible, reasonable, cost effective  
4 and practicable if the following changes are  
5 made.

6 And that's where you all as the members  
7 kind of add in text here to us to say, okay,  
8 we're okay with this provision, you know,  
9 provided you make the following revisions in the  
10 final rule.

11 So now we get into the voting. Now you  
12 get a chance to see what a theoretical product of  
13 IHOP eating produces.

14 So basically, and I will kind of turn it  
15 back over to the chair because basically right  
16 now this is based on the understanding that we  
17 have had of the comments that were made yesterday  
18 regarding the understanding or the request of the  
19 Advisory Committee regarding the top of 6-month  
20 grace periods. There seemed to be pretty much an  
21 okay with everything that was proposed, provided  
22 this revision was incorporated.

1           If there is anything that needs to be  
2 changed here, if you would like to add anything  
3 to what you see on the screen regarding this or  
4 other areas that we may talk to, I'm going to  
5 have Bobby pull it up so he can show you on the  
6 screen and so you all can add in whatever  
7 language needs to be made here.

8           That may not be applicable in this one.  
9 But as we get to some of the other issues, areas,  
10 that will be available.

11           On the right-hand side we're going to  
12 have Sailor put up the any associated text.  
13 There's a PDF of the rule that was approved by  
14 the Federal Register. So it looks a little bit  
15 different than what was published in the Federal  
16 Register. But it is a PDF, so it's not something  
17 that we can make changes to here. But we're  
18 providing that text on the side in case the  
19 committee would like to see any language that was  
20 proposed in the rule.

21           And now I'm getting dizzy, Sailor. You  
22 have to slow down. Thank you.

1 (Laughter.)

2 MR. SATTERTHWAITTE: But anyway, that's  
3 how our life goes by sometimes. So, folks, take  
4 a minute. Smell the, smell the roses.

5 But anyhow, so as that comes up you'll  
6 be able to see that on the right and be able to  
7 make any, any revisions that you would like to  
8 make.

9 With that said, I turn it back over to  
10 the chair.

11 Oh, one side note. When you get to a  
12 place that you would like to do a vote, if the  
13 language is agreeable to the committee members I  
14 will have Cheryl Whetsel, she will call a roll  
15 call, and we will keep track as far as the  
16 members that say aye, they agree; nay, they do  
17 not agree; or any that wish to abstain that they  
18 would not like to vote. Okay?

19 Without further ado, I turn it back over  
20 to the chair.

21 CHAIR GANT: Thanks, Cam.

22 So any discussion by committee members

1 on this point?

2 MR. MAYBERRY: Just if I could, a  
3 clarification. We called for, there was a motion  
4 presented yesterday and seconded for a vote. Now  
5 you're looking at the language that was developed  
6 at IHOP and, right, just seeing if you agree.  
7 This is an easy one here, so.

8 MR. SATTERTHWAITE: What Sara is showing  
9 is just the proposed rule itself. So you can see  
10 in the proposed rule up there, no revisions have  
11 been made to that. It's pretty much any  
12 revisions that need to be made would be shown on  
13 the voting slide.

14 So the revision would be made, you know,  
15 to this text here in relation to the Southern Cal  
16 meeting.

17 MS. WHETSEL: Yes, just a note. There  
18 is no change to this section.

19 MR. SATTERTHWAITE: Yes, that's what I'm

20 --

21 MS. WHETSEL: It's left as, right.  
22 Okay.

1           Just one more clarification. I want you  
2 all to know that the docket is the Advisory  
3 Committee docket, it's not the docket for the  
4 rule itself. A lot of times people ask me that  
5 question.

6           MR. MAYBERRY: Point of order. Does our  
7 chair need to ask for a motion? Or we have one  
8 in play right now, or do we? Yes, right. Do we  
9 need to close that out before?

10          CHAIR GANT: Well, first-off I want to  
11 get the language so we know, so you know what  
12 you're voting on. And then I think someone is  
13 going to need to make a motion using the language  
14 that Cam had up on the screen earlier so that the  
15 committee is sure as to what you are actually  
16 voting on today.

17          Initially it was a vote to have -- it  
18 was a motion to have a vote. Now we have to have  
19 a motion so that you know what you're voting on.

20          So we don't have new language.

21          MR. SATTERTHWAITTE: So what we're going  
22 to put up there is the PDF of the Federal

1 Register, basically of the proposed language.  
2 Not the proposal that includes any revisions to  
3 anything, but what was originally proposed April  
4 of last year.

5 MS. WHETSEL: Let me just confirm. I  
6 think -- I'm sorry, Cher, I'm really bad about  
7 that. What we're saying is we'd like for the  
8 committee to call a motion using the language  
9 that we require out of the statute. And then  
10 just you don't have to say revised language to  
11 read seven calendar years in this respect, you  
12 just have to say the committee agrees with it.

13 CHAIR GANT: So what I think, is someone  
14 still working on getting that, the relevant text  
15 in the proposal up?

16 (Off mic comments.)

17 CHAIR GANT: Okay. So once that's up,  
18 that will ground the conversation.

19 The next thing that I think needs to  
20 happen is we need to put back up the slide that  
21 provides the template language for a motion. And  
22 then ask a committee member to make the motion

1       referencing the language in the slide on the  
2       left.

3               And so I think we're just in a holding  
4       pattern until we get the proposed language up  
5       that is not modified.

6               MEMBER BROWNSTEIN: This would be a good  
7       moment for the interpretative dance.

8               CHAIR GANT: Well, now that you suggest  
9       it, would you like to go first.

10              MEMBER BROWNSTEIN: Your offer.

11              CHAIR GANT: I guess now would be the  
12      time to tell Professor Gosman that this is sort  
13      of a right of entry into the committee. No, the  
14      interpretative dance piece.

15              (Laughter.)

16              MEMBER GOSMAN: Can I ask a procedural  
17      question.

18              CHAIR GANT: Please. And, hopefully, it  
19      will eliminate our confusion.

20              MEMBER GOSMAN: So the statute talks  
21      about creating a report of our recommendations.  
22      So we don't create a report, we, we basically

1 take the transcript of this meeting and we have  
2 them vote on the motion in the transcript and  
3 then we forward it to the secretary? Is that how  
4 the process works?

5 MR. MAYBERRY: Yes, the record of the  
6 meeting is the report that --

7 MEMBER GOSMAN: Okay.

8 MR. MAYBERRY: -- informs how we move  
9 forward.

10 MEMBER GOSMAN: And then the secretary's  
11 response to our report, as reflected in the  
12 transcript, is where?

13 MR. MAYBERRY: That would be the Final  
14 Rule that comes out.

15 MEMBER GOSMAN: Okay. In the Final Rule  
16 --

17 MR. MAYBERRY: Right.

18 MEMBER GOSMAN: -- in the Federal  
19 Register?

20 MR. MAYBERRY: Right. And in the  
21 preamble it would address, you know, the  
22 disposition of the input of this group.

1 MEMBER GOSMAN: Okay.

2 MS. WHETSEL: Actually, the Associate  
3 Administrator for Pipeline Safety has delegated  
4 authority. And that's why the transcript and so  
5 forth, and there isn't really an official report  
6 that actually goes to the secretary. But the  
7 PHMSA will take all the recommendations and then  
8 the final rule is released, how we report out on  
9 the Advisory Committee's recommendations were.  
10 In my case that is all of the things have to be  
11 addressed in the preamble.

12 If you agree, then it's okay. If not,  
13 then we have to explain why we disagree with the  
14 Advisory Committee, in the preamble of the Final  
15 Rule.

16 MEMBER GOSMAN: Okay.

17 CHAIR GANT: Okay. So this is the  
18 language from the proposal.

19 MEMBER CAMPBELL: Then I heard, Cheryl,  
20 you say there's no change. So I guess I'm a  
21 little confused as to what I'm voting on.

22 MR. SATTERTHWAITTE: We apologize for the

1 confusion. Right now if you look at this  
2 paragraph A, it looks like there was an error on  
3 our part because the term calendar years has  
4 already been addressed in the proposed rule. And  
5 I don't see, does anybody have -- I mean this is  
6 paragraph A and what was proposed.

