

PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION

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VOLUNTARY INFORMATION-SHARING SYSTEM WORKING  
GROUP

+ + + + +

MEETING

+ + + + +

THURSDAY  
AUGUST 23, 2018

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The Voluntary Information-Sharing System Working Group met in the U.S. Department of Transportation, Oklahoma Room, 1200 New Jersey Avenue, SE, Washington, DC, at 8:30 a.m., Diane Burman, Chair, presiding.

PRESENT

DIANE BURMAN, Chair; Industry-State Public Utility Commissioner \*

MICHAEL BELLAMY, Industry-Inspection Technology Vendor

BRYCE BROWN, Industry-Inspection Technology Vendor

ROBERT BUCHANAN, Industry-Coating & Cathodic Protection Vendor

DAN COTE, Industry-Operator

JASON CRADIT, Industry-Inspection Technology Vendor

MARK HERETH, Industry

LEIF JENSEN, Industry-Operator

WALTER JONES, Labor Representative

MICHAEL KELLER, Research Institution \*

MIKE LAMONT, Industry-Pipeline Inspection Organization

JOHN MACNEILL, Labor Representative  
RANDY PARKER, Industry  
SIMONA PERRY, Safety Advocacy Group  
JOE SUBSITS, State Pipeline Safety Inspector  
CHRISTOPHER WARNER, Industry-Coating & Cathodic  
Protection Vendor  
MARK ZUNIGA, Industry-Inspection Technology  
Vendor

ALSO PRESENT

CHRISTIE MURRAY, Designated Federal Official  
AHUVA BATTAMS, Attorney-Advisor  
SHERRY BORENER, Alternative Designated Federal  
Official  
MICHELLE FREEMAN, Alternative Designated Federal  
Official  
MAX KIEBA, Alternative Designated Federal  
Official  
KAREN LYNCH, Alternative Designated Federal  
Official

CHRIS MCLAREN, Alternative Designated Federal  
Official

HUNG NGUYEN, PHMSA Support Staff

NANCY WHITE, Alternative Designated Federal  
Official

DOUGLAS WHITE, Alternative Designated Federal  
Official

\*present by teleconference

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

8:33 a.m.

DR. MURRAY: We're going to go ahead and get started. Welcome, everyone, and thank you for joining us for the Voluntary Information-Sharing Working Group Federal Advisory Committee meeting.

I'm Dr. Christie Murray, and I will be serving as the designated federal official for today's meeting. And we also have Commissioner Diane Burman who is on the phone, and she will be chairing today's meeting.

The purpose of the meeting today, or the whole Voluntary Information-Sharing Working Group effort, is to fulfill Section 10 of the PIPES Act of 2016. And this Advisory Committee has been asked to consider the development of a voluntary information-sharing system to encourage collaboration across the pipeline industry to improve inspection information, feedback, and also improving gas transmission and hazardous liquid pipeline facility integrity risk analysis.

1           The purpose of the Committee is to  
2 provide a recommendation report to the Secretary  
3 of Transportation. The means in which that will  
4 occur will be through a recommendation report  
5 that this Committee has been working on most of  
6 this year, and the goal of the Committee is to  
7 have a finalized report by the end of this year  
8 in December.

9           Here on the screen -- and Michael and  
10 Diane, let me apologize. If you check your email  
11 I sent out this morning, if you're not able to  
12 join us on Skype, all the presentations and  
13 report out documents for today are in an email  
14 that I sent this morning. And the presentation  
15 that I'm actually going through now is the PHMSA.  
16 I think it's a PDF document, and it is a PHMSA  
17 presentation. And I happen to be on Slide 5.

18           And on Slide 5 is the strategic  
19 mission statement that the Advisory Committee  
20 developed and voted on back in November of 2017.  
21 I'm not going to read it in its entirety. But I  
22 do want to highlight that based on the mandate

1 from the PIPES 2016 Act, the Advisory Committee  
2 did expand that scope. And this mission  
3 statement includes what that expansion consist  
4 of.

5 The purpose is to develop a secure  
6 voluntary information-sharing system that  
7 encourages collection and analysis to help  
8 improve pipeline safety for gas transmission --  
9 and then you'll see an expansion for gas  
10 distribution and hazardous liquid pipelines --  
11 and to have that analysis and collection taking  
12 place in a measurable way. That ultimately leads  
13 to actionable outcomes, and there's a few key  
14 words that were intentionally highlighted here to  
15 capture the essence of the Advisory Committee's  
16 intent.

17 So I want to move just into a few  
18 housekeeping items, and then I want to turn it  
19 over to Mark Hereth for a brief safety share this  
20 morning.

21 One, I just want to bring it to your  
22 attention that if you go out of the doors

1 immediately to my right, particularly this back  
2 corner, diagonal to the left of this room, you'll  
3 find the restrooms. The men's restroom is on the  
4 left, and the women's restroom is on the right.

5 If you are visitor -- and thank you  
6 all who are joining us as visitors and members of  
7 the public and guests. And if you're here and  
8 you're wearing an escort badge from our security  
9 office, please be advised that you will need an  
10 escort as you move throughout the building today.  
11 If you want to go to lunch in our cafeteria or  
12 visit other parts of the building, you'll need a  
13 PHMSA staff member to escort you today.

14 If you haven't already, please silence  
15 your mobile devices.

16 There will be meeting minutes and we  
17 will also have our meeting transcribed today.  
18 And those transcripts will be available on the  
19 meeting registration page probably in about a  
20 week or so following today's meeting.

21 We do invite participation from the  
22 audience. We do ask that you hold your comments

1 till we open the floor for audience comments.  
2 And try to keep your remarks as brief as you can,  
3 but make sure you, of course, execute whatever  
4 points you really want to make. And if you're  
5 interested, written comments can also be  
6 submitted to the docket for this Voluntary  
7 Information-Sharing Working Group at PHMSA, P-H-  
8 M-S-A, -2016-0128.

9 Now, in case of an emergency, I have  
10 a little excerpt that I'd like to read, and this  
11 diagram will help with that. We're currently  
12 located in the Department of Transportation's  
13 conference center. We're in the Oklahoma Room at  
14 1200 New Jersey Avenue, Southeast, Washington,  
15 D.C.

16 This building is alarm equipped. And  
17 in an emergency, an alarm will sound and provide  
18 information on actions we should take. If we  
19 need to shelter in place, such as a tornado, we  
20 will move into the interior portion of the  
21 building until otherwise directed.

22 If an emergency requires an excavation



1 -- evacuation -- you see where my mind is --

2 (Laughter.)

3 DR. MURRAY: -- evacuation from the  
4 building, the exits from this room are located on  
5 the top -- just making sure you guys are awake  
6 this morning --

7 (Laughter.)

8 DR. MURRAY: -- are located to the  
9 right. I mentioned, to the right. We'll go out  
10 of the doors we came in and hit two immediate  
11 rights and head straight out of the conference  
12 room doors, as this diagram depicts. Once you  
13 get outside the conference room doors, you're  
14 going to make a right and go out through the  
15 security to the 3rd Street exit. And then we're  
16 going to make a right and go all the way back  
17 outside toward the waterfront. And our rallying  
18 point will be at the fountains near the  
19 waterside.

20 In both instances, we need to make  
21 sure that we account for everyone at the meeting.  
22 So please look to your right and make sure the

1 person to your right stays with you or is  
2 accounted for.

3 In the event of a medical emergency,  
4 John, are you still willing to volunteer today to  
5 provide emergency CPR aid? Thank you. And if we  
6 need to find an AED, Nancy, are still here?

7 MS. WHITE: I'm here.

8 DR. MURRAY: Oh, there you go. Are  
9 you still willing to find us an AED and  
10 expeditiously bring it?

11 MS. WHITE: Yes.

12 DR. MURRAY: Okay, thank you. And  
13 Chris, there you go. Are you still willing to  
14 dial 911? Okay, perfect. Thank you. And if we  
15 need to call security, the number is (202) 366-  
16 0333. And make sure the responders know how to  
17 access our location.

18 In an event of an earthquake, who  
19 remembers what to do? A rhyme.

20 (Laughter.)

21 DR. MURRAY: Drop, cover, and hold on.  
22 In the event of an active shooter, who knows what

1 we need to do? Run, hide, fight. Excellent.

2 You all listened from yesterday, great.

3 I mentioned where the restaurant --  
4 restaurants, you know I'm hungry -- restrooms are  
5 located already. Also, there are a lot of cables  
6 and cords around. If you need to plug in  
7 devices, just be mindful that there are tripping  
8 hazards in the vicinity.

9 With that being said -- yes?

10 MR. HERETH: May I add one thing?

11 DR. MURRAY: Sure.

12 MR. HERETH: So what other companies  
13 do is they do one more step. They say, I'll  
14 sweep -- one person to sweep the room. I'll  
15 volunteer to sweep the room, meaning, to check to  
16 make sure everybody is out.

17 DR. MURRAY: Okay, excellent. Thank  
18 you. I appreciate that. I'll make a note of  
19 that. All right.

20 So now, I will turn it over to Mr.  
21 Hereth. So he is going to bring up a brief  
22 presentation.

1 MR. HERETH: Okay. This is a safety  
2 moment. This is an actual incident. I just want  
3 to take the opportunity to share it in a  
4 PowerPoint. Yes, oops. Okay, you've already  
5 seen the answer.

6 (Laughter.)

7 MR. HERETH: Okay. That's okay. The  
8 key is to see the content. Okay. So this is an  
9 actual event in about 2006. You have State  
10 Highway 1 here. You have a small road off to the  
11 side. You have a series of structures, houses  
12 along the road in the blue here. And you can see  
13 that the house of interest in this case is the  
14 address is 3268 State Highway 1.

15 You'll see there's electrical wires,  
16 if you allow license for my artistic talent or  
17 lack thereof. They're across the street. So a  
18 One Call ticket gets called in with the address  
19 at 3268. And the request is to bring power from  
20 this utility to 3268. The person handling the  
21 ticket looks at it on his screen, sees the  
22 address, sees that they need the power, and goes

1 out to do the work.

2           However, next, if you could flip down,  
3 in advance of that, of course, there's going to  
4 be a One Call, right? So in fact, the owner of  
5 this property at this point actually did make the  
6 One Call. They did it with sufficient time.  
7 These lines are actually red, right, for power to  
8 show that there were marks for each one of these  
9 showing how the power was connected to the poles  
10 across the street. They were actually drawn  
11 through a conduit across the street.

12           So the next click. In this case,  
13 there's also a pedestal in the backyard. And  
14 that's where the homeowner wanted the electric  
15 power to be drawn to. Unfortunately, the  
16 excavator, in looking at his ticket, didn't look  
17 down the full ticket. He was in a hurry, and he  
18 looked at the information that was on his screen.

19           So click one more down. And the  
20 excavator actually brought in this piece of  
21 equipment here which was a rotary excavator. And  
22 these rotary excavators can readily go more than

1 two and a half or three feet. And as we find  
2 often with excavation, excavators are uninhibited  
3 sometimes by what they run into. They just keep  
4 going.

5 If you'll notice along this property  
6 here, there's a fence line into this road. So  
7 keep going one more click. So lo and behold,  
8 there happens to be a 30-inch pretty high  
9 pressure pipeline, about 800 pounds. And it  
10 happens to cut across the road, go back through a  
11 field near that pedestal. One more click.

12 It actually has a PI, a point of  
13 inflection, which is an important part of this.  
14 Keep going. And unfortunately, the excavator,  
15 when seeing this, didn't look at his full ticket.  
16 He saw the proximity of the buildings and decided  
17 instead of going through and having to run  
18 conduit under the street, I'm going to take -- he  
19 scoured around. He said, oh, I'm going to be  
20 able to go through the back of this property.  
21 I'm going to go through here and connect.

22 And so he starts to take his excavator

1 in there, starts to run his rotary excavator,  
2 keep going, and he strikes the line. So how does  
3 this happen? Well, first, he didn't read the  
4 full ticket, right? And he made a decision about  
5 where he wanted to go in. He also missed these  
6 pipeline markers, and click one more time. And  
7 yes, these tickets today would have 811. That's  
8 just a reminder, right? Or I'm sorry, the  
9 markers. Those markers should have 811.