7 And just reading it, this is the part  
8 where we reference it, seven calendar years.  
9 Below it, says seven calendar years. If anybody  
10 else sees a place where seven calendar years is  
11 not addressed, then follow up.

12 So in this case, this will be a  
13 situation that in an area where the -- since the  
14 seven calendar years is already in here, I don't  
15 see -- or I didn't, this provision, yes, it looks  
16 like it would just be an agree as proposed.

17 I give it back over to the chair.

18 CHAIR GANT: Okay. I don't know that we  
19 need a motion on that.

20 MR. MAYBERRY: The question came up  
21 yesterday though; right? It was an issue  
22 yesterday or --

1 (Off mic comments.)

2 MR. MAYBERRY: Okay. So you could still  
3 vote on just making sure it's addressed, so. And  
4 then, yeah, we still need the vote.

5 CHAIR GANT: Okay. Can you put the  
6 motion language up, please, Cam.

7 Can we have a motion from the committee  
8 to accept the language as written, noting the  
9 clarification? This is for a calendar year,  
10 seven calendar years.

11 So, Drake.

12 MEMBER DRAKE: I'd like to make a  
13 proposal regarding the six-month grace period in  
14 this section that the proposed rule, as published  
15 in the Federal Register in the draft language for  
16 the Advisory Committee we made no revisions to,  
17 based on no comments, with regard to the  
18 provisions for the six-month grace periods for  
19 the reassessment in the rules are technically  
20 feasible, reasonable, cost effective and  
21 practicable.

22 CHAIR GANT: Can I have a second? Ms.

1 Fleck? Okay.

2 MEMBER FLECK: I second.

3 CHAIR GANT: Thank you.

4 Cam, are you going to handle this?

5 MR. SATTERTHWAITTE: Cheryl will do it,  
6 take a roll call.

7 CHAIR GANT: Okay. Cheryl.

8 MS. WHETSEL: I am just reading first  
9 names, if that's okay. Okay. And just say  
10 whether you agree or not: aye, yea, nay.

11 Steve.

12 MEMBER ALLEN: Aye.

13 MS. WHETSEL: Paula.

14 CHAIR GANT: Aye. Aye.

15 MS. WHETSEL: Terry.

16 MEMBER TURPIN: Aye.

17 MS. WHETSEL: Cheryl.

18 MEMBER CAMPBELL: Aye.

19 MS. WHETSEL: Andy.

20 MEMBER DRAKE: Aye.

21 MS. WHETSEL: Sue.

22 MEMBER FLECK: Aye.

1 MS. WHETSEL: Chad.

2 MEMBER ZAMARIN: Aye.

3 MS. WHETSEL: Mark.

4 MEMBER BROWNSTEIN: Aye.

5 MS. WHETSEL: Sara.

6 MEMBER GOSMAN: Aye.

7 MS. WHETSEL: Robert.

8 MEMBER HILL: Aye.

9 MS. WHETSEL: Bob.

10 MEMBER KIPP: Aye.

11 MS. WHETSEL: And Rick.

12 MEMBER PEVARSKI: Aye.

13 MS. WHETSEL: Okay. And then we have  
14 two members that are not present.

15 CHAIR GANT: So the motion carries?

16 MS. WHETSEL: The motion carries.

17 CHAIR GANT: Thank you.

18 Move on to the next item that was  
19 discussed yesterday, the motion made to move it  
20 to a vote, given some clarification from PHMSA.  
21 Cam, can you please cover that.

22 MR. SATTERTHWAITTE: All right. So, next

1 up is launchers and receivers and the issue of  
2 safety features.

3 Basically, you know, based on our  
4 understanding it was pretty much an agree as  
5 proposed as long as, you know, PHMSA made sure to  
6 clarify that the language does not require relief  
7 valves or use relief valve as a term per the  
8 concerns of the committee members.

9 So this one right here is pretty much an  
10 -- the language that you see before you is pretty  
11 much an agree as proposed.

12 So would you the committee like to take  
13 a second to look at that to see if there's any  
14 changes they would like to make prior to calling  
15 a motion, the language from the section is up on  
16 the screen. And I turn it back over to you.

17 CHAIR GANT: Can I get a motion?

18 Sue.

19 MEMBER FLECK: The proposed rules  
20 proposed as published in the Federal Register and  
21 the Draft Regulatory Evaluation with regard to  
22 the provisions for safety features on ILI

1 launchers and receivers are technically feasible,  
2 reasonable, cost effective, and practicable.

3 CHAIR GANT: Second?

4 MEMBER DRAKE: I'll second.

5 CHAIR GANT: Thanks.

6 MEMBER BROWNSTEIN: May I have some  
7 discussion here on the motion?

8 So what we're basically, so what is  
9 basically being said is is we're not, we're not  
10 suggesting that PHMSA specify relief valves  
11 because what we're saying is is that the device  
12 capable of safely relieving pressure in the  
13 barrel is what is essentially the effect. And a  
14 relief valve is maybe one of those things, but  
15 there may be other things that do that. Correct?

16 MR. NANNEY: I would expect it to be a  
17 valve, not a relief valve.

18 MEMBER BROWNSTEIN: Right. But it is a  
19 broader -- what we're suggesting is is that it is  
20 a broader category --

21 MR. NANNEY: Yes.

22 MEMBER BROWNSTEIN: -- than just relief

1 valves?

2 MR. NANNEY: Yes.

3 MEMBER BROWNSTEIN: Okay.

4 MEMBER GOSMAN: Can I ask a question  
5 about the motion?

6 So, so PHMSA's changed the language --  
7 No, it has not. Okay. Thank you. That was my  
8 question.

9 MR. MAYBERRY: I just want to make sure  
10 the committee understands that, you know, there  
11 was a good bit of discussion on this one  
12 yesterday related to, you know, what we were  
13 talking about as far as what type of device to  
14 relieve the pressure in a barrel. And there was  
15 con -- you know, we had some public comments  
16 related to, you know, maybe misclassifying this  
17 as a bonafide relief valve.

18 Certainly that's one method but it's not  
19 -- you know, the language we, we really find is  
20 already there that gives, you know, that  
21 articulates adequately what we're talking about.  
22 And there's no confusion. So, therefore, we

1 didn't see the need to put any additional  
2 language in to change it, so.

3 Just wanted to make sure. That's what  
4 you're voting on, to keep the language as is.

5 CHAIR GANT: So we have a motion. Can  
6 we have a second.

7 (No audible response.)

8 CHAIR GANT: Unless there is anything  
9 else to be said, we'll move to a vote.

10 Steve.

11 MEMBER ALLEN: Aye.

12 MS. WHETSEL: Paula.

13 CHAIR GANT: Aye. Aye.

14 MS. WHETSEL: Terry.

15 MEMBER TURPIN: Aye.

16 MS. WHETSEL: Cheryl.

17 MEMBER CAMPBELL: Aye.

18 MS. WHETSEL: Andy.

19 MEMBER DRAKE: Aye.

20 MS. WHETSEL: Sue.

21 MEMBER FLECK: Aye.

22 MS. WHETSEL: Chad.

1 MEMBER ZAMARIN: Aye.  
2 MS. WHETSEL: Mark.  
3 MEMBER BROWNSTEIN: Aye.  
4 MS. WHETSEL: Sara.  
5 MEMBER GOSMAN: Aye.  
6 MS. WHETSEL: Robert.  
7 MEMBER HILL: Aye.  
8 MS. WHETSEL: Bob.  
9 MEMBER KIPP: Aye.  
10 MS. WHETSEL: And Rick.  
11 MEMBER PEVARSKI: Aye.  
12 MS. WHETSEL: Okay. And then we have  
13 two members that are not present.  
14 MS. WHETSEL: Okay, again.  
15 Steve.  
16 MEMBER ALLEN: Aye.  
17 MS. WHETSEL: Paula.  
18 CHAIR GANT: Aye. Yes.  
19 MS. WHETSEL: Terry.  
20 MEMBER TURPIN: Aye.  
21 MS. WHETSEL: Cheryl.  
22 MEMBER CAMPBELL: Aye.

1 MS. WHETSEL: Andy.

2 MEMBER DRAKE: Aye.

3 MS. WHETSEL: Sue.

4 MEMBER FLECK: Aye.

5 MS. WHETSEL: Chad.

6 MEMBER ZAMARIN: Aye.

7 MS. WHETSEL: Mark.

8 MEMBER BROWNSTEIN: Aye.

9 MS. WHETSEL: Sara.

10 MEMBER GOSMAN: Aye.

11 MS. WHETSEL: Robert.

12 MEMBER HILL: Aye.

13 MS. WHETSEL: Bob.

14 MEMBER KIPP: Aye.

15 MS. WHETSEL: And Rick.

16 MEMBER PEVARSKI: Aye.

17 MS. WHETSEL: Okay. The motion passes.

18 CHAIR GANT: Thank you.

19 Now moving on to language addressing  
20 seismicity. And there was discussion yesterday  
21 with -- of this with no suggestions that the text  
22 needed to be modified.

1           So I think that there is -- unless there  
2           is a member of the committee that would like to  
3           discuss this, I would ask for a motion from a  
4           member of the committee to vote, approving this  
5           provision. Once you see it.

6           Mr. Hill.

7           MEMBER HILL: Yes, Madam Chair, I'd like  
8           to make a motion on the language of seismicity.

9           The proposed rule, as published in the  
10          Federal Register and the Draft Regulatory  
11          Evaluation with regards to provisions for  
12          addressing seismicity are technically feasible,  
13          reasonable, and cost effective -- did I miss one?  
14          -- and practicable.

15          MEMBER BROWNSTEIN: Second.

16          CHAIR GANT: Thank you, Mr. Hill, Mr.  
17          Brownstein.

18          Cheryl, could you do a roll call vote  
19          for us, please.

20          MS. WHETSEL: I guess.

21          Steve.

22          MEMBER ALLEN: Aye.

1 MS. WHETSEL: Paula.  
2 CHAIR GANT: Aye.  
3 MS. WHETSEL: Terry.  
4 MEMBER TURPIN: Aye.  
5 MS. WHETSEL: Cheryl.  
6 MEMBER CAMPBELL: Aye.  
7 MS. WHETSEL: Andy.  
8 MEMBER DRAKE: Aye.  
9 MS. WHETSEL: Sue.  
10 MEMBER FLECK: Aye.  
11 MS. WHETSEL: Chad.  
12 MEMBER ZAMARIN: Aye.  
13 MS. WHETSEL: Mark.  
14 MEMBER BROWNSTEIN: Aye.  
15 MS. WHETSEL: Sara.  
16 MEMBER GOSMAN: Aye.  
17 MS. WHETSEL: Robert.  
18 MEMBER HILL: Aye.  
19 MS. WHETSEL: Bob.  
20 MEMBER KIPP: Aye.  
21 MS. WHETSEL: Rick.  
22 MEMBER PEVARSKI: Aye.

1 MS. WHETSEL: Pass.

2 CHAIR GANT: All right, thank you.

3 We'll move to the next item for which we  
4 have a motion from yesterday for a vote today.  
5 Given there was a great, there was a great deal  
6 of discussion on this topic, so I'd like to ask  
7 PHMSA staff to provide a response to that  
8 discussion so that we can assess whether we need  
9 more discussion on this before we make a motion.

10 So, Cam, would that be you?

11 MR. SATTERTHWAITTE: Yes. I'll start  
12 off.

13 So, basically, as far as our  
14 understanding of what the concerns of the  
15 Advisory Committee members are, we specified in  
16 the bullets here. I'm not going to walk through  
17 them.

18 I mean, basically, of course as the  
19 committee knows, they, you know, you all vote on  
20 the proposed rule. And this is a situation where  
21 there was not agreement as regarding the proposed  
22 language as being okay. So we're now into a

1 situation where requests were made to make  
2 revisions and provide clarifications.

3 And based on the information and the  
4 notes that were taken yesterday, these are our  
5 understandings of what actions would need to be  
6 taken that you, that you as a committee are  
7 proposing or saying to PHMSA that these  
8 provisions, these items need to be -- these steps  
9 need to be taken in order for us to agree with  
10 the proposal.

11 So I'll kind of walk through them. I  
12 mean basically the -- it's basically we agree as  
13 proposed, if the following changes are made:

14 The first, the first item was to clarify  
15 that the timing in Section 192.613, Paragraph  
16 (c)(2), begins after the operator has made a  
17 reasonable determination that the area is safe.

18 The next item was to clarify in the  
19 preamble that operators are encouraged to consult  
20 with pipeline safety and public safety officials  
21 in order to make those determinations.

22 The third one was to delete the phrase

1       whichever is soonest -- or whichever is sooner  
2       that occurs in the proposed Section  
3       192.613(c)(2).

4               And the final, the final was to change  
5       the word infrastructure to facilities per the  
6       presentation slides.

7               So Sailor has highlighted some of the  
8       impacted areas from the proposed rule that are on  
9       the screen. And so this is a part right now  
10       where I will ask Bobby to take your screen over  
11       to the side in case the committee members would  
12       like to add anything or delete anything in the  
13       bulletized list which represents the  
14       understanding that we had of the recommendations.

15              CHAIR GANT: Mark and then Steve.

16              MEMBER BROWNSTEIN: So this is a  
17       question maybe followed by a comment. Staff is  
18       proposing to put the consultation requirement in  
19       the preamble as opposed to a modifier on the  
20       proposed requirement that the operator makes a  
21       reasonable determination.

22              Is there any significance for putting it

1 in the preamble as to putting it directly in the  
2 same provisions where the operator is charged  
3 with making a reasonable determination?

4 MR. SATTERTHWAITE: I can add into it.  
5 I mean, basically this is our understanding of  
6 the committee members' recommendation or of the  
7 measures that you want to see in place. So if  
8 there is something here that if we say clarify in  
9 the preamble and you, as a committee, want to put  
10 it into the reg specs, we can change that here as  
11 far as --

12 MEMBER BROWNSTEIN: Yes.

13 MR. SATTERTHWAITE: Because this is not,  
14 this is not what we're asking be done, this is  
15 what your --

16 MEMBER BROWNSTEIN: Okay. Because just  
17 to, then just to put a finer point on it. And  
18 this is a comment then. So my comment was is  
19 that as I was thinking about this yesterday, yes,  
20 the operator makes the determination, comma,  
21 right, in consultation with pipeline safety and  
22 public safety officials. Right?

1           So that it's clear who's got the  
2           accountability. It's clear, you know, who needs  
3           to have -- who should be consulted in input into  
4           that decision, but it, you know, ultimately the  
5           operator is the person that takes responsibility  
6           for making the decision.

7           CHAIR GANT: Sue then Steve.

8           MEMBER FLECK: Sue Fleck, National Grid.

9           I think you've captured the topics that  
10          need to be corrected here. But I'm very  
11          uncomfortable voting without seeing the final  
12          language. And that's just a general topic.

13          And I thought we were going to see  
14          language today. So I'm a little surprised.

15          On this one it's probably not as  
16          critical because the changes, you've highlighted  
17          the areas, so I'm not terribly uncomfortable.  
18          But we're going to be tackling some much more  
19          difficult topics going forward. And just  
20          approving concepts I don't think is going to be  
21          good enough.

22          So I'm just kind of throwing that out

1       there that I'd really love to see the language.  
2       I don't know if we could take a short break and  
3       do that or not. But it's a tough position to put  
4       the committee in to vote on, when we know how  
5       much words matter, to just vote on concepts and  
6       not actually see the language.

7               This one isn't so bad. But when we get  
8       into risk modeling and all those other things,  
9       it's going to become -- this is going to be  
10      impossible.

11             CHAIR GANT: First Steve, Chad, and then  
12      Alan.

13             MEMBER ALLEN: Steve Allen, IURC.

14             I'm a little confused, and I guess I  
15      need some clarification on if, the second bullet  
16      point, if there was language included in the  
17      preamble. Let me just set it up with an example.