10 But by regulation, you're required to  
11 have them on each side of a road. And typically,  
12 you're going to have a PI so could have line of  
13 sight. And in fact, when we went out there to  
14 investigate this incident afterwards, there were  
15 those markers at the road and there was a marker  
16 at the PI. Keep going. Oh, sorry. Keep going  
17 back.

18 So what else failed in this incident?  
19 By the way, this excavator, when he cut into the  
20 line, he actually killed himself. So he was  
21 burned badly and killed. So these are the kinds  
22 of things that we don't want to have happen,

1 right? So what failed here beside the things I  
2 noted earlier? Chris?

3 MR. WARNER: Did they wait two days  
4 for it to be located and marked?

5 MR. HERETH: Yes, yes.

6 MR. WARNER: He did wait?

7 MR. HERETH: He did wait. He did.

8 MR. WARNER: What did they mark?

9 MR. HERETH: It was not marked, and  
10 here's why it wasn't marked. Because -- great  
11 point -- the gas company saw the ticket and the  
12 locator said, here. And he saw red marks from  
13 the utility that come in before him, separate  
14 utility, separate gas from power. And he simply  
15 marked the front of the building. Absolutely,  
16 great point.

17 It does show you that you should be  
18 marking, right, an entire property. Because the  
19 property perimeter -- and these are company long  
20 lots. So you should've gone back and marked the  
21 whole property. But in fact -- okay, keep going.

22 MR. WARNER: I thought the excavator



1 also was supposed to mark in white, the  
2 excavation there.

3 MR. HERETH: They should white line,  
4 yes. They should white line. They didn't white  
5 line.

6 MR. WARNER: Right.

7 MR. HERETH: Actually, in this  
8 particular state, white lining wasn't required at  
9 that point in time. Today, it is. Does  
10 everybody understand what white lining is? It's  
11 where you go in and you actually mark out the  
12 work area, right? What else? Anything else?  
13 Okay.

14 I wanted to share this as a safety  
15 moment, but I'm doing it for another reason. Why  
16 is that? How many people have ever seen this  
17 incident before? How many people think this is  
18 really good to know about? And if you don't  
19 raise your hand, I'm wondering why.

20 (Laughter.)

21 MR. HERETH: So this is what lessons  
22 learned are about. So even I -- I shouldn't say

1 that -- I missed an opportunity to understand  
2 what this group could do yesterday. And this is  
3 a great example of a lessons learned. As we'll  
4 talk about this morning, there are keys to  
5 prioritizing what we do and how we go at it. But  
6 we should be learning about things like this.

7 Okay. Any other questions or comments  
8 on those things that I missed? Thank you.

9 (Applause.)

10 DR. MURRAY: I'm thankful you shared.  
11 It was very timely and much appreciated. PHMSA,  
12 most of you -- some of you might be aware of, we  
13 have an entire excavator enforcement program that  
14 we instituted back in 2016. And we go out and we  
15 assess each state and evaluate their excavation  
16 enforcement program to determine whether it's  
17 adequate or not. If it's inadequate and we deem  
18 it inadequate, then that gives PHMSA the backstop  
19 to come in and enforce in a state whose program  
20 may not be fully developed or they're reluctant  
21 to use their enforcement authority.

22 So this is very timely. I know CGA

1 does a lot of work. They have best practices.  
2 They capture information through their DIRT  
3 Report, so there's information there. And I  
4 think, Mark, you raised an excellent point about  
5 there are lessons learned that we don't  
6 traditionally think about, even from a technology  
7 standpoint. Because there could've been  
8 something that came out of that incident that  
9 could drive improvements in technology.

10 So lessons learned help to also --  
11 it's a full circle evolution. So I think that  
12 was very timely based on what the subcommittees  
13 talked about yesterday.

14 MR. HERETH: One of the key learnings  
15 is that the excavator has to read down the entire  
16 ticket. And with electronic systems, it's so  
17 easy to just focus on what's on your screen.

18 DR. MURRAY: Mm-hmm.

19 MR. HERETH: And we're actually  
20 working with CGA to try to get this built in as a  
21 best practice.

22 DR. MURRAY: Excellent.

1 MR. HERETH: Yes.

2 MR. WARNER: And there's also  
3 requirements in some states for a positive  
4 response --

5 MR. HERETH: Yes.

6 MR. WARNER: -- on all people on that  
7 ticket.

8 MR. HERETH: Yes.

9 MR. WARNER: And that would've  
10 prevented it.

11 MR. HERETH: Absolutely.

12 MR. WARNER: Could've helped it.

13 MR. HERETH: Could've helped, yes.

14 DR. MURRAY: Okay.

15 MR. MACNEILL: I get a lot of  
16 complaints from my guys in the utility industry  
17 that the companies that they subcontract from to  
18 do the mark-outs are, a lot of times, they're off  
19 the mark. They hit things because the mark-outs  
20 are wrong. And I don't know if you guys have  
21 experienced that in your industries, but that's a  
22 big problem we have.

1           MR. HERETH: In fact, the PHMSA data  
2 now allows you to look at those. There's a DIRT  
3 data set that CGA has that allows you to look at  
4 those. In fact, the DIRT Report that's done  
5 every year looks at that. We're doing one with  
6 INGAA where we actually look at failure to mark-  
7 out properly, failure to maintain marks. All  
8 those things are really, really important.

9           DR. MURRAY: Excellent. Any other  
10 comments or thoughts? Okay. Without hearing  
11 any, I will turn it over to Commissioner Burman  
12 for any opening remarks and introductions.

13           CHAIR BURMAN: Thank you. I apologize  
14 that I'm not there in person today. I was unable  
15 to due to a family obligation. But I look  
16 forward to participating via phone call.

17           I just want to thank everyone for that  
18 safety moment because I really do think that that  
19 sets the stage for why this working group is so  
20 important. And it really does get to the heart  
21 of our vision and working collaboratively  
22 together to be proactive to try to help improve

1 pipeline safety in all that we do. And working  
2 together in a voluntary way is very important.

3 I want to establish the quorum, so I'm  
4 going to have roll call. Let's start with the  
5 phone. There are two people on the call, myself,  
6 Diane Burman, New York State Public Service  
7 Commission on the working group as the government  
8 representative. I'm going to ask Michael Keller  
9 to also state his name and title and company.

10 MR. KELLER: Michael Keller, Associate  
11 Professure -- Professor, wow -- Professor of  
12 Mechanical Engineering, the University of Tulsa.

13 CHAIR BURMAN: Okay, great. Thank  
14 you. Now, I'm going to go around the room. I'll  
15 start at one end, whoever wants to start first.  
16 We'll work through, again, stating your name and  
17 your company and your representative group.  
18 Thank you.

19 MR. BELLAMY: So Michael Bellamy with  
20 Baker Hughes GE representing United Inspection.

21 MR. JONES: Hi, Walter Jones, Director  
22 of Occupational Safety and Health with the

1 Laborers' representing labor.

2 MR. LAMONT: Good morning. Mike  
3 LaMont, TRC, Director of Integrity Services.

4 MR. BUCHANAN: Bob Buchanan, Seal for  
5 Life Industries representing coating and cathodic  
6 protection measures.

7 MR. WARNER: Chris Warner, Mears Group  
8 representing industry of the direct assessment  
9 and product protection measures.

10 MR. MACNEILL: John MacNeill, National  
11 Safety Director for the Utility Workers Union of  
12 America representing labor.

13 DR. BORENER: Sherry Borener, PHMSA.

14 MR. HERETH: Mark Hereth with  
15 Blacksmith Group and the INGAA Foundation and  
16 representing the industry.

17 MR. SUBSITS: Joe Subsits, Washington  
18 Utilities and Transportation Commission  
19 representing regulators.

20 MS. BATTAMS: Ahuva Battams, Office of  
21 Chief Counsel, PHMSA.

22 DR. MURRAY: Christie Murray, PHMSA.

1 DR. PERRY: Dr. Simona Perry, Vice  
2 President of Pipeline Safety Coalition  
3 representing the public.

4 MR. BROWN: Bryce Brown, The ROSEN  
5 Group, representing inline inspection industry.

6 MR. PARKER: Randy Parker from Kinder  
7 Morgan representing the industry.

8 MR. COTE: Dan Cote, Pipeline Safety  
9 and Compliance Consultant, representing NiSource  
10 and the LDCs.

11 MR. ZUNIGA: Mark Zuniga,  
12 UniversalPegasus, representing industry service  
13 providers.

14 MR. CRADIT: Jason Cradit, the new  
15 Director of Technology at Pivvot, representing  
16 service providers.

17 MR. WHITE: I'm Doug White, PHMSA.

18 MR. KIEBA: Max Kieba, PHMSA.

19 MR. JENSEN: Leif Jensen, Energy  
20 Transfer, representing pipeline operators within  
21 the industry.

22 MS. LYNCH: Karen Lynch, PHMSA.



1 MS. WHITE: Nancy White, PHMSA.

2 MR. NGUYEN: Hung Nguyen, PHMSA.

3 DR. MURRAY: Thank you, Diane. That's  
4 everyone and then you.

5 CHAIR BURMAN: Okay, great. I also do  
6 want to recognize Kate Blystone was not able to  
7 be with us today. She's in Hawaii. And while  
8 she's gearing up to get through the hurricane, I  
9 do wish her and others well with that.

10 There is now an established quorum and  
11 I call this meeting of the Voluntary Information-  
12 Sharing System Working Group Committee to order.  
13 Just as way of background, the meeting will be  
14 captured in meeting notes. The meeting notes and  
15 presentation will be available on the PHMSA  
16 website at the eGov docket at  
17 [www.regulations.gov](http://www.regulations.gov). And the docket number for  
18 this meeting is PHMSA-2016-0136.

19 I'd just like to remind folks that  
20 each time you speak, introduce yourself so your  
21 comments can be acknowledged in the meeting  
22 notes. And put your tent card on its side if you

1 care to make a comment. And I'll be working with  
2 Christie to recognize those tent cards. I also  
3 want to thank those in attendance in the audience  
4 as well. And we'll have an opportunity for folks  
5 to participate too.

6 Before we do the agenda overview, I  
7 wanted to introduce PHMSA leadership. And I  
8 don't know if Alan and Drew are there.

9 DR. MURRAY: Drew is not here, and  
10 Alan will be joining us later.

11 CHAIR BURMAN: Okay. So when they  
12 come, if we can just take a moment to introduce  
13 them and if they have any remarks they want to  
14 make.

15 Right now, we'll also look at the  
16 agenda overview. I do want to say that while I'm  
17 on the phone, I still am very cognizant of the  
18 time. So I will be focused on making sure that  
19 we are meeting our objectives for a lot of the  
20 substance that we have to do today.

21 With the agenda overview, we are going  
22 to have the subcommittee report outs with seven

1 subcommittees. I just want to take a quick  
2 moment to run down what I see in terms of the  
3 time periods as well as the substantive issues.  
4 We're going to start in this order.

5 We're going to start with Reporting  
6 which will set the framework for what we're  
7 doing. They have two recommendations which I  
8 think should go pretty quickly.

9 Then we're going to look at Mission  
10 and Objectives. They have numerous votes. We'll  
11 also be talking about the governance aspect and  
12 will probably take a significant time. We'll  
13 also do time checks throughout that on some of  
14 the voting and see what we're needing to get to  
15 other things to help set the stage. We'll do it  
16 from an arrangement with Mission and Objectives  
17 with that.

18 And then Process Sharing has 11  
19 recommendations but no votes at this time. And  
20 Best Practices has a status update and no vote.  
21 I do anticipate that we'll be able to get through  
22 Reporting, Mission and Objectives and possibly

1 Process Sharing and Best Practices before lunch  
2 with the understanding that we may need to do a  
3 little recap and maybe take some votes that we  
4 didn't do with Mission and Objectives once we  
5 come back from lunch.

6 And then we're going to get to  
7 Technology R&D. They have topic area  
8 recommendations. They may need to vote; they may  
9 note.

10 And then Competency Awareness and  
11 Training, there are about eight votes with one  
12 discussion item on a recommendation. So  
13 altogether, nine aspects. And then Regulatory,  
14 Legal and Funding has seven recommendations. I'm  
15 not sure if they need to vote, and we'll work  
16 through that.