18             We have a small municipal operator that  
19      happens to be -- have maybe a couple miles of  
20      transmission line. Tornado comes through and  
21      wipes out half of their town. You know, this  
22      municipal operator is also they provide electric,

1 they provide water, they provide sewer. I mean  
2 it's a muni.

3 The rule, as it exists, says that they  
4 must commence the inspection within 72 hours  
5 after cessation of the event. That's not  
6 practical for them, that's not practicable.

7 So what I was trying to say yesterday  
8 for, it's a safe harbor for smaller operators to  
9 say that, look, you know, our town just got wiped  
10 out. They pick up the phone. They give me a  
11 call and say, Here's our situation. And between  
12 the two of us we figure out what is the right  
13 thing. It's their ultimate responsibility but it  
14 gives them a safe harbor.

15 You know, without having it in the rule,  
16 addressed in the rule I think that if they don't  
17 commence the inspection within 72 hours, they're  
18 in violation. And that's what I was trying to  
19 get away from is provide them an out, so that  
20 they're not immediately in violation. I hope  
21 that makes sense.

22 MR. SATTERTHWAITE: So with that said,

1 are you, I mean -- because there's definitely  
2 nothing wrong with would your recommendation on  
3 behalf of the committee be to include that, like  
4 an exception such as that, into the text of time  
5 period? Because I guess what you're saying that  
6 based on your understanding that 72 hours, even  
7 as defined here, would not be able to be met by  
8 smaller, would potentially not be able to be met  
9 by smaller operators, and language would need to  
10 be added in here to provide such exception?

11 MEMBER ALLEN: That's correct.

12 MR. SATTERTHWAITTE: Is that what you're  
13 saying?

14 MEMBER ALLEN: That's correct. Because  
15 words do matter. And I have some inspectors that  
16 will look and say, well, that's not what the  
17 rules says, so.

18 MEMBER GOSMAN: Can I ask a just  
19 question of my colleague on the committee?

20 So is your concern -- So as I read this  
21 section the commencement of 72 hours is after the  
22 point in time when the area is safely accessed by

1 personnel, including availability of personnel.

2 So the concern is that that, so it's not 72 hours  
3 after the date of the event, but 72 hours after  
4 the area is safe and there's available equipment.  
5 So the concern is that period of time is still  
6 not enough?

7 MEMBER ALLEN: That's correct. I mean  
8 it might not be an emergency. I mean it could be  
9 an event where, like say there's some flooding  
10 and, yeah, they need to inspect the system to  
11 make sure that it is still safe. But it might  
12 not be an emergency. Where there could be other  
13 things going on in their town that is emergency  
14 and requires them to -- requires their attention.

15 So the way it is written, if they do not  
16 commence their inspection within 72 hours of  
17 cessation of the event and the area is made safe,  
18 then they would be in violation. And I can see  
19 it coming that there will be a situation like  
20 that and some state inspector will go out there  
21 and cite them on it. So and I don't think that's  
22 the intent.

1           CHAIR GANT:  So, so are we at the point  
2 where we're all in agreement that the cessation  
3 of the event, that that point is when the  
4 operator determines that the facility can be  
5 accessed safely?  There still is a concern on  
6 your part that a small operator would not be able  
7 to have the resources to get in in that 72 hours,  
8 following the point at which they determine that  
9 they could safely access it?

10           MEMBER ALLEN:  That's correct.

11           MEMBER ZAMARIN:  Paula, this is Chad  
12 Zamarin, Cheniere Energy.  I, I guess living as  
13 an operator within these rules for many, many  
14 years, I actually read this section to allow for,  
15 you know, it mentions availability of personnel  
16 and equipment.  I mean I think this is a really  
17 well-developed performance base.  It's clear that  
18 the expectation is get out there as quickly as  
19 you can.

20           And, you know, I don't read it to mean  
21 that if we have an incident that occurs and  
22 people are working on bigger priorities because

1 it's a broad-based issue that we're going to be  
2 slapped on the wrist because, you know, people  
3 weren't available. I mean I think it -- I think  
4 we've just got to be careful that we don't want  
5 to overdo it, that the intent is clear: get out  
6 there as quickly as you can and do the right  
7 thing.

8 And I don't read this to mean that if at  
9 72 hours, you know, all of your people are out,  
10 you know, tending to their homes because, you  
11 know, your people are, you know, struggling with  
12 recovery, or there are other, you know, incidents  
13 that are being managed, I don't read this to mean  
14 that you're going to be, you know, in trouble.

15 So I think we need to be careful not to  
16 over, you know, think it. I think the whole idea  
17 of this is to communicate a message that you've  
18 got to get out there as quickly as you can.

19 There is language here that I think provides for  
20 relief if other things are competing for your  
21 resources. That's the way I read it, at least.

22 So I, frankly, like the language as is.

1 I like the idea of the encouragement to consult  
2 with safety officials being in the preamble,  
3 because I don't think you can predict how every  
4 incident occurs.

5 You know, we've lived through a lot of  
6 these; right? And every one of them is unique.  
7 And you determine when and how it's safe to  
8 reenter in different ways. Sometimes it's with  
9 safety officials being closely involved.  
10 Sometimes, you know, they're busy on other things  
11 and you have to make those determinations  
12 yourself.

13 So I, I actually like it the way it's  
14 written. I like the way staff kind of summarized  
15 our comments. So it sounds like we may still not  
16 be there. But I feel like, you know, it's pretty  
17 good as presented.

18 CHAIR GANT: Steve, question for you.  
19 Does connecting the availability of personnel and  
20 equipment in a meaningful way to the operator's  
21 determination of the cessation -- of the ability  
22 to safely access the site address your concern?

1           MEMBER ALLEN: It does. And, actually,  
2 I was getting ready to say that. That second  
3 highlighted place regarding the availability of  
4 personnel and equipment, I mean I had to read it  
5 three or four times to make sure what it meant,  
6 it still might not be terribly clear, but I think  
7 it's okay.

8           I mean if the operator doesn't have the  
9 available personnel and equipment to get out  
10 there, that's their out, so.

11          CHAIR GANT: And so, and we'd go back to  
12 the staff, I'd ask that if you do not -- if your,  
13 if that was not your intention then to speak now.  
14 Because it sounds like the cessation of the event  
15 being determined by the operator, hinging on safe  
16 access with available equipment and personnel is  
17 important to small operators. So if that's not  
18 your intention, then you should speak up so we  
19 can change it. If that --

20          MR. NANNEY: That was.

21          CHAIR GANT: Pardon?

22          MR. NANNEY: That was our intention.

1 CHAIR GANT: Excellent. Love that.

2 MR. NANNEY: And one other thing is by  
3 putting the second bullet on clarifying in the  
4 preamble we wanted to give the states a place  
5 where they could point to their operators. And  
6 if they have their own supplemental code to the  
7 federal regulations that they could point to that  
8 the intent was you to come to the state. And  
9 that's what we thought we heard Steve saying  
10 yesterday.

11 CHAIR GANT: Okay. Mark no longer has  
12 his card up.

13 Sara and then Sue.

14 MEMBER GOSMAN: Just one other  
15 clarifying question. So when you say clarify  
16 that the timing begins after the operator has  
17 made a reasonable determination that the area is  
18 safe, I'm presuming that you're, basically what  
19 you're intending to do here is add reasonable  
20 determination in front of can be safely accessed  
21 by the personnel et cetera, et cetera, and not a  
22 separate requirement about safety. That somehow

1 -- Okay. Okay, thank you.

2 CHAIR GANT: Sue.

3 MEMBER FLECK: Sue Fleck, National Grid.

4 I believe that the intent is in your  
5 proposal to make the corrections. But I'm just  
6 going to go back to being really uncomfortable  
7 approving something I haven't seen.

8 And also, you know, to Chad's point, I  
9 think he's making a good point. The intent is  
10 for us to get out there as soon as possible. And  
11 if the intent of this is for us to get out there  
12 as soon as possible, you complicate it by  
13 throwing in 72 hours. Because then 72 hours is  
14 what the regulator, the state inspector is going  
15 to say, Well, but the code says 72 hours.

16 So if you soften it up so much that it  
17 doesn't matter to the state regulator, then why  
18 put it in there at all? Why not just say as soon  
19 as -- as soon as the situation is deemed safe and  
20 people and equipment are available. You don't  
21 even need the 72.

22 So it's like that's why I'm

1       uncomfortable without seeing the words because  
2       when you add a whole bunch of clarifying comments  
3       to 72 hours it's almost like why bother putting  
4       it in there?

5                You see what I'm saying? I'm just lost.  
6       I'm uncomfortable with this.

7                MR. MAYBERRY: I guess the concept of  
8       what you're voting on here with concepts, I think  
9       I've talked to many of you, in fact I know,  
10      about, you know, the goals, you know, to get  
11      through these topics, maybe to be efficient is  
12      let's be very specific on how we address the text  
13      or changes to the text so we can get through it  
14      and give meaningful input to us to go back and  
15      develop the final test, but not to actually word  
16      smith the exact text that we vote on, so.

17               I mean that was -- but there might be  
18      some areas where we need to say, okay, very  
19      specifically what are we talking about here? We  
20      may need to put that.

21               But to address your concerns, Sue, what  
22      would that take as far as --

1           MEMBER FLECK: I did agree to not word  
2 smith. You're right, I agreed. And then I'm  
3 getting nervous because --

4           MR. MAYBERRY: And there's always --  
5 yeah.

6           MEMBER FLECK: -- there's too much  
7 conversation going on right now after I thought  
8 we had kind of put this to bed yesterday. So  
9 it's just my discomfort level has been rising by  
10 the conversation we're having right here. That's  
11 all.

12           But in general I agree with you, we  
13 should be able to agree to the principles and  
14 trust that you guys will make the appropriate  
15 adjustments. We should.

16           CHAIR GANT: Andy.

17           MEMBER DRAKE: I'm going to give the  
18 contradictorian perspective here. I think we  
19 need to respect the size of the issues we're  
20 going through here.

21           This is not a big deal. We've given  
22 good guidance. I think we can look at providing

1 some of this clarification in this discussion in  
2 the preamble about get out there as soon as  
3 possible. Lean on, you know, your conversation  
4 with your state regulators to provide what's  
5 practicable. That can be in the preamble.

6 I think we're close enough here that I  
7 would, I would move forward with actually voting  
8 on this.

9 But I do think it's important that we're  
10 not setting a precedent that we're going to vote  
11 on concepts on all of these because some of these  
12 are very, very complex. And we're going to need  
13 to see the language on some of this because the  
14 devil is in the details.

15 And I know you appreciate that. But  
16 this one isn't, in my mind, one of those.

17 MR. MAYBERRY: Yes. I alluded to that  
18 a second ago. I think there are some where we're  
19 going, you know, some of the complicated issues  
20 we're going to really have to be very specific.  
21 So I can see that. So we'll work through that as  
22 it comes up.

1 CHAIR GANT: Cheryl.

2 MEMBER CAMPBELL: So, and I agree with  
3 you, Andy, I think it, this one is, this one is  
4 straightforward enough, but there are going to be  
5 some that I think seeing the language is  
6 critically important.

7 I guess my question for PHMSA would be,  
8 and maybe it's a point of order for the  
9 committee, if once the final rule is published in  
10 the Federal Register and the committee doesn't  
11 feel like items were addressed, I mean what's the  
12 protocol at that point? Because, I mean, that's  
13 the follow-up; right? If we vote on the concept  
14 and then the rule comes out and we go, wait a  
15 minute, that's not what we thought we said, is  
16 there, is there a path?

17 MR. MAYBERRY: Yes, procedurally there  
18 are tools available for -- to request, you know,  
19 petition for reconsideration. There are the  
20 tools. But that's one that probably could  
21 possibly be used.

22 CHAIR GANT: Andy.

1           MEMBER DRAKE: With some trepidation I  
2 am willing to wade into the water of making a  
3 motion here. But I might need a little help,  
4 whoever seconds this, to help clean up some of  
5 these provisions that we're talking about.

6           But I think that the proposed rule, as  
7 published in the Federal Register, in this draft  
8 that we've been talking about here, with regards  
9 to provisions for pipeline inspections following  
10 extreme events are technically feasible,  
11 reasonable, cost effective, and practicable if  
12 the following changes are made:

13           That we clarify the timing in paragraph  
14 192.613(c)(2) that begins after the operator has  
15 made a reasonable determination that the area is  
16 safe;

17           That we clarify in the preamble that  
18 operators are encouraged to consult the pipeline  
19 safety and public safety officials in order to  
20 make those determinations.

21           I think there were some other  
22 considerations that were offered in this

1 discourse about things that could be considered  
2 in the preamble about as soon as possible, and  
3 the discussions about smaller operators and  
4 access to sites.

5 That we delete whichever is sooner at  
6 the end of paragraph 192.613(c)(2).

7 And that we change the word  
8 infrastructure to facilities per the presentation  
9 slides.

10 MEMBER HILL: Robert Hill would second  
11 that motion.

12 CHAIR GANT: We have a motion and a  
13 second. I'd ask that Cheryl do a roll call vote.

14 MS. WHETSEL: Okay.

15 Steve.

16 MEMBER ALLEN: Aye.

17 MS. WHETSEL: Paula.

18 CHAIR GANT: Aye.

19 MS. WHETSEL: Terry.

20 MEMBER TURPIN: Aye.

21 MS. WHETSEL: Cheryl.

22 MEMBER CAMPBELL: Aye.

1 MS. WHETSEL: Andy.

2 MEMBER DRAKE: Aye.

3 MS. WHETSEL: Sue.

4 MEMBER FLECK: Aye.

5 MS. WHETSEL: Chad.

6 MEMBER ZAMARIN: Aye.

7 MS. WHETSEL: Mark.

8 MEMBER BROWNSTEIN: Aye.

9 MS. WHETSEL: Sara.

10 MEMBER GOSMAN: Aye.

11 MS. WHETSEL: Robert.

12 MEMBER HILL: Aye.

13 MS. WHETSEL: Bob.

14 MEMBER KIPP: Aye.

15 MS. WHETSEL: Rick.

16 MEMBER PEVARSKI: Aye.

17 MS. WHETSEL: Thank you.

18 CHAIR GANT: Thank you.

19 Cam, I believe up next we have a

20 discussion of the motion made yesterday -- no, we

21 don't have a motion on -- no, we don't have a

22 motion on management of change.

1 MR. SATTERTHWAITE: We don't? Okay.

2 All right, is that the end?

3 CHAIR GANT: And I believe that's it.

4 MR. SATTERTHWAITE: Do we have -- Okay.

5 CHAIR GANT: Yes. We didn't get that on  
6 management of change. So --

7 MR. SATTERTHWAITE: We do have voting  
8 language for management of change. Do you want  
9 me to show that, or do you -- since we don't have  
10 a -- I defer.

11 CHAIR GANT: Let's take a look at it if  
12 you have it.

13 MR. SATTERTHWAITE: So basically it was  
14 a to go to -- it was to adopt as proposed,  
15 provided the following revisions were made. And  
16 basically for non-integrity management assets  
17 provide a two-year phase-in period with a  
18 notification procedure for justified extensions.  
19 And to clarify that the requirement only covers  
20 significant changes that affect safety in the  
21 environment.

22 I'll allow you to stare at that for a

1 little bit.

2 CHAIR GANT: So this is the one where I  
3 had, my recollection is that there were some who  
4 thought we were close. There were some who  
5 thought that there needed to be a little bit more  
6 discussion and a look at the text.

7 And this is one particular where it was  
8 my understanding we were going to look at text  
9 today.

10 That being said, I would like to take  
11 comments from committee members on staff's  
12 response and next steps.

13 Chad.

14 MEMBER ZAMARIN: Chad Zamarin here. I  
15 kind of felt like we had a breakthrough there at  
16 the end. And I think staff has captured the two  
17 most significant items that we thought would  
18 improve the language.