17 So that's what we have, and then we'll  
18 also have time for looking at the prep work that  
19 we have to do as well procedurally and  
20 substantively and then looking at our action item  
21 recap and where we are with our status. So we do  
22 have a lot to go through today.

1                   I think yesterday at our subcommittee  
2 meetings with the joint integration session,  
3 there was a lot of good progress and discussion  
4 which will get noted in reporting out. And I  
5 look forward to that.

6                   Right now, I'm going to turn it over  
7 to Christie before we get started with the  
8 subcommittee report-outs for anything we may need  
9 to cover now. Thank you.

10                  DR. MURRAY: Thank you, Diane. The  
11 only thing I want to mention on the agenda is for  
12 lunch. We'll break around noon for lunch. And  
13 those of you who are visitors to our building,  
14 you have two options.

15                  "A", you can find an escort and have  
16 lunch inside our building in our cafeteria in the  
17 east building, and we'll connect you with staff  
18 members here who can escort you. Or "B", there's  
19 a lot of restaurants outside of the building in  
20 walking distance that will connect you with a  
21 PHMSA person if you want to get escorted out of  
22 the building to have lunch outside and be back by

1 1 o'clock. So those are your options for lunch.

2 And in terms of -- I want to give an  
3 overview of subcommittees right before we go into  
4 the report-outs just to kind of set the stage a  
5 little bit to piggyback off of some things that  
6 Diane talked about.

7 But one, I just want to say that I'm  
8 really encouraged by the work that is taking  
9 place in the subcommittees. Listening to the  
10 discussions, I just want to say thank you to  
11 everybody involved.

12 We are at a very critical juncture  
13 right now. It's August. The report is expected  
14 to final in December. And to think that just two  
15 years ago, there was no discussion about this  
16 topic. We're 20 years behind FAA in a sense.  
17 And we have a unique opportunity to create a  
18 groundbreaking foundational infrastructure that  
19 will be built upon for years to come in the  
20 energy and pipeline industry.

21 And it gives me goose bumps and it's  
22 really exciting because the things that I'm

1 hearing talked about are definitely areas of  
2 interest to many different stakeholders. So just  
3 know that the work that you're doing as a part of  
4 this effort is important. When you think about  
5 the aviation industry and those who have come to  
6 present in the past and how the lessons learned  
7 and the sharing has grossly changed and improved  
8 their safety record, that gives us hope for  
9 what's to come with the effort that we have.

10 So I'm using that as a charge just to  
11 say don't take your foot off the pedal. Now  
12 isn't the time to ease up. Now is the time to  
13 really stay engaged and see this through to the  
14 finish line.

15 So with that being said, I do want to  
16 give just a brief overview for those who are  
17 visiting who may not know the background. So we  
18 have our parent committee who's ultimately  
19 responsible for issuing recommendations to the  
20 Secretary of Transportation. But we've broken  
21 out into seven subcommittees who are going to  
22 help shape the recommendations and propose those

1 recommendations. And that's the discussion  
2 you're going to hear today.

3 The subcommittees are going to come  
4 forward to this parent committee body and share  
5 their proposed recommendations for the parent  
6 committee's consideration and possible vote.

7 No recommendations that are developed  
8 in the subcommittees will be provided in the  
9 report unless it has been voted on and approved  
10 by the parent committee. You have PHMSA staff.  
11 Raise your hand if you're here and you're part of  
12 PHMSA staff who's here supporting the  
13 subcommittees and the parent committee. And  
14 thank you all too because I think having your  
15 participation has been very useful in supporting  
16 the Committee and subcommittees.

17 So our role is to do just that, and we  
18 also have a court reporter here and technical  
19 writers who are helping the subcommittees with  
20 their initial drafts. So thank you, everybody  
21 involved.

22 If you're interested, I'm to going to



1 get into the weeds, but this is a snapshot of the  
2 seven committees. There's a PHMSA counterpart  
3 alternate designated federal officer who's the  
4 PHMSA lead on the subcommittees, and we have  
5 subsequent subcommittee chair. All the  
6 subcommittee chairs are members of the parent  
7 committee, and that'll be important in a minute  
8 when we talk about how things will be submitted  
9 and why.

10 You can't read this, but for purposes  
11 of having this added to the meeting registration  
12 and making this presentation available, there is  
13 a slide that shows who's the membership of the  
14 subcommittee. So thank you, even our external  
15 members who are involved.

16 So we're at a key point now where the  
17 subcommittees are working. The development of  
18 the report will be taking place. And so we'll go  
19 through a few iterations over the next few months  
20 in terms of getting recommendations approved,  
21 writing sections of the report, having the report  
22 drafted, reviewed, commented, updated. So we'll

1 go through iterations of that moving forward.

2           There's a lot of things the  
3 subcommittees have been doing so far. We first  
4 developed them back in September of this year and  
5 met a number of times. We've had guest speakers  
6 come in, and we're currently working on  
7 recommendations. So that's just kind of a  
8 snapshot of where we are.

9           If you're interested -- and what will  
10 this report contain? It will have some of the  
11 usual front matter with the report and then we'll  
12 have a good introduction. Yesterday, we talked  
13 about -- I think the Process Sharing Subcommittee  
14 talked about, hey, it'd be great if we talked  
15 about what each subcommittee is doing and what  
16 they're not doing and what things are covered.

17           That'll happen in the introduction  
18 section. There was already a place designated  
19 for methodology, but that's where we really are  
20 going to describe what we're doing and why we're  
21 doing it and how we're doing it to achieve the  
22 recommendation goals that we have.

1                   And then we'll have recommendations  
2                   and the context around those from each of the  
3                   subcommittees introduced throughout the report  
4                   and then a conclusion and any appendices. And I  
5                   did add a note to make sure, Randy, that the  
6                   draft statutory language would be include as a  
7                   part of the appendices.

8                   MR. PARKER: Okay. Thank you.

9                   DR. MURRAY: You're welcome. This is  
10                  just a snapshot of where we are and where we're  
11                  trying to get to. But even better than that,  
12                  there's another one that talks about some of the  
13                  specific deadlines that are coming up that's  
14                  probably more of interest to you than that.

15                  But I do want to cover a few process  
16                  items. One, I want to talk about the report  
17                  development and submissions. Diane, we're on  
18                  Slide 22 for you and Michael's purposes.

19                  So as the subcommittees are developing  
20                  their sections of the report, just be reminded  
21                  that you are to use the report submission form.  
22                  And Karen will talk about this more in her

1 report-out this morning to make those  
2 submissions.

3 Report section submissions, and this  
4 is important, should be submitted by the  
5 committee chairs with a cc to the ADFO of that  
6 Committee, myself, the DFO, and Diane, the chair.  
7 So when you're ready to submit sections that  
8 should be included into the report using this  
9 submission form, the chair should be making the  
10 submission.

11 It doesn't mean that the chair has to  
12 create all the content and tee it up. I just  
13 means that whoever is -- if your tech writer is  
14 helping to build that out when your committee has  
15 consensus and has marked it ready for submission,  
16 it should come in through the committee chair.  
17 So don't panic if you think we're expecting you  
18 to do a bunch of drafting.

19 The next point I want to make is that  
20 submission form should be emailed to the email  
21 address you see here, [phmsaviswg@dot.gov](mailto:phmsaviswg@dot.gov). And it  
22 depicts who I mentioned should be cc'd on that as

1 well.

2           It should include your recommendations  
3 that we're excited to hear more about today. But  
4 in addition to those, it should also include the  
5 context for your recommendations. There may be  
6 certain assumptions that you made, certain  
7 limitations and constraints that need to be  
8 described to put your recommendations in the  
9 proper perspective.

10           Please make sure that what you're  
11 submitting as a part of your sectional work  
12 includes the context for the Committee's  
13 consideration but also anyone else from the  
14 public and external stakeholders who will need to  
15 make sense of it beyond what was created here.

16           Also, please include key acronyms and  
17 definitions. I think it's important not to  
18 assume that the tech writers or the Reporting  
19 Subcommittee, that they'll arbitrarily know what  
20 key definitions or what definitions are important  
21 or need to be clarified with what you're  
22 submitting. So take a moment as you're

1 developing your sections or highlighting it now  
2 as you're having discussions items that need to  
3 be defined or acronyms that may need to be  
4 described in the report. Karen will talk more  
5 about that when she unveils an update to the  
6 submission form today.

7 Also, there on the next slide, it'll  
8 have some key dates on when the draft report  
9 items are due. One of the things that we talked  
10 about yesterday was having a meeting in October -  
11 - having a virtual meeting in October. And those  
12 who are able to come in person, allowing them to  
13 do so.

14 So we've heard that concern, and I'll  
15 talk more about it this afternoon. But I'm  
16 looking at four dates for a one-day meeting. And  
17 I'll tell what they are now, but I'll remind you  
18 again this afternoon: October 2nd, October 3rd,  
19 October 23rd, and October 24th.

20 My recommendation is that it's closer  
21 to October 2nd or 3rd because it gives us the  
22 whole month of November to give you time to work

1 on your report sections and give feedback to the  
2 Reporting Committee, submit those to the  
3 Reporting Committee so that they can include them  
4 in the draft report. If we wait till later in  
5 the month, then we'll run the risk of maybe a  
6 week or two in between meetings, and that may be  
7 too short of a time.

8 And those dates came about, I checked  
9 Alan's schedule and Diane's schedule, and those  
10 were the dates they were both available, if  
11 you're interested. So we'll talk more about  
12 them. So as you're on a break or if you have  
13 your devices, if you could check your calendars  
14 while you're here, one of the things I'll make an  
15 ask of this afternoon is for us to lock in that  
16 date. So we'll circle back around on that this  
17 afternoon.

18 The other point I want to make about  
19 the report itself, once we have the first draft  
20 of the report -- and Diane, I'd be interested in  
21 your thoughts as well as the parent committee's  
22 thoughts. My recommendation is that parent

1 committee members are the ones that will be  
2 reviewing and commenting on the draft report.  
3 It's not to say that subcommittees can't review  
4 it and give feedback to their chairs. But we  
5 recommend that the dialogue about the contents of  
6 the actual report come from the parent committee.

7 Parent committee members are also the  
8 chairs of the subcommittee. So you can use that  
9 as a natural opportunity to get input from your  
10 subcommittee. But in terms of comments being  
11 filtered in through the Comment Resolution Matrix  
12 we've created to the Reporting Subcommittee, it  
13 would help to manage and make sure that we don't  
14 miss comments and feedback from the parent  
15 committee and create more confusion.

16 I don't know if that makes sense or if  
17 anything needs to be clarified with that. But  
18 I'd be open to your thoughts or opinions or if  
19 there's something different the Committee would  
20 like to see with that recommendation.

21 I will assume silence gives  
22 concurrence. All right. So I'm going to move on



1 before you change your mind. All right.

2 So the next slide shows here's the  
3 time line. This will be important for your  
4 planning purposes for subcommittees, the  
5 Reporting Committee, and the parent committee.  
6 We are asking for your initial -- did it just  
7 move on its own? Okay. We're asking for your  
8 initial subcommittee draft sections be sent to  
9 the Reporting Subcommittee by the chair by  
10 September 7.

11 This does not mean your sections have  
12 to be complete or that all your recommendations  
13 have to be completely approved. It means the  
14 work -- if you can pause that week and the work  
15 that you have ready and that is in good enough  
16 shape to provide that you pause, package that up,  
17 and send that forward so that we don't get 100  
18 percent of the work in after October.

19 This will give the parent committee a  
20 chance to review what has already been developed,  
21 comment, and we can work on changes to that as  
22 you further develop your recommendations out that

1 still need to be developed.

2 We plan to have the first draft of  
3 this report ready one week before that October  
4 meeting. So we get your initial section input by  
5 September 7th, and we're committed to working  
6 with the reporting team to have an initial rough  
7 draft report by October. So when we're meeting  
8 in October, we actually have a tangible document  
9 we can look at, we can provide comments on, and  
10 we can see where there are gaps. That'll help us  
11 to get to our December time line.