19 So, you know, based on what I can recall  
20 from yesterday, I think, I think we're there.  
21 But that's just my opinion.

22 CHAIR GANT: Cheryl.

1           MEMBER CAMPBELL: Chad, I don't  
2 disagree. I think the biggest -- and again I'm  
3 thinking about the state regulators. And I don't  
4 begin to have the challenges that Sue has. But I  
5 think, I think the biggest problem, concern,  
6 challenge, right, operators are going to have is  
7 what does that word significant mean? And right  
8 balance, right, between the do we really need to  
9 define every single word in here? How do we get  
10 there; right?

11           But I would suspect that that's going to  
12 be the challenge that some operators are going to  
13 have. But, Chad, I don't disagree with what you  
14 said. And I'm pretty sure I know what  
15 significant means.

16           MEMBER ZAMARIN: Yes. Chad Zamarin  
17 here.

18           I think that's the nature of, you know,  
19 the balance between performance and prescription.  
20 And so I'm comfortable that it's going to be on  
21 us to demonstrate that we can tell and  
22 articulate, you know, the difference between

1 something that's insignificant and something that  
2 can have a material impact on safety or the  
3 environment.

4 I, my sense is that that's kind of the  
5 balance we do want to strike. Because the  
6 alternative is we go into trying to articulate  
7 every change that would drive this process. And  
8 then, you know, we, we likely won't get it all.

9 And I go back to the concept that I  
10 think the whole point of MOC is to get people to  
11 think about the things that are happening and  
12 actually make that determination: Are you doing  
13 something or changing something that could affect  
14 safety or the environment?

15 So I like the, some of the space that  
16 you create. Yes, yes, because that's the whole  
17 point, we want you to think. We don't want you  
18 to go through a checklist. We want you to think,  
19 does this change have a potential to impact  
20 safety or the environment?

21 CHAIR GANT: Okay. Sara, Andy and then  
22 Alan.

1           MEMBER GOSMAN: So another newbie  
2 question on voting. So, again just going back to  
3 the statute. So I understand my job to be voting  
4 on the technical feasibility, reasonableness,  
5 cost effectiveness, and practicability of the  
6 proposed standard. And so in this case I think  
7 that the proposed standard as is actually meets  
8 that standard.

9           And then I have a separate sort of, I  
10 can make a separate vote, right, as to whether  
11 this particular language also meets that standard  
12 in my opinion.

13           But I'm wondering how you deal with that  
14 question.

15           CHAIR GANT: Well, hear from Andy and  
16 Alan, and then an answer to these questions.  
17 Address it after Andy in your final.

18           MEMBER DRAKE: I think the language that  
19 we have here reflects the themes of the  
20 discussion yesterday. And I think that's very  
21 good.

22           There's a never-ending question about

1       how to -- we had a very good conversation  
2       yesterday that clarified among us what  
3       significant meant and how to apply it. And I  
4       think what we're trying to do, what we're  
5       struggling a little bit with here is how do we  
6       capture that or treat that in posterity so that  
7       it can be hands off to so many people who weren't  
8       in that room? Is that best handled in a preamble  
9       or some other, some other vehicle?

10               I don't think you can solve it in the  
11       language of a performance-based rule. I really  
12       don't. The way this is handled, I think, is the  
13       right way to do this. It's just how do you  
14       supplement it?

15               And I think that may be another part of  
16       this. Is there some way to use a preamble or  
17       some FAQ to help clarify the color of the  
18       conversation we had here yesterday? And that's  
19       it. So it's not really a part of the rule, other  
20       than we would be giving you guidance in a motion  
21       to create some record that helps, you know, to  
22       capture that, that discussion.

1           MR. SATTERTHWAITE: Just a quick  
2 response to that aspect of your, of your comment.

3           Basically the transcript would  
4 definitely serve as that. I mean it of course  
5 memorializes everything that was discussed here.  
6 And people can do word searches to pull that in.

7           In addition to that, there is a summary  
8 that goes into the Final Rule that details the  
9 proceedings of the Advisory Committee. And we do  
10 that for each topic area that's discussed.

11           And so a summary would be best based on  
12 the Final Rule. That would also point to the  
13 transcript for more detail.

14           CHAIR GANT: Alan. I'm going to come  
15 back to you. Alan.

16           MR. MAYBERRY: Okay. Related to that  
17 point, we, you know, we will issue guidance  
18 material on this. And one thing we'll be doing  
19 as well is when this rule -- and we're going to  
20 be doing that on all of our rules that we issue,  
21 is we will, you know, do some outreach,  
22 especially with the states. Because I know

1       there's concern over, you know, making sure  
2       everyone gets the message on what we mean by  
3       that. So it will be addressed as we role the  
4       rule out.

5                You know, it's not just about getting to  
6       the finish line, publishing the rule. But we  
7       have to implement it. And to implement it you  
8       need to know the expectations related to things  
9       like that.

10              And I would only offer up that, you  
11       know, that could also be addressed in the  
12       preamble. Certainly we'll point to these  
13       proceedings, but the preamble could address the,  
14       at least the concept of significant, what we mean  
15       by that. And I would, I would say we would take  
16       that up to do.

17              CHAIR GANT: Andy, did you have some  
18       more?

19              MEMBER DRAKE: I think that would be  
20       really tidy. You know, I think that addresses  
21       the concerns that you're kind of hearing here.  
22       But I think that's the right plan.

1           The transcript is good, it's just a lot  
2 of reading. And from a practical standpoint, not  
3 many people go back that far. It's stored  
4 somewhere next to the Covenant of the Arc. But,  
5 you know, this would be a little more accessible.

6           MEMBER CAMPBELL: And for the record,  
7 Chair, I would be comfortable with PHMSA issuing  
8 some guidance as, that summarizes our discussion  
9 of where we got it.

10          CHAIR GANT: Sure.

11          MEMBER FLECK: Sue Fleck, National Grid.

12          Just one other, it's probably a minor  
13 point because I think, I think the intent is  
14 pretty clear but it could be misconstrued. We  
15 talked about this yesterday but it didn't end up  
16 in your thing. This isn't a general provision  
17 section, so it could be misinterpreted as being  
18 about distribution assets as well. And I think  
19 there's a simple way to fix that, potentially.

20          You say each operator of an onshore gas  
21 transmission pipeline must evaluated the risks,  
22 blah, blah, blah. But then you go on to say of

1 managing pipeline design. So, if that was of  
2 managing transmission pipeline design maybe you'd  
3 narrow it down.

4 We just want to make sure that  
5 distribution can't possibly be pulled into this.  
6 So you see what I'm saying? You say operators of  
7 gas transmission but it's in a general section.  
8 If this was in a transmission section we wouldn't  
9 have this fear. But it isn't, it's in general.  
10 So it would be nice if that were specifically  
11 stated that this is managing transmission  
12 pipeline design construction, and so on and so  
13 forth.

14 CHAIR GANT: So the Chair's observation  
15 is I want to make sure that Professor Gosman got  
16 an answer to the question she raised earlier.  
17 And did you have an additional question? No.  
18 Okay.

19 And if staff needs Sara to repeat the  
20 question, please let me know.

21 I also want to make an observation that  
22 based on the significant conversation we had

1 yesterday, I don't think the second bullet  
2 sufficiently covers the import of making sure  
3 that you set out the context for the application  
4 of this management of change requirement and the  
5 focus on matters relating to safety and  
6 environment.

7 We had a lot of discussion yesterday.  
8 And I think it's come up again today. And I'm  
9 not, I'm not sure that that bullet quite captures  
10 the import of it.

11 Secondly, there was a good bit of  
12 discussion about the structure of the text. That  
13 seems to suggest that all of the things that  
14 follow Section 11, the other, the ASME standard,  
15 are contained in the ASME standard. And I think  
16 just acknowledging that they're not or how that's  
17 going to be dealt with is important based on the  
18 conversation we had yesterday.