12 Once we have that initial draft, we  
13 will give the parent committee time to review it.  
14 We'd like the comments back from the parent  
15 committee by the 26th of October using the  
16 Comment Resolution Matrix that Karen will talk  
17 more about. We would like for the parent  
18 committee members to email it to the email listed  
19 here.

20 And it may require the chairs of those  
21 subcommittees -- if the parent committee says,  
22 oh, we need this clarified. We don't understand

1 what we're doing with this aspect of technology,  
2 for example, then your chair will likely come  
3 back to your subcommittee and ask the  
4 subcommittee to work through some things to get  
5 that clarified. So that's the way we see that  
6 working.

7           Once we have all the comments from  
8 October, so once we get the October 26th  
9 comments, the Reporting Committee will await  
10 further submissions and also continue to update  
11 the recommendation report. Our goal is to also  
12 have the next version of the recommendation  
13 report ready a week before the November meeting.  
14 It says October. That second to the last bullet,  
15 it says October. But it should be November  
16 meeting. So basically, what we're saying is a  
17 week before each meeting we would like to be able  
18 to provide the parent committee a copy of the  
19 latest draft of the recommendation report.

20           Any questions or thoughts or ways to  
21 improve this process? Is this helpful from a  
22 planning purposes standpoint? Because I know

1 there were some questions yesterday. Chris, did  
2 that answer your questions from yesterday?

3 MR. MCLAREN: Yes.

4 DR. MURRAY: Okay, great. So  
5 hopefully -- yes, Dan?

6 MR. COTE: Dan Cote. Christie -- and  
7 you may have said this, but I was taking notes so  
8 rapidly that I might've missed it. But is it  
9 your expectation that we would only submit the  
10 draft sections on the things that the full  
11 Committee has voted on?

12 DR. MURRAY: No, it is my expectation  
13 that you designate in what you are sending what  
14 has been voted on in terms of your  
15 recommendations and what is still requiring a  
16 vote.

17 MR. COTE: Understand. So you're  
18 looking at the full scope of recommendations  
19 being developed?

20 DR. MURRAY: Yes.

21 MR. COTE: Understand. Thank you.

22 DR. MURRAY: And if your

1 recommendations -- that's an excellent -- have  
2 not been voted on and we don't have -- they have  
3 not been voted on at a certain point, we will  
4 extract them from the document. Because only  
5 recommendations that come back through the parent  
6 committee will remain in the final document.

7 So that's our way of doing a check and  
8 balance. It'd give us a chance to get ahead of  
9 ourselves with the drafting of the report, but we  
10 will be unable to keep recommendations that are  
11 not voted on in the report.

12 MR. COTE: Understand. Thank you.  
13 That's clear.

14 DR. MURRAY: Okay. All right. Any  
15 other thoughts? Diane, anything you think we  
16 need to add to this discussion?

17 CHAIR BURMAN: No, I think that's  
18 really good. So thank you.

19 DR. MURRAY: You're welcome. Okay.  
20 So with that being said, I look forward to saying  
21 less -- as my son says often, say less -- and  
22 allowing the committees to actually say more. So

1 with that, I'll turn it over to Diane to  
2 facilitate the discussions.

3 CHAIR BURMAN: Great. So first up is  
4 our Reporting Committee. If their subcommittee  
5 chair wants to do that, that would be great.

6 MS. LYNCH: Sure. Thank you so much.  
7 Good morning, and I promise to say less as well.  
8 On this slide, we have the Reporting Subcommittee  
9 members. I am the alternate designated federal  
10 official.

11 DR. MURRAY: Karen --

12 MS. LYNCH: My name is Karen Lynch.

13 DR. MURRAY: Karen -- you guys pass  
14 Karen down a microphone? It's just a little  
15 difficult to hear.

16 MS. LYNCH: Okay. Hopefully, this is  
17 better. Good morning again. My name is Karen  
18 Lynch. I'm the alternate designated federal  
19 official for the Reporting Subcommittee.

20 We don't have a subcommittee chair.  
21 We're still looking for one is someone is  
22 interested. We have five members on our

1 subcommittee. It includes Kate Blystone who's  
2 not with us today, Dr. Holly Pearen, Walter  
3 Jones, Dr. Simone Perry, and Randy Parker.

4 Some of our recent activities included  
5 four demos of the vBulletin collaboration tool.  
6 And we also provided an overview of the report  
7 guidance to all of the VIS Working Group members.  
8 If anyone is interested, we can certainly provide  
9 another demo of that tool and provide an overview  
10 of the report guidance. We have been busy  
11 drafting sections of the VIS Working Group report  
12 as well.

13 Okay. Dr. Murray provided an overview  
14 of the key recommendation report sections, but we  
15 included in here as well, because we needed to  
16 reiterate what the key sections are, what the  
17 subcommittee should be working towards. I  
18 distributed earlier today the outline for the  
19 report which is really your baseline. We took  
20 all the task statements and some of the actions  
21 that we've discussed over the last year and  
22 incorporated it into that outline.

1           So I know that several members had  
2 mentioned, what sections do we submit, when do we  
3 submit them? So that outline is really going to  
4 be your baseline. And we color-coded it so it's  
5 easier to see what's still outstanding, what's  
6 underway or ongoing, and what's been completed  
7 thus far. So we're really looking for the  
8 members to provide their various sections,  
9 content, and data as well.

10           DR. MURRAY: Hey, Karen, can I  
11 interrupt for one second?

12           MS. LYNCH: Sure.

13           DR. MURRAY: I just want to highlight  
14 that in front of everybody at the U and for Diane  
15 and Michael, there is a document that Karen  
16 attached that I also provided in an email. And  
17 she has a copy here. It's the one where you have  
18 the nice yellow, green, red light along the  
19 right-hand side. And a picture is worth a  
20 thousand words because, as you can see, we're  
21 going to use this to help track, have we gotten  
22 the information that we needed from each



1 subcommittee? And this is a good template for  
2 you to go by and make sure that you're tracking  
3 what you're submitting as we move through the  
4 next couple of months.

5 I'm thinking about running a contest  
6 as a way to incentivize the subcommittees.

7 MR. BROWN: What are the prizes?

8 DR. MURRAY: I haven't thought about  
9 prizes yet. I've got to make sure I comply with  
10 ethics on that part.

11 (Laughter.)

12 DR. MURRAY: So I'm brainstorming  
13 that. So if you have any good, ethical, smart  
14 ideas, please bring them forward. But I'm  
15 serious about running a contest to see which  
16 subcommittee is going to provide substantive  
17 first, concise but timely recommendation sections  
18 back to the Reporting Subcommittee.

19 So we're going to be looking to see  
20 whose sections go green the quickest, and we're  
21 going to reward that subcommittee. I'm not  
22 saying rush through critical work. I'm not

1       advocating that. But what I am suggesting is  
2       that we find a way to incentivize. And we want  
3       to celebrate those who are diligently working to  
4       get their sections in.

5                        So I heard -- and I'm just saying what  
6       I heard through the grapevine yesterday -- that  
7       the Competence Awareness and Training group is  
8       out ahead of you guys. So food for thought,  
9       something to consider prior to contest. So  
10      anyway, I don't want to take up too much time,  
11      but --

12                      MR. MACNEILL: The day is not over  
13      until it's over.

14                      (Laughter.)

15                      DR. MURRAY: -- this is going to be  
16      critical. And the only thing I will say is,  
17      ADFOS and chairs, we're going to be looking for  
18      you to encourage your subcommittees' work to move  
19      forward and to really be the owner of meeting  
20      these time lines. So we're going to look to you  
21      for help on that. That's it.

22                      MS. LYNCH: Right. And if you have

1 any content now that doesn't require approval  
2 from the parent committee, please feel free to  
3 pass that on to the Reporting Subcommittee  
4 because we can start incorporating it into the  
5 report. So you don't have to wait until you have  
6 the full recommendations. You may have  
7 introductory information or information on  
8 alignment to SMS, et cetera. You can go ahead  
9 and pass that on to us.

10 And also, please take a good look at  
11 this outline because if there's any sections here  
12 that no longer apply to your subcommittee, we  
13 really want to know that now so that we can  
14 modify and tweak this document as we move forward  
15 because we don't have a lot of time to really  
16 pull the full report together.

17 Dr. Murray talking about the report  
18 time lines, and we'll still have to tweak some of  
19 these dates here. But the Reporting Committee  
20 plans to have a draft of the report available by  
21 September the 14th. And we will load that draft  
22 report on the vBulletin collaboration tool.

1 We'll continue to tweak it and make changes to it  
2 up until the October meeting. But we have  
3 committed to making it available by September the  
4 14th. So the Committee will have an opportunity  
5 to fully review that report in October when we  
6 meet.

7 Another key date is November the 2nd  
8 because we'll have the second draft of that  
9 report available one week before the full  
10 Committee meeting on November the 9th. And we  
11 are anticipating having the final recommendation  
12 report available to the parent committee for a  
13 vote by December the 19th which is our last  
14 meeting scheduled for the year.

15 So those are really key dates that we  
16 want the subcommittees to keep in mind as we're  
17 moving forward.

18 DR. MURRAY: Hey, Karen, just one  
19 note.

20 MS. LYNCH: Sure.

21 DR. MURRAY: The December 19th meeting

22 --

1 MS. LYNCH: Mm-hmm.

2 DR. MURRAY: -- I would just ask that  
3 you have the report a week in advance of that one  
4 as well.

5 MS. LYNCH: Yes, so we'll definitely  
6 update this slide and ensure that it's emailed to  
7 the full Committee.

8 So when we provided an overview of the  
9 report guidance process, we tried to make it  
10 visual and simple because it is a fairly detailed  
11 process. So I wanted to go over it again so  
12 everyone has a clear understanding of how the  
13 process works.

14 So again, the report outline and your  
15 task statement is really your baseline and really  
16 what you should be working from. And if you look  
17 at the arrow to the right, the subcommittees are  
18 responsible for drafting the content and the  
19 data. The subcommittee chairs, once that data  
20 and information is finalized, will include that  
21 information on the VIS Working Group submission  
22 form or attach it to the form, and we'll email it

1 to the Reporting Subcommittee.

2 As you will note, content and data is  
3 not something that has to be approved in advance  
4 by the parent committee. So you can go ahead and  
5 start sending that information to the Reporting  
6 Subcommittee.

7 So the next bullet, the Reporting  
8 Subcommittee is going to document we we've  
9 received on our Comment Resolution Matrix, and we  
10 provided this during our demo. So I won't go  
11 into a lot of detail here. But the Resolution  
12 Matrix will keep us organized and ensure that  
13 we've captured and responded to all of your  
14 comments.

15 And once we've included that  
16 information in the matrix, we'll update the draft  
17 report. And you'll receive a copy of the draft  
18 report when it's time to review it. And if you  
19 go back to the start here, the black box, again,  
20 your baseline. The process is a little different  
21 for recommendations.

22 So the subcommittee will draft the

1 recommendations and present them to the parent  
2 committee for approval. Once those  
3 recommendations are approved, we are asking the  
4 subcommittee chairs to provide it to the  
5 Reporting Committee on the VIS Working Group  
6 subcommittee form, email it to the inbox that  
7 we've designated.

8 From there, we will capture it in the  
9 Comment Resolution Matrix and incorporate those  
10 recommendations into the draft report. The  
11 Committee will be provided with a draft report to  
12 review it again.

13 So that's really the process in a  
14 nutshell. We hope that it's fairly simple and  
15 easy for you, but it keeps the Reporting  
16 Committee organized. And it really ensures that  
17 we capture all of the information that you've  
18 provided.

19 So attached is a copy of the report  
20 submission form, and I've also provided a copy of  
21 it so you have it. The form is fairly simple,  
22 but it just helps to keep the Reporting

1 Subcommittee organized. But a key area here is  
2 the key terms, acronyms, and definitions because  
3 we're starting to capture those now. But it'd be  
4 very helpful when you provide your content and  
5 your recommendations that you could also include  
6 those on this form for us.

7 We do recognize that some of your  
8 content may be lengthy. So again, you can just  
9 include, see here, or, see attached, in this  
10 form. You don't have to really populate this  
11 form. It just keeps us organized. And just  
12 attach those documents and have your chair email  
13 those to the Reporting Subcommittee. But this  
14 form is really going to be key for us pulling the  
15 draft report together because it's so many  
16 subcommittees providing content and information.