19 If I could ask staff to respond to  
20 Sara's question and then we'll go back to Andy.

21 MR. SATTERTHWAIT: Regarding the  
22 question regarding whether or not you could make

1 a motion to adopt the language as proposed  
2 without any revisions, is that what you were  
3 saying, Sara?

4 MEMBER GOSMAN: Well, I'm just learning  
5 as I go along here. Maybe that's the right  
6 answer.

7 But it seems to me like, from my  
8 perspective, I'm asked, I'm being asked to vote  
9 on a motion that seems to imply that the current  
10 proposed language is not, in fact, meeting the  
11 standard, which isn't what I actually think.  
12 There's a sort of separate question about whether  
13 I think this language also could meet the  
14 standard. But I think sort of procedurally feel  
15 like there's this initial question about whether  
16 the proposed language itself does.

17 And I'm coming into this completely new.  
18 But I wonder if the right procedure is for  
19 everyone to vote on the proposed language itself  
20 and then vote on changes to the language, because  
21 that's the sort of statutory, statutory direction  
22 is to vote on the proposed rule and then to make

1 recommendations if, if needed.

2 CHAIR GANT: So the motion that was made  
3 yesterday was to have staff consider the comments  
4 raised. That based on the comments raised, the  
5 committee was not okay with how this, the  
6 proposal is stated. And asking staff to come  
7 back with a response.

8 And the motion wasn't to vote on the  
9 text of this. The motion was to consider an  
10 alternative version.

11 So someone would need to make a motion  
12 to vote on the text of this. It's my  
13 understanding that if it's -- that hasn't  
14 generally been the process here. But, I mean,  
15 I'm learning it with you, Sara.

16 Andy, did you have your card up still?

17 MEMBER DRAKE: I did. I think just as  
18 a point of clarification to Sue's point about the  
19 focus of the rule is on transmission that we  
20 focus on, it's not on distribution. I think it's  
21 also not on gathering.

22 Where this, where this sits is sort in

1 the general duty section. So we have to be  
2 careful that if we're going to say it applies to  
3 only one thing, we have to be very articulate  
4 what that thing is and isn't.

5 So I would add just to be -- you know,  
6 I'm not a constructionist, but I think we need  
7 to, need to record that. So as you clarify what  
8 it applies to, I think you want to clarify not  
9 distribution, not gathering, because they would  
10 get wrapped up together.

11 CHAIR GANT: Alan.

12 MR. MAYBERRY: In an effort to address  
13 the text, I guess, in bullet 2, you know, just I  
14 guess definitions-wise or, you know, how we  
15 consider safety really is an all-encompassing  
16 term that pulls in pipeline integrity and the  
17 like. So when we refer to safety we're really  
18 pulling in, you know, the full, full gamut of  
19 everything involved in that. And then we added  
20 here the environment.

21 Just, a lot of times we also mean the  
22 environment when we say safety, as well. But

1 just to specify, you know, that it does include  
2 that, since that is the second part of our  
3 mission, safety and protecting the environment.

4 CHAIR GANT: Staff response on the point  
5 raised by Sue and Andy regarding the text  
6 explicitly setting out that this applies to what  
7 this applies to, the transmission only?

8 MR. SATTERTHWAITTE: What we can do  
9 definitely here is this is the part where we can  
10 add in for either -- so many different ways we  
11 can go forward. The response to Sara's comment,  
12 I mean you can definitely make a motion to vote.  
13 Whether or not somebody seconds it, that's fine.  
14 I mean, do that in coordination with, you know,  
15 with the chair. So there's nothing wrong with  
16 that.

17 Regarding any other points, this is the  
18 part where Bobby can add that text here into the  
19 list of amended information. Just tell him what  
20 you want to put up there as a committee group and  
21 see. And we can just get to that language here,  
22 if that's possible.

1           Understand that we may have to employ  
2 other methodologies when we get to more  
3 complicated situations. If this is a more  
4 complicated situation that is unable to use this  
5 methodology, then we can discuss that.

6           CHAIR GANT: Comments by committee  
7 members?

8           Chad, sorry, I think it's you.

9           MEMBER ZAMARIN: I was going to move  
10 this to a vote, unless there's additional  
11 conversation. But why don't I go ahead and try  
12 it.

13           MEMBER ZAMARIN: I would move that we  
14 vote to approve the proposed rule as published in  
15 the Federal Register and the Draft Regulatory  
16 Evaluation with regard to the provisions for  
17 management of change being technically feasible,  
18 reasonable, cost effective, and practicable if  
19 the following changes are made:

20           For non-IM assets, provide a 2-year  
21 phase-in period with a notification procedure for  
22 justified extensions;

1 Clarify the requirement only covers  
2 significant changes that affect safety and the  
3 environment.

4 And clearly state that this requirement  
5 does not apply to distribution or gathering  
6 lines.

7 (Pause.)

8 CHAIR GANT: Andy.

9 MEMBER DRAKE: Thank you for that little  
10 pause there. Just wanted to make sure I didn't  
11 jump --

12 CHAIR GANT: I wanted to build up some  
13 suspense.

14 MEMBER DRAKE: I know. I didn't want to  
15 jump too fast with a second. But I'm willing to  
16 second that.

17 CHAIR GANT: So, with that, I would ask  
18 Cheryl to do a roll call vote.

19 MS. WHETSEL: Okay.

20 Steve.

21 MEMBER ALLEN: Aye.

22 MS. WHETSEL: Paula.

1 CHAIR GANT: Aye.  
2 MS. WHETSEL: Terry.  
3 MEMBER TURPIN: Aye.  
4 MS. WHETSEL: Cheryl.  
5 MEMBER CAMPBELL: Aye.  
6 MS. WHETSEL: Andy.  
7 MEMBER DRAKE: Aye.  
8 MS. WHETSEL: Sue.  
9 MEMBER FLECK: Aye.  
10 MS. WHETSEL: Chad.  
11 MEMBER ZAMARIN: Aye.  
12 MS. WHETSEL: Mark.  
13 MEMBER BROWNSTEIN: Nay.  
14 MS. WHETSEL: I'm sorry, did you say  
15 nay?  
16 MEMBER BROWNSTEIN: Nay.  
17 MS. WHETSEL: Okay.  
18 Sara.  
19 MEMBER GOSMAN: Nay.  
20 MS. WHETSEL: Robert.  
21 MEMBER HILL: Aye.  
22 MS. WHETSEL: Bob. Looks like Bob, did

1 he mention he was leaving to anybody?

2 Yes, we still have a quorum. Although  
3 I'm going to defer to the chair.

4 (Pause.)

5 CHAIR GANT: We're confirming we still  
6 have a quorum?

7 MS. WHETSEL: Right. Correct.

8 CHAIR GANT: Yes.

9 MS. WHETSEL: Okay. And then Rick.

10 MEMBER PEVARSKI: Aye.

11 MS. WHETSEL: All right. Sorry about  
12 that.

13 CHAIR GANT: The motion passes.

14 MEMBER BROWNSTEIN: Madam Chair, I just  
15 want to, want the record to reflect as to why I  
16 voted no on this. I was fine with this up until  
17 the time that we added gathering lines into this.  
18 As far as I'm concerned, gathering lines are very  
19 much within PHMSA's jurisdiction. And, actually,  
20 there's absolutely no reason why these provisions  
21 wouldn't apply to that.

22 CHAIR GANT: So noted.

1 Sara.

2 MEMBER GOSMAN: Yes. So I'll just  
3 second that. As well as being concerned about  
4 the 2-year phase-in period being too long.

5 CHAIR GANT: Noted.

6 Other comments from committee members?

7 (No audible response.)

8 CHAIR GANT: Other items from yesterday  
9 that staff would like to respond to?

10 Chad.

11 MEMBER ZAMARIN: Chad Zamarin here.

12 I think it would just be helpful -- I'm  
13 a gas transmission operator -- but it might be  
14 helpful to respond to Mark's comment about  
15 applicability of the rule in gathering,  
16 distribution, transmission, because this is  
17 likely to come up as a theme, I think.