17 Another area here too that I want to  
18 highlight is the section of the report or the  
19 subsection of the report. So if you take a look  
20 at the outline, we've broken it down in sections  
21 and subsections. So it's going to be really  
22 important for you to highlight on this form where



1 to place this content. We also have a special  
2 instruction section here as well.

3 So again, we hope this is fairly  
4 simple for the Committee members. If not,  
5 definitely talk to me and we can look at ways to  
6 make this form a little more easier to use. But  
7 we hope that it's easy and useful.

8 DR. MURRAY: Sherry has a comment.

9 MS. LYNCH: Sure.

10 DR. BORENER: Sherry Borener. My  
11 question is that I think the Committee has relied  
12 a lot on these presentations that we've received  
13 over time.

14 MS. LYNCH: Mm-hmm.

15 DR. BORENER: How do you want us to  
16 refer to those? Do you want us to tack them onto  
17 the submission? Do you have an archive where  
18 they're all going to be identified where we would  
19 refer to them like in a bibliography? Or how do  
20 you want -- just what's your preference about how  
21 that would be done?

22 MS. LYNCH: Right. I think you could

1 just attach it here, and the Reporting Committee  
2 will figure out where to place it at --

3 DR. BORENER: Okay.

4 MS. LYNCH: -- if we should place it  
5 in a bibliography. So we'll definitely take care  
6 of those.

7 DR. BORENER: Yes, because we have all  
8 these presentations from FAA and stuff that the  
9 Committee has referred to at various times to use  
10 --

11 MS. LYNCH: Okay.

12 DR. BORENER: -- to fill out there.

13 MS. LYNCH: Right. We'll definitely  
14 work closely with you. If you have questions or  
15 --

16 DR. BORENER: Okay.

17 MS. LYNCH: -- clarifications, we'll  
18 definitely reach back out to the subcommittees.  
19 We've had to do that with Mission and Objectives,  
20 and it worked out very well. So did I answer  
21 your question, Sherry?

22 DR. BORENER: Yes, thanks.

1                   MS. LYNCH: Okay, great. In April,  
2 the parent committee approved one of our  
3 recommendations and it was for the subcommittee  
4 chairs to designate one member of their  
5 subcommittee to serve as a liaison and primary  
6 point of contact to the Reporting Committee. And  
7 it was really to address some of the questions  
8 that you had, Sherry.

9                   So we want to tweak that  
10 recommendation just a little bit. Because in our  
11 meeting yesterday, we felt that it's probably  
12 better for the subcommittee chairs to really  
13 serve in this role and interface with the  
14 Reporting Subcommittee. And as the liaison, we  
15 would like the chairs to submit the report  
16 sections, copying their respective ADFOs, VIS  
17 chair, as well as the designated federal  
18 official.

19                   Similarly, we would like the chairs to  
20 review the draft report in coordination with the  
21 Reporting Subcommittee. So as we're pulling it  
22 together, we want to be able to pick your brains

1 and make sure that we've actually captured the  
2 intent of the some of the information and data  
3 that you'd passed on to us.

4 So today, we do have two  
5 recommendations for consideration. I'm not quite  
6 sure if you want to vote on those now or if I  
7 should finish, go to the last slide.

8 DR. MURRAY: Diane, what would be your  
9 preference?

10 CHAIR BURMAN: I think we could vote  
11 on those now.

12 MS. LYNCH: So if someone could --

13 DR. MURRAY: Make a motion.

14 MS. LYNCH: -- make a motion.

15 DR. MURRAY: But it has to be a  
16 Committee member.

17 MR. PARKER: I make a motion to --

18 CHAIR BURMAN: Yes, it --

19 MR. PARKER: -- make that change.

20 CHAIR BURMAN: Who's making the  
21 motion?

22 MR. PARKER: Randy Parker from Kinder

1 Morgan.

2 CHAIR BURMAN: Okay. And does anyone  
3 second it?

4 MR. COTE: This is Dan Cote. I second  
5 it.

6 CHAIR BURMAN: Any discussion?  
7 Hearing none, all those in favor, please say aye.

8 (Chorus of aye.)

9 CHAIR BURMAN: Any opposed? Any  
10 abstentions? The motion passes unanimously.

11 Thank you.

12 MS. LYNCH: Thank you. And for next  
13 steps, again, we are working on the first draft  
14 of the report and we are committed to making it  
15 available on vBulletin by September the 14th.  
16 We'll still be able to tweak it and make changes  
17 to it up until one week before the October  
18 meeting.

19 Another area that we're going to work  
20 on and provide for the October meeting is  
21 consolidating all of the recommendations into  
22 three areas. They're going to voted -- and the

1 areas are voted and approved, drafted and pre-  
2 decisional, still being vetted.

3 So that's going to be available one  
4 week before the October meeting. But it helps  
5 with integration and really ensuring that the  
6 recommendations make sense, that there's no  
7 recommendations are the same, et cetera. So  
8 we're hoping that that will make it easier for  
9 the Committee as well.

10 And we are also committed to having  
11 Draft 2 of the report available one week before  
12 the November meeting. So those are our next  
13 steps and what we are going to be working very  
14 hard to complete. And that's really all I have  
15 for you today. Do we have any questions or  
16 comments?

17 DR. MURRAY: I have one comment. This  
18 is Christie, and I hope I'm not being  
19 presumptuous by speaking for Dr. Perry. But I  
20 think we have a volunteer. You had asked for a  
21 call to -- you opened it up for a chair for your  
22 subcommittee, and I think Dr. Perry would be

1 phenomenal chair.

2 MS. LYNCH: I agree. Excellent, yes.

3 DR. MURRAY: So I think we need to  
4 bring it for a vote perhaps, Diane.

5 CHAIR BURMAN: That sounds good. I  
6 think we -- does someone want to make a motion?

7 MR. JONES: So moved.

8 CHAIR BURMAN: Someone want to second  
9 it?

10 MR. COTE: Seconded.

11 CHAIR BURMAN: Any discussion?

12 DR. MURRAY: Who moved it? I'm sorry.

13 MR. JONES: Walter.

14 DR. MURRAY: Walter Jones for the  
15 record and it was seconded by Dan Cote, just for  
16 the record.

17 CHAIR BURMAN: Okay. All those in  
18 favor?

19 (Chorus of aye.)

20 CHAIR BURMAN: Any opposed? Any  
21 abstentions? Hearing none, the motion passes  
22 unanimously. Thank you.

1 DR. MURRAY: Congratulations on your  
2 new role.

3 (Laughter.)

4 DR. MURRAY: And I think this is very  
5 timely. I think it's very timely and critical.

6 MR. HERETH: And let it be noted that  
7 the subcommittee chairs laughed the loudest.

8 (Laughter.)

9 CHAIR BURMAN: Before we move to the  
10 Mission and Objectives Subcommittee, I do just  
11 want to give an opportunity for anyone in the  
12 audience if they want to say something on what we  
13 just did on Reporting. Okay. If there's no one,  
14 we can move right to --

15 MR. PARKER: We have a question.

16 CHAIR BURMAN: -- Mission and  
17 Objectives. Thank you.

18 DR. MURRAY: Sorry, Diane. We do have  
19 a question.

20 CHAIR BURMAN: Okay, great. Thank  
21 you.

22 MR. OSMAN: Good morning, everyone.



1 My name is C.J. Osman and I'm Director of  
2 Operations, Safety and Integrity for the  
3 Interstate Natural Gas Association of America,  
4 INGAA. I just want to say that we're encouraged  
5 by the aggressive time line here for getting the  
6 report completed. There's obviously a lot of  
7 important work and a lot of energy and effort  
8 going into this which we're supportive of and  
9 excited to see the final product.

10 One thing that wasn't clear to me when  
11 looking at the schedule was what opportunity  
12 there would be for public comment on the draft  
13 report. I saw the PHMSA sort of review process  
14 which generally includes that. But I just wanted  
15 to emphasize with the importance with something  
16 this significant and important of making sure  
17 there's an opportunity for significant public  
18 comment and review. I think we all know that  
19 people need that opportunity to get buy-in,  
20 right? And I know there's a lot of different  
21 stakeholders here. There's many more that aren't  
22 here.

1           So we'll just recommend that you all  
2 think about how to incorporate that and still  
3 meet the objectives as far as the time line and  
4 the deliverables there. And I would also  
5 recommend, specifically for something like this,  
6 that probably a 60-day public comment period  
7 would be appropriate.

8           So thank you for your time.

9           DR. MURRAY: Thank you, C.J., for your  
10 question. I think that's an important question  
11 and I'm glad you raised it. The first thing that  
12 sticks out to me that we can do when we talked  
13 about providing the report a week in advance  
14 before each meeting to the parent committee, we  
15 can also make sure that's available on the  
16 meeting registration page.

17           And if you want to be able to comment  
18 on it, "A", we invite you to come to public  
19 meetings that we're having with the Advisory  
20 Committee. And that would be the opportunity to  
21 naturally provide input in that forum. But also,  
22 you can put your comments on the docket as well.

1 MR. OSMAN: Thank you.

2 DR. MURRAY: And then I'll take back  
3 the idea about maybe a 60-day comment period.  
4 Because the report belongs to the Advisory  
5 Committee and not to PHMSA, I'll need to go back  
6 and check to find out the process for that. But  
7 thank you for the comment.

8 CHAIR BURMAN: Excellent. Thank you  
9 very much. And I do want to thank the question  
10 because I think it's a good one. And I'm glad  
11 that you were able to raise that, so thank you.

12 Being no other folks who want to  
13 speak, we'll move into Mission and Objectives.  
14 Thank you.

15 MR. COTE: Thank you, Diane. Again,  
16 Mission and Objectives started with the Mission  
17 and Objectives' goals that were identified very  
18 early in this year and approved by the  
19 subcommittee. At that point, we were rewarded  
20 with that performance by being tasked with  
21 governance. And so my report will really focus  
22 on that. I'm not likely to spend a lot of time

1 on the history. I think we're all familiar with  
2 it.

3 So to move through this pretty  
4 quickly, here is our Committee. I certainly want  
5 to commend them all for an enormous amount of  
6 hard work. We have 23 recommendations to present  
7 to the Committee today and expect some robust  
8 discussion on them. So this Committee worked  
9 hard to bring you 23 unanimous recommendations.  
10 We had resolved the issues as a result of our  
11 discussion yesterday.

12 And so other than the normal ebb and  
13 flow of Committee discussion on these  
14 recommendations, we have nothing specific to  
15 refer to you separately. But obviously, you are  
16 all welcome to comment at length on any one of  
17 them. And so having said that, I do want to  
18 commend and thank the Committee and Nancy for an  
19 enormous amount of hard work.

20 Again, tasks and objectives, pretty  
21 straightforward. We've covered that. In terms  
22 of history, we began our mission to develop the

1 governance rules following the February meeting.

2 Moving pretty quickly, this is our  
3 governance model chart. It just simply shows, in  
4 graphic form, the four large sections of the  
5 organization: the Executive Board, the PHMSA  
6 leadership, issues and analysis teams, and the  
7 third-party manager. We'll go into detail in  
8 both in terms of roles and responsibilities in a  
9 minute. I thought by starting with this graphic,  
10 everyone would get a basic understanding of what  
11 the overall organization is intended or  
12 envisioned to look like.

13 So I'll pause for a minute, again, go  
14 into a lot more detail in the text, but just  
15 wanted everyone to be able to see what this might  
16 look like.

17 We saw just -- and just a strategic  
18 comment in terms of the Executive Board and  
19 PHMSA. Consistent with the recommendations being  
20 made by the Legal and Regulatory team, VIS will  
21 be a creature of PHMSA but separate from the  
22 pipeline safety and enforcement groups. And so

1 that's essentially the design, and the VIS  
2 Executive Board will be made up of PHMSA  
3 representatives, industry folks, key  
4 stakeholders, and public membership.

5 And so that's the sort of strategic  
6 vision that's envisioned. And again, I'll go  
7 into more detail. Chris?

8 MR. WARNER: Chris Warner from Mears  
9 Group. Dan, I'm just curious. It looks like the  
10 issues and analysis teams can work independent of  
11 the Executive Board with PHMSA and with the  
12 third-party data managers. Is that the way this  
13 is designed, or is everything kind of funneling  
14 through an Executive Board?

15 MR. COTE: Everything runs --  
16 everything for distribution will be funneled  
17 through the Executive Board.

18 MR. WARNER: Okay.

19 MR. COTE: But this denotes in the  
20 detailed work and operations, there will be a  
21 great deal of communication across the groups.  
22 The dashed lines radiating from the third party

1 indicate the separation of data. The third party  
2 will be entirely tasked with de-identifying all  
3 of the data. And so no data will flow from the  
4 third party that has not been stripped of any --  
5 or as much recognizable data as humanly possible.

6 MR. WARNER: Thank you.

7 MR. COTE: Mark?

8 MR. HERETH: This may a question  
9 that's appropriate for later on. But what  
10 alternative structures did you consider?

11 MR. COTE: We actually considered at  
12 length an independent -- basically executed, VIS  
13 would be a totally independent agent of PHMSA.  
14 PHMSA would merely be another one of the  
15 stakeholders and customers. So independently run  
16 by the industry and independently controlled by  
17 the Executive Board. And decided for a variety  
18 of reasons, both around the need for tight  
19 liaison and communication with PHMSA as well as  
20 funding and management, we rejected that.

21 MR. HERETH: Is it necessary for the  
22 Committee to make that decision?

1                   MR. COTE: We saw it to be, Mark,  
2                   because governance has to start with some sort of  
3                   executive leadership structure of some sort. And  
4                   so there was a threshold decision at that point.  
5                   Would PHMSA be directly involved in that process  
6                   or not? And if no, this organization would look  
7                   entirely different. It would look much more like  
8                   the structure of a nonprofit corporation, for  
9                   example. And so, again, that tended to be our  
10                  threshold.

11                  MR. HERETH: So I guess my only  
12                  comment -- this is Mark Hereth again. My only  
13                  comment would be is this presumes that PHMSA has  
14                  funding to be able to support this at some level.  
15                  And I guess my only point would be, would we be  
16                  better off with a more generic model that would  
17                  allow for either private funding or PHMSA  
18                  leadership, PHMSA in that lead funding role, so  
19                  that there's a flexibility in terms of how the  
20                  Secretary might respond to that?

21                  MR. HERETH: I guess in terms of the  
22                  recommendation, we envisioned -- we took a lot of



1 this from the FAA model very clearly. And so we  
2 envisioned to the extent possible, and you'll see  
3 that as one of my recommendations, we wanted to  
4 use the work that had been done successfully by  
5 other industries. And this dovetails with the  
6 legal group. If some of the fundamental  
7 underlying legislative needs are not meet, it's  
8 hard for me to see right now in this model how we  
9 execute this.

10 And so this is contingent on obviously  
11 the Secretary embracing the recommendations and  
12 being prepared at least to move to try to get the  
13 enabling legislation. If that doesn't happen, I  
14 would see us substantially needing to regroup on  
15 that. I mean, and I would invite the  
16 subcommittee to comment. But if the fundamental  
17 premise of the model isn't embraced, Mark,  
18 creating a generic model that was so leadership  
19 neutral that it didn't identify how leadership  
20 was actually going to radiate out decisions made  
21 would be moot.

22 MR. HERETH: Yes, Mark Hereth again.

1 Please don't mistaken -- I'm not suggesting that  
2 there would not be specifics related to the  
3 governance and the leadership. I'm simply  
4 asking, can it be -- and maybe as alternative as  
5 you proceed as follows, but in the text of the  
6 document that it recognizes the possibility that  
7 there would need to be a separate and distinct  
8 organization? Because you've got to recall that  
9 FAA didn't start -- that the model that's used in  
10 FAA started in the industry.

11 MR. COTE: Understand. And that's --

12 MR. HERETH: Mr. Bellamy used a great  
13 comment yesterday. Sometimes you have to start  
14 with the coalition of the willing. So just food  
15 for thought.

16 MR. COTE: That's fair. And I do  
17 certainly agree that in the explanation of the  
18 model, we do need to address that and what  
19 happens if the recommendation isn't embraced. I  
20 appreciate that. Thank you.

21 DR. MURRAY: And I think that needs to  
22 be -- and I don't mean to speak out of turn. But

1 I recommend that that's also part of what is  
2 described in the context of this recommendation,  
3 the assumptions and limitations of this  
4 recommendation and the implications of that --

5 MR. COTE: Understand. Thank you.

6 DR. MURRAY: -- and surrounding that  
7 recommendation.

8 MR. COTE: Appreciate that. Thank  
9 you. John?

10 MR. MACNEILL: Yes, on your Executive  
11 Board, how would the people be picked to be put  
12 on this Executive Board and what would be the  
13 mechanics of that? How would it function?

14 MR. COTE: If you hold that, we have  
15 some specific recommendations later on that will  
16 address who makes it up and how that will work.  
17 So if you'll hold that thought a bit, we will  
18 cover it. Thank you.

19 MR. JENSEN: Dan?

20 MR. COTE: Oh, I'm sorry. Leif?

21 MR. JENSEN: Leif Jensen, Energy  
22 Transfer. The conversation aside with respect to

1       whether or not the VIS Executive Board has a  
2       PHMSA representative or it's a standalone entity  
3       aside from PHMSA, when you look at the graphic  
4       with the arrow that extends from the issue-  
5       analysis team over to the right towards PHMSA,  
6       that implies that the information that may be  
7       identified or confidential could land in the  
8       hands of the regulatory and enforcement side of  
9       PHMSA. So my recommendation as it relates to  
10      this graphic is that that arrow be omitted.

11                 MR. COTE: Understand, and that's  
12      fair. And again, we have very specific  
13      recommendations on the confidentiality of that  
14      data because VIS and PHMSA, particularly the  
15      inspection and enforcement groups in PHMSA. That  
16      is intended to be a separate section. But let us  
17      get to the text, and I think this will -- again,  
18      in retrospect, that graphic may have not added as  
19      much illumination as I had hoped. But thank you.

20                 Any other questions or comments before  
21      we move on? Okay. Let's get into the  
22      recommendations. Madam Chairman and Dr.

1 Christie, just a question. Do we need to vote on  
2 each one or can we vote on these by sections?

3 CHAIR BURMAN: I think that if you go  
4 through and we see that there's no controversy,  
5 we can vote on all of them together, but that if  
6 someone wants to discuss something separate, that  
7 we move something off to vote separately.

8 MR. COTE: Appreciate that. Thank  
9 you. But just to keep it straight, and we have  
10 something, like, six sections, we'll just do that  
11 by the specific sections, if you concur.

12 CHAIR BURMAN: That sounds great.

13 MR. COTE: Thank you. Okay. 1.1, if  
14 a VIS is created, the system should follow the  
15 applicable aspects of the examples set by the  
16 FAA, the Confidential Railroad Close Call  
17 Reporting System, and other successful voluntary  
18 information-sharing systems.

19 Again, using as much as we can  
20 shamelessly from the people who have pioneered  
21 this and who, by all accounts, have succeeded in  
22 the development of their programs. And like Dr.

1 Murray, I take silence as approval. So 1.2 --

2 DR. MURRAY: Well, here you go.

3 (Laughter.)

4 MR. COTE: I spoke too soon. Go  
5 ahead.

6 MR. HERETH: And I'll ask this with  
7 more care. Procedurally, do you want to just  
8 work through all of them and wait for a  
9 discussion at the end?

10 MR. COTE: I would prefer, if you  
11 don't mind, as we do the individual bullet  
12 points, if anyone has anything to say, please say  
13 it at that juncture. Because we may -- if  
14 there's extended discussion, we'll simply cull it  
15 out of the vote and then go back to it here.

16 MR. HERETH: Thank you. This is Mark  
17 Hereth again. I would -- so when I read this, it  
18 looks a lot like best practices. And so if you  
19 want to retain this one here, I would suggest  
20 that you really want to look at, follow  
21 applicable governance aspects, because the Best  
22 Practices Committee has a recommendation that's

1 very similar to this.

2 Now, it may be that today we sit and  
3 say, let's just do it as one recommendation to  
4 simplify that, and that's okay. But I just want  
5 to point out that the Best Practices Subcommittee  
6 has a recommendation that's very similar to this.

7 MR. COTE: Understand. And to -- oh,  
8 is that Walter?

9 MR. JONES: I just want to say a  
10 couple of things. When we discussed this, we  
11 realized, out of 23 recommendations, there are  
12 clearly going to be many overlaps with other  
13 subgroups. We've already identified some with  
14 Randy's group. I've seen some with the other  
15 groups.

16 And I don't know that -- I think maybe  
17 -- and my suggestion would be that after, we  
18 should probably identify the overlaps and address  
19 them at that point on which one does it better or  
20 which one speaks to what we're trying to say  
21 better.

22 Like, okay, Best Practices suggests

1 this. We suggest that. Let's, like, throw them  
2 both up on the screen and have a battle out on  
3 which one we're going to probably go with as a  
4 better recommendation than taking the opportunity  
5 now to get rid of this because Best Practices  
6 addresses it.

7 And we did the same thing. Randy or  
8 I think the NDA thing, there's a bunch of stuff  
9 that we say that you say. And maybe in this  
10 November period or October period when we can  
11 look at these overlapping, because I'm sure some  
12 of the other subgroups are going to have  
13 overlapping recommendations as well. And that's  
14 just a suggestion I have because these are 23  
15 recommendations. And I'm sure both of you folks  
16 have addressed some of these at some point as  
17 well.

18 MR. COTE: Understand, and I certainly  
19 appreciate that, Walter. Another comment? Leif?

20 MR. JENSEN: Yes, Walter. Very well-  
21 articulated, only to add a little bit to that.  
22 As we go through the 23 recommendations, and in



1 fact, the other subcommittee recommendations, if  
2 we identify potential overlap with other  
3 recommendations, let's use this as an opportunity  
4 to suspend the vote and possibly submit it to the  
5 Reporting Committee as a deliberated but not yet  
6 voted on. So that when we finally get all the  
7 recommendations into one final report or a draft  
8 final report, at that point, we can look for  
9 alignment and synergies.

10 MR. COTE: Can I offer a friendly  
11 amendment to that, Leif? I agree with everything  
12 you said. I would just recommend that to the  
13 extent that we have the overlap, if it is not  
14 substantive in terms of disagreement with the  
15 strategic thrust of the recommendation and it's  
16 more tactical to Mark's point on who wants to  
17 actually write it up.

18 I'm not hearing a substantive  
19 disagreement, just a matter of who manages it and  
20 what language we use. I would recommend that we  
21 both vote on it, get overall Committee approval,  
22 and let the two subcommittees work through the

1 specific issues and no pride of ownership.

2 MR. HERETH: This is Mark Hereth. I  
3 don't have any problem with that, except that I  
4 would, in a friendly way, suggest that it's  
5 really that it's your focus is governance. If we  
6 decide as a group to embrace this recommendation  
7 in a broad context, which I agree with the  
8 recommendation. And I don't think we should get  
9 caught up in who writes it and who doesn't. We  
10 get the right recommendation and get it done.  
11 But there's 23 recommendations here. That's a  
12 lot.

13 MR. COTE: That is a lot.

14 MR. HERETH: And I just have to pause  
15 as I say that. And so if we're going to vote on  
16 this today or at this point, I would suggest it's  
17 got to reflect on a focus on governance. Or I  
18 like Mr. Jensen's suggestion of suspending it  
19 until at some point today we're able to look at  
20 these collectively. And I think that might've  
21 been what Walter was suggesting as well.

22 MR. COTE: Nancy?

1 CHAIR BURMAN: This is --

2 MR. COTE: Go ahead, Diane.

3 CHAIR BURMAN: -- Diane. This is  
4 Diane Burman. I just wanted to say I would've  
5 been concerned if the mission recommendation  
6 didn't overlap with other aspects of  
7 subcommittees because the Mission and Objectives  
8 Subcommittee really should be helping flesh out  
9 what will be in other aspects of the working  
10 groups, the subcommittees.