18 You know, I don't really have a dog in  
19 that fight as an operator, but I'd be interested  
20 to hear whether there is direction for us not to  
21 be considering applicability beyond transmission  
22 or what, what PHMSA's thoughts are on that.

1           MR. MAYBERRY: Any gas gathering that's  
2 really applicable we would expect for it to be  
3 covered. But the intent of the rule really was  
4 gas transmission. And there are aspects that  
5 deal with gas gathering as well, but it's a  
6 subset of the full array of regulations.

7           So that's really the -- you know, like  
8 anything with writing rules, there's an aspect  
9 for cost/benefit that we, we work through. And  
10 certainly that came into play, too, that flavor  
11 just where we landed this, this rule on that.

12          MEMBER BROWNSTEIN: I just, so I respect  
13 that. There is a larger discussion to be had  
14 here, before this package gets finalized, on  
15 these questions. And I respect that there's a  
16 variety of views around this table. Right? I'm  
17 not suggesting that different perspectives are  
18 illegitimate. I'm just suggesting that this was  
19 not the time and place to try to work that out.  
20 All right?

21           And so I'm reserving my right to have  
22 this conversation and revisit this point in the

1 larger context, whenever that conversation is  
2 appropriate for the purpose of finalizing this  
3 rule.

4 MR. MAYBERRY: And I appreciate that.  
5 And certainly gathering is on our radar. You  
6 know, just with what we've seen with the shell  
7 gas production area, seeing the Pennsylvania, New  
8 York area and other areas, we're seeing gathering  
9 lines that are, you know, really sure smell and  
10 look like a transmission line but they're  
11 considered gathering, and they're outside the  
12 scope of our regs.

13 And certainly gathering in general is  
14 definitely an area that we would like to look at,  
15 take a closer look at. So anticipate we'll be  
16 talking more about that because it is an area of  
17 concern.

18 CHAIR GANT: Okay. I think we need to  
19 move to closing remarks. So but I think I would  
20 like to offer you the opportunity to --

21 MR. MAYBERRY: Okay.

22 CHAIR GANT: -- Alan. I would like to

1 provide Alan the opportunity to provide closing  
2 remarks, and then any members of the committee,  
3 given that you'll be coming back together in  
4 about a month to do this again. And any thoughts  
5 that you might want to have on the record or in  
6 each other's minds to frame the work that you'll  
7 be doing going forward, it's an opportunity to  
8 set out intentions and commitment. So let Alan  
9 make good use of that time.

10 So, Alan, over to you. Then I'll open  
11 it up to committee members to provide thoughts.

12 MR. MAYBERRY: Thanks, Madam Chairman.

13 Still learning this. I'm not sure of  
14 the order of this. I guess I do the closing  
15 remarks at this point.

16 But just wanted to say thank you. I  
17 think we made good progress in talking about this  
18 important rule, gas transmission, gas gathering  
19 rule. And really appreciate your input. We  
20 value the input of the committee and we  
21 appreciate your service.

22 This is an important rule for all of us,

1 and we need to get it right. I really  
2 appreciated the fact that we had very good dialog  
3 and talked through some, you know, important  
4 issues here. Certainly we warmed up to a larger  
5 discussion next time on some probably meatier  
6 issues as we get to the end of February for our  
7 next meeting.

8 But I appreciate your focus on pipeline  
9 safety. And, you know, just ensuring, trying to  
10 get to the right place with those topics that  
11 we've, the nine topics that we've covered over  
12 the last couple of days.

13 And then with that, I'd just like to add  
14 on behalf of Marie Therese -- I was speaking with  
15 her a little bit ago -- and she really  
16 appreciates your services as well. She's sorry  
17 she couldn't be here today. She had intended to  
18 be here today. But she does send her regards and  
19 best wishes moving forward, you know, as we  
20 finalize this rule. Again, she's, as she's  
21 warned me, she will come back if I don't get this  
22 right. So we're going to -- of if we don't get

1 it right you'll see her back here. But anyway.

2 Also appreciate the new members of the  
3 committee, you know. Sara Gosman, Steve Allen,  
4 thank you so much for your input. Appreciate  
5 your engagement.

6 And I failed to mention earlier, we did  
7 have two members that were absent -- well, three  
8 absent but two of the existing members -- Rich  
9 Worsinger from City of Rocky Mount, and Don  
10 Stursma, with the Iowa Utilities Board.  
11 Hopefully they'll be able to make it to our next  
12 meeting. And then, of course, we were missing  
13 Dave Danner, who is Chair of the Washington  
14 Utilities Commission.

15 Appreciate the input also from the  
16 public, people who took the interest to be here.  
17 A lot of great input from the public and  
18 stakeholders, and others who were present today.

19 I'd like to also thank staff. You know,  
20 it takes a lot to put these things on. And just  
21 leading up to today it was a multi-year process  
22 that involved so much, so much effort on the side

1 of staff. And then just putting this, you know,  
2 before you today, you know, I'd like to thank  
3 Cameron Satterthwaite, who leads our -- acting  
4 head of our Standards and Rulemaking Group; John  
5 Gale, who was here kind of quiet the last couple  
6 of days, but he's kind of working in our Office  
7 of Planning and Analytics, but who's also been  
8 engaged. And was a good part of leading up to  
9 being here today.

10 And then, of course, you know, Steve and  
11 Chris our main presenters. You guys did great.  
12 Appreciate your effort there. And Cheryl Whetsel  
13 who's our Advisory Committee Manager.

14 And then, of course, the drivers of the  
15 show, Sailor and Bobby, over there to my left,  
16 thanks a lot.

17 And then Steve, who was our, making sure  
18 I stayed straight from a legal aspect. Thank you  
19 very much.

20 So a big round of applause, please, for  
21 the staff.

22 (Applause.)

1           And then finally, Paula. Gosh, thank  
2           you. You're a natural. And I might look into  
3           maybe we can hire a contract chairperson for  
4           this, a contractor member, so.

5           (Laughter.)

6           Did great, really. Kept up with  
7           everything. Kept me in line, too, so, awesome.  
8           Thank you so much.

9           So with that, you know, I'll turn it  
10          back over to you to adjourn the meeting.

11          Thank you.

12          MEMBER CAMPBELL: Just a matter of  
13          housekeeping. February 20th is the next meeting?

14          ALL: 28TH.

15          MEMBER CAMPBELL: 28th? 28th. Three  
16          days?

17          MR. MAYBERRY: Three days, yes.

18          MEMBER CAMPBELL: Okay. So we're going  
19          to come back to that. You all get those details  
20          sorted. We'll come back to that.

21          Comments from committee members, closing  
22          thoughts? No parting shots?

1           Okay, yes. Thanks, Cheryl.

2           Actually, I just wanted to say that I  
3           like the format of having the public comments go  
4           first. And it gives, I think it gives the -- it  
5           gives me the opportunity to hear, you know, some  
6           different, different takes on some of the  
7           information, and some real examples, right, of  
8           some of this stuff, how it applies.

9           So, I like the format. And then the  
10          opportunity for the committee to discuss.

11          I also would like to say that I thought  
12          the conversations went a lot, a lot more -- you  
13          know, we were worried more about some of the  
14          concepts and some of the conversations we had  
15          around the prescriptive versus performance. I  
16          mean, I think that's what this committee should  
17          be worried about, how to move it forward to that  
18          goal of public safety. And appreciated that we  
19          were working hard to keep the conversation at the  
20          right level. So I thought that part of it worked  
21          really well.

22          Thank you.

1 CHAIR GANT: Thank you all for your  
2 participation and, I think, really constructive  
3 dialog. It's been a pleasure.

4 Want to note that you have your meeting  
5 February 28th, leap year. No? So it's just the  
6 1st. So it's just two days.

7 Okay, so February 28th. Excuse me.  
8 January -- excuse me, February 28th, March 1st,  
9 March 2nd. The topics of that next meeting are  
10 up on the screen here, as previously published.

11 So, with that, I will adjourn this  
12 meeting. And good luck to you.

13 (Whereupon, the above-entitled matter  
14 went off the record at 12:42 p.m.)

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Before: US DOT/PHMSA

Date: 01-12-17

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