11 So to the extent that I do think that  
12 part of it is conceptualized and, yes, we are in  
13 agreement on what needs to be fine-tuned. But  
14 then some of the details and the fleshing out  
15 should then be looked at in saying, okay, what of  
16 this needs to move now to another group for  
17 massaging and working through as it fits in their  
18 path that's been refined? And I think that would  
19 also help so that we are working together as a  
20 whole in some of these issues.

21 So I do think it's important that we  
22 do identify, okay, this is really a best practice

1 piece. We're good. And now, it's going to be  
2 massaged in further in the other area, if that  
3 makes any sense.

4 MR. COTE: Understand. Nancy?

5 MS. WHITE: Nancy White, PHMSA. I'm  
6 wondering for purposes of this specific  
7 discussion if we modify by adding the word  
8 "governance" specifically into this  
9 recommendation if we're able to address this  
10 discussion through that and then look at it in  
11 more detail through the Reporting Committee.

12 MR. COTE: I was going to make the  
13 same recommendation because our focus is  
14 governance. Does anyone object to our adding the  
15 word "governance"? So it would read, if a VIS is  
16 created, the system should follow applicable  
17 governance aspects of the examples set by FAA, et  
18 cetera, et cetera. Hearing -- oh, I'm sorry.

19 DR. PERRY: No, it's okay. So I just  
20 want to echo something that Mr. Jensen said and  
21 also Ms. Burman. I want to ask you if it would  
22 be helpful for the Reporting Subcommittee to work

1 on creating another matrix that looks at when  
2 you're going to submit to us, you're going to  
3 tell us, this has been voted on, this has been  
4 vetted, or, this has not, we're still in this  
5 deliberation, have a separate section that says,  
6 overlaps.

7 And we can actually look at where  
8 things overlap. And it would help you guys when  
9 we have our next -- when we do the draft but also  
10 when we have a discussion so that we don't get  
11 bogged down in what we know are the similarities.  
12 And then we can kind of flesh it out on paper.  
13 Would that be helpful?

14 MR. COTE: That would. In my mind,  
15 that would be helpful.

16 DR. PERRY: Okay, okay.

17 MR. COTE: Randy?

18 MR. PARKER: Dr. Perry is showing her  
19 agility as a chairperson already --

20 (Laughter.)

21 MR. PARKER: -- which I appreciate.  
22 I think that's a great idea.

1 DR. PERRY: Leadership in the making.

2 MR. PARKER: I think it's a great  
3 idea.

4 MR. PARKER: Yes, we can do that. So  
5 we don't have to have those discussions at this  
6 moment.

7 MR. COTE: Good deal. Then we will  
8 add the word "governance aspects". We will  
9 continue to move this.

10 Recommendation 1.2, the VIS should be  
11 created within the DOT based on DOT's authority  
12 and maintained separately from the other  
13 departments and divisions within PHMSA, including  
14 PHMSA's inspection and enforcement departments.

15 And again, pretty much the FAA model.  
16 There's absolute separation between the FAA group  
17 who works through the industry process or their  
18 VIS and the enforcement and inspection groups.  
19 So essentially, the same model.

20 Comments, thoughts? Oh, sorry. Go  
21 ahead.

22 MR. KIEBA: Max Kieba, PHMSA, but also

1 in a way, a co-chair of the Plastic Pipe Database  
2 Committee that AGA leads. Has the group looked  
3 at industry efforts on voluntary collection  
4 activities?

5 MR. COTE: We do. We cover that  
6 somewhat later but make a general statement that  
7 VIS should be a broad repository from data from a  
8 variety of sources. To the extent that there are  
9 industry and joint industry PHMSA initiatives  
10 that collect data, I can see us taking data from  
11 PHMSA reportable incidents, PHMSA 7100 reports.  
12 There's a lot of industry reports. Some are  
13 public; some not so much.

14 And over time, my hope is that VIS  
15 becomes a massive repository of industry data  
16 that will provide very, very valuable information  
17 on risks and remediation techniques and, again,  
18 provide operators very valuable information. And  
19 we say that in less words than that in a few  
20 minutes.

21 MR. KIEBA: I appreciate it. Where  
22 I'm going is a big part of that effort, which is

1        somewhere to this effort, is getting buy-in on  
2        voluntary submitters. So the way that started  
3        was AGA set up as being the observer. All of  
4        their lawyers handled it with their operators to  
5        get that anonymity on the front end to de-  
6        identify everything. So we stay out of it,  
7        frankly. I'm part of it, but AGA lawyers handle  
8        everything.

9                        So there might be some benefit to  
10       thinking of either a third-party lawyer or  
11       industry lawyers or someone else involved. This  
12       looks very under DOT heavy.

13                      MR. COTE: Well, actually, it's  
14       interesting you should say that. One of the  
15       roles -- and I think I mentioned this earlier --  
16       of the third party, the third-party vendor would  
17       strip any identifier from all of the reports.  
18       The only things that get distributed either to  
19       the membership or the public would be those  
20       things that have been thoroughly de-identified.  
21       And so that's -- and again, we'll cover that one  
22       in a little more detail --



1 MR. KIEBA: Okay.

2 MR. COTE: -- in a bit.

3 MR. KIEBA: Appreciate it.

4 MR. COTE: Thank you. Leif?

5 MR. JENSEN: Yes, just a perspective  
6 for the VIS Working Group. I will humbly admit  
7 when I first came to our first December meeting,  
8 my perspective on this particular topic was that  
9 the VIS needed to be a completely separate entity  
10 from PHMSA.

11 And I've evolved over the course of  
12 our deliberations and working group meetings and  
13 subcommittee meetings -- from the perspective  
14 when we heard from the FAA and even from Alan  
15 Mayberry who's not present here -- that if indeed  
16 we want to have rules promulgated and this  
17 legislated and approved through Congress, if it's  
18 going to be funded through that mechanism, then  
19 the entity needs to exist within some  
20 governmental body, right?

21 Whereas if we go down the path and  
22 keep it completely separate as an independent

1 industry group, then all the funding has to be  
2 independent, right, unless we apply for grants or  
3 some other mechanism.

4 So that's my perspective as it relates  
5 to this, and I concur that it should probably be  
6 underneath the umbrella of DOT.

7 MR. COTE: Thank you for your remarks,  
8 Leif. Any other thoughts or perspectives? Oh,  
9 I'm sorry, Randy. Nudge me.

10 MR. PARKER: This is Randy Parker of  
11 Kinder Morgan. I wanted to make a point about  
12 having PHMSA involved in the VIS. One of the  
13 reasons that I, like Leif, gravitated more to  
14 having DOT involved is because we're going to  
15 seek protection from Congress for  
16 confidentiality, protections against lawsuits,  
17 and all kinds of other substantive issues in  
18 these self-executing statutes.

19 But in order to tie that to improving  
20 pipeline safety, you really have to do it through  
21 PHMSA, Congress' relationship with PHMSA in  
22 saying, we're going to pass these laws so that

1 pipelines will be safer. If you just do it in a  
2 vacuum, it's very difficult to make it work.

3 MR. COTE: Mark?

4 MR. HERETH: This is Mark Hereth. So  
5 Randy, are you saying that the protections that  
6 you'd be looking for with respect to data and  
7 confidentiality, those cannot be provided under  
8 statute and then a program administered outside  
9 of the government?

10 MR. PARKER: It could be done that  
11 way, but it'd be very difficult. If you look at  
12 the case law that's gone up to the Supreme Court,  
13 the Supreme Court ties the Congress' power under  
14 the Commerce Clause to regulate industry and to  
15 provide safety, like Safe Highways. And they do  
16 that through directing agencies to do certain  
17 things or providing legal support around programs  
18 dealing with highway safety or pipeline safety.

19 So it's much easier to get something  
20 passed in that kind of context than just say,  
21 we're going to have this organization out there  
22 that's going to be created that's totally

1 unrelated to government but Congress is going to  
2 give them a lot of power. So it's more difficult  
3 to do it that way.

4 MR. COTE: Just one additional  
5 comment, Mark. The governance group worked very,  
6 very closely with the legal and regulatory group  
7 on these recommendations. And those dovetail  
8 very, very closely, even though we happened to go  
9 first. Lucky us.

10 (Laughter.)

11 MR. COTE: And so where the legal  
12 group could be pioneering a lot of this. But  
13 anyhow, those do dovetail pretty closely. But go  
14 ahead. An additional comment?

15 MR. HERETH: Yes, so the only  
16 reservation that I have about this is that if  
17 this is not authorized, then we're putting all of  
18 our eggs into that basket. And so it's really  
19 important that if we only choose this one option  
20 that the report really reflects content that  
21 somebody would be able to take and then go in  
22 another direction.

1                   Personally, I would rather see two  
2 options because I think that gives you certainty  
3 of where to go with this. But if the Committee  
4 wants to go with one option, then I would  
5 recommend that it's really important to have the  
6 content that enables even the Secretary to work  
7 with the industry, with members of the public,  
8 trade associations, et cetera, to stand this up  
9 in some other fashion.

10                   MR. COTE: The subcommittee worked  
11 this repeatedly and felt very, very strongly that  
12 this was the best model. It wasn't quite  
13 unanimous but it was darn close. So the  
14 subcommittee does feel very strongly about this,  
15 let me say. And this was one of the most  
16 contentious single issues we dealt with. And so  
17 I will say that the Committee felt very strongly  
18 about it.

19                   I do think, though -- and I agree with  
20 your analysis -- it needs to be made clear that  
21 if the fundamental tenets of VIS falling under  
22 DOT or Congress doesn't offer the protections

1 that the legal group recommends or even the  
2 funding, then that model substantially changes.  
3 And these recommendations would no longer be  
4 valid at that point.

5 DR. MURRAY: How does this  
6 recommendation model what FAA Close Call  
7 Reporting has done as Recommendation 1 mentioned?

8 MR. COTE: I mean, in terms of funding  
9 and governance, it's --

10 DR. MURRAY: Meaning, is the FAA one  
11 under the DOT umbrella similar as to what you're  
12 recommending?

13 MR. COTE: Yes, it is. Other  
14 discussion or questions?

15 1.3, the VIS should be composed of  
16 four parts: federal leadership, an Executive  
17 Board run by a government co-chair and an  
18 industry co-chair who will facilitate day-to-day  
19 organizational functions, issues-analysis teams  
20 that will support and deliver products to the VIS  
21 Executive Board and provide input and  
22 recommendations in response to voluntarily

1 submitted data, and a third-party data provider  
2 that will collect and manage voluntarily  
3 submitted data and maintain confidentiality  
4 protocols.

5 Please.

6 MR. CRADIT: Dan Cote -- or Jason  
7 Cradit.

8 (Laughter.)

9 MR. COTE: I can't ask you -- Jason,  
10 I can't ask you right now why anyone would want  
11 to be Dan Cote. I suggest you rethink that.

12 MR. CRADIT: I do. Quickly, I  
13 appreciate the recommendation. As part of the  
14 Technology and R&D Subcommittee, I think I'm  
15 mostly interested in Group 4, the third-party  
16 data provider.

17 MR. COTE: Yes.

18 MR. CRADIT: I think we have a lot of  
19 alignment with the collection and management of  
20 submitted data. I'm interested in -- and maybe  
21 this is premature based on, I think, Chapter 5 in  
22 your presentation -- the definition of

1 confidentiality protocols.

2 MR. COTE: When we refer to those, we  
3 are referring broadly to the process of stripping  
4 out any identifiable data. The only people that  
5 see those initial reports would be the third  
6 party. They will evaluate -- and I'm covering a  
7 lot of things for later. They would simply  
8 evaluate them for sufficient technical detail --  
9 was the near miss example, for example, was the  
10 near miss clear.

11 Was there sufficient information on  
12 the pipeline or facility to clearly identify what  
13 had happened and how and what the materials were  
14 and so on? So they would that kind of analysis  
15 while concurrently stripping out anything that  
16 could be an identifier in the report.

17 MR. CRADIT: Okay. So to that point,  
18 we've certainly talked about in our subcommittee  
19 that you used the words "de-identification of all  
20 identifiable information". And we have talked  
21 about not doing that to maintain some  
22 identifiable information where it does make



1 sense. And I think that was following the FAA  
2 model that we had heard. I think Chris will  
3 support me on that. Thank you.

4 MR. MCLAREN: Yes.

5 MR. CRADIT: And then secondly, the  
6 confidentiality protocol I'm interested in that  
7 we've talked about is deciding, in a roles-based  
8 structure, who would have access to what? From a  
9 reporting context, would you feel that is  
10 subsumed underneath your confidentiality  
11 protocols?

12 MR. COTE: We do, not necessarily  
13 here. But we'll --

14 MR. CRADIT: But in general?

15 MR. COTE: -- discuss that a little  
16 later. You bet. And that's something -- in  
17 terms of who gets data, we did not identify the  
18 same structures of FAA where there's very layered  
19 data. Because, again, our industry is similar  
20 but not exactly the same and for a variety of  
21 reasons. And so we'll cover that in a bit if you  
22 can hold that thought because that is a

1 discussion we need to have.

2 Oh, John?

3 MR. MACNEILL: John MacNeill, the  
4 Utility Workers Union. Dan, are you Executive  
5 Board thing here with the four parts, I don't see  
6 any place for labor being represented.

7 MR. COTE: We cover that in the makeup  
8 of the Executive Board. If you can hold that  
9 thought for a bit, John, we will come to that.  
10 And it does include labor in terms of the makeup  
11 of the Executive Board.

12 MR. MACNEILL: Okay.

13 MR. COTE: Any more on 1.3? We have  
14 a question from the audience. Are we accepting?

15 MS. BATTAMS: Diane, is this now time  
16 to solicit questions from the audience?

17 CHAIR BURMAN: I would go through  
18 these, to the extent that people have questions,  
19 after folks have weighed in on a particular  
20 recommendation of our comments, I think that's  
21 helpful. I would note that we're on  
22 Recommendation 1.3, we have a lot to go through.

1 So, keep that in mind.

2 But Dan, you can see folks in the  
3 audience, so you can recognize them after the  
4 Committee has weighed in, feel free.

5 MR. COTE: Madam Chairman, with your  
6 concurrence, what I had thought we would do is,  
7 at the end of Section 1, we will call for a vote.  
8 And before we vote, we'll invite the audience to  
9 comment on it section-by-section, if that's okay  
10 with you.

11 CHAIR BURMAN: Yes, that's good. Thank  
12 you.

13 MR. COTE: Thank you. Hearing no more  
14 and seeing no more comments on 1.3. 1.4, there  
15 may be one or multiple information sharing  
16 systems that share data with the national VIS.

17 This recommendation is intended to  
18 encourage the implementation of other information  
19 sharing systems. And this speaks to that issue  
20 that we spoke about a few minutes ago and we  
21 would like to cast as broad a net as possible.

22 As much public data as we can embed,

1 as much industry data that people are willing to  
2 share with VIS, all of that is better. More is  
3 better when it comes to data.

4 Wow, hey, we're sailing now.

5 (Laughter.)

6 MR. COTE: 1.5, participation in VIS  
7 must not be required or mandated. And that  
8 simply reflects the language in the legislation.

9 That completes Section 1. I haven't  
10 heard anything that seemed to rise to the level  
11 of true objection, and so, we'll be calling for a  
12 vote on those five recommendations. Oh, I'm  
13 sorry, Leif.

14 MR. JENSEN: Leif Jensen. I just want  
15 to echo some perspective that we heard from our  
16 parents, as it relates to 1.2.

17 And if indeed our recommendation  
18 report is finalized and submitted up the ladder  
19 to the Secretary and in turn, is not accepted and  
20 a national VIS is not instituted, I am optimistic  
21 that the content that we have discussed will be  
22 carried on by industry and the associations in

1 the spirit of pipeline safety.

2 So, while the Item 1.2 does suggest,  
3 or actually, implicitly states it will be under  
4 DOT, if it fails and there's no adoption by the  
5 Secretary, I'm confident that, in the spirit of  
6 pipeline safety, we're going to be looking for  
7 improvements between ILI vendors, operators, and  
8 even in-the-ditch vendors.

9 MR. COTE: That's fair and I absolutely  
10 agree with you, thank you. And there's already a  
11 fair amount of that in the industry, though  
12 clearly not as much as we would ultimately hope  
13 for. Thank you. Oh, Mark?

14 MR. HERETH: Mark Hereth. I agree with  
15 Leif and believe that in fact would happen and  
16 would just reemphasize that's why it's important  
17 that the document provides a framework to enable  
18 that to happen.

19 Because there clearly are  
20 opportunities here to improve what we do today  
21 and I think we've all found that in this work and  
22 we need to make sure that happens.

1                   MR. COTE: I couldn't agree more, thank  
2 you. Other Committee comments? Comments from  
3 the audience?

4                   MR. TU: Hi, everyone. This is Wen Tu,  
5 from the American Gas Association. Going back to  
6 Recommendation 1.3, other than those four parts,  
7 Dan, I was wondering if you can clarify which of  
8 those parts did you envision, and the Committee  
9 envision, would be the owner and the managers of  
10 the software system?

11                   So, we discussed a lot about the data,  
12 but who would manage the defects, make additional  
13 changes or enhancements to the software system,  
14 as they become obvious or become needed? If you  
15 could comment on that?

16                   MR. COTE: We envision that to be the  
17 third-party provider, because part of what they  
18 would provide would actually be that hardware and  
19 software.

20                   Now, we have not had that discussion  
21 with the Technology group, let me say for the  
22 record. But that was sort of implicit in the way

1 we thought about it. Fair enough? Thank you.

2 Other questions or comments from the audience?

3 DR. MURRAY: This is Christie, not from  
4 the audience. Is there anything else from the  
5 audience? To that question from the audience, my  
6 only recommendation or consideration for this  
7 recommendation would be to clarify that.

8 MR. COTE: Okay, that's great.

9 DR. MURRAY: If it includes the --

10 MR. COTE: Yes.

11 DR. MURRAY: -- system development and  
12 maintainability, that that's included somewhere  
13 in the recommendation.

14 MR. COTE: I mean, did you envision the  
15 Technology group will do that?

16 MR. CRADIT: Yes, the third-party  
17 provider, yes.

18 MR. COTE: Okay, got you. We'll make  
19 sure --

20 DR. MURRAY: Maybe just add that to  
21 that --

22 MR. COTE: Perfect.

1 DR. MURRAY: -- description.

2 MR. COTE: We'll make sure that's  
3 clear. Okay. Having said that and hearing no  
4 further discussion -- oh, I'm sorry.

5 MR. JENSEN: I have a question.

6 MR. COTE: Forgive me.

7 MR. JENSEN: Right, no problem. Just  
8 from a reporting for the Committee standpoint,  
9 Recommendation 1.1, is that really a  
10 recommendation or is that maybe an opening  
11 statement or some content for the report? It  
12 doesn't really seem like a recommendation.

13 MR. COTE: That's fair. It is probably  
14 a preamble comment.

15 MR. JENSEN: Right.

16 MR. COTE: Thank you. Then, on that  
17 basis, do we -- I assume we probably don't want  
18 to vote on it as a recommendation, is that fair?

19 DR. MURRAY: And this is just another  
20 consideration, if you make that a preamble  
21 comment, it doesn't confine you to just looking  
22 at those two examples.



1           If you make it a recommendation, my  
2 question is, does it limit you or put a box  
3 around whether other governance needs you may  
4 want to consider in the future?

5           MR. COTE: Thank you. And I would say  
6 to the Subcommittee who worked on this, does  
7 anyone object seriously to moving this to a  
8 preamble statement and voting on 2 through 5?  
9 And now, we're down to only 22 recommendations.

10           (Laughter.)

11           MR. HERETH: I'm sorry, which one are  
12 we talking about?

13           MR. COTE: 1.1, Mark, would essentially  
14 drop out and become part of the preamble. And  
15 that was that discussion on the governance  
16 aspects, we added the term governance aspects,  
17 should follow the applicable governance aspects.

18           But it's really, it's not really a  
19 substantive governance recommendation, it's  
20 merely sort of a guidance thought. And so --

21           CHAIR BURMAN: This is Diane Burman.  
22 Why not, in your motion, make that comment, and

1 part of the vote is addressing that issue?

2 MR. COTE: Thank you.

3 CHAIR BURMAN: Because we are -- it's  
4 not then questioning whether it should be a  
5 preamble later.

6 MR. COTE: Understand, I appreciate  
7 that, Diane. Thank you. Then, further comments  
8 before we move off Section 1?

9 MR. BELLAMY: Mike Bellamy with Baker  
10 Hughes. Just a procedural question. Having  
11 taken the liberty to flick ahead in your  
12 presentation, there are some of the other  
13 recommendations which it strikes me provide  
14 greater context and discussion of which would  
15 help us, help me better understand this first  
16 section.

17 My preference would be, if it's  
18 possible, to take it as a whole before voting,  
19 just so that we can see all of it, rather than  
20 picking them off --

21 MR. COTE: Section-by-section? I  
22 certainly don't object to that, it just means

1 that if there's substantial debate, if we can  
2 restrict the debate at the end to only those  
3 major substantive issues that people have, that  
4 would be better.

5 That way, we're not trying to cull  
6 through 22 recommendations to figure out where  
7 the disconnects are. But I don't object to that.

8 DR. MURRAY: Diane, any objection to  
9 that process change?

10 CHAIR BURMAN: No, and I think as we go  
11 along, we'll see if we have to revisit that. If  
12 we wind up getting bogged down with some  
13 recommendations that are going to be a little too  
14 clunky for that, we can pull those off to deal  
15 with afterwards. But I think, for now, we're  
16 good and we can move forward on the next one.

17 MR. COTE: Thank you. Then, we are now  
18 on Recommendation 2, and rocketing along nicely.

19 CHAIR BURMAN: Before we go, just make  
20 sure that you -- when we go back to the first  
21 recommendations, that we are noting the preamble  
22 piece.

1           And then, also, some of the comments  
2           in terms of governance, as well as moving some of  
3           these in more detail to other working groups, so  
4           that we just don't forget that flow.

5           MR. COTE: Understand, Diane, thank  
6           you.

7           CHAIR BURMAN: Thank you.

8           MR. COTE: Yes. As of now, the only  
9           substantive change in terms of the motion would  
10          be simply removing 1.1 from the voting. I mean,  
11          but we have the other comments and certainly  
12          recognize that coordination you referenced.

13          2.1, the Secretary should authorize a  
14          VIS program office within PHMSA that will be  
15          responsible for day-to-day leadership over the  
16          VIS, including budget administration, strategic  
17          and tactical decision making, and legislative and  
18          regulatory direction.

19          And, again, that PHMSA model, the day-  
20          to-day management is envisioned to be under PHMSA  
21          in this model, simply because VIS will not have  
22          its own staff. The Board and the working groups

1 will be volunteers from the industry. Mark?

2 MR. HERETH: This is Mark Hereth. I'm  
3 sorry to be the stick-in-the-mud it seems, but  
4 these things, there's a lot of stuff in here  
5 that's really, really important and the wording  
6 is really critical.

7 I honestly wish we would have had more  
8 time to review this in advance and vet it, but we  
9 are where we are. Isn't the authorizing or  
10 standing up an office, isn't that subject to  
11 legislative authorization --

12 MR. COTE: Absolutely.

13 MR. HERETH: -- first of all?

14 MR. COTE: Without the budget and  
15 structure, including confidentiality, hard to see  
16 this working under its current form.

17 MR. HERETH: And so, you're comfortable  
18 that we've captured that, both from your  
19 perspective and from the legal perspective,  
20 regulatory perspective, we've captured that in  
21 the way this is stated?

22 MR. COTE: I'll let Randy respond on

1 the legal and regulatory side.

2 MR. HERETH: Okay. What I mean by that  
3 is, first, it's authorized and then,  
4 appropriated, right? It's got to be both.

5 MR. COTE: You bet.

6 MR. PARKER: This is Randy Parker,  
7 Kinder Morgan. Mark, that's a very good point.  
8 You'll see, in the recommendations from the RFL  
9 Subcommittee, that we're recommending that the  
10 Secretary ask Congress to pass a law authorizing  
11 --

12 MR. HERETH: Okay.

13 MR. PARKER: -- PHMSA to take part in  
14 the VIS activity and that the VIS form its own  
15 governance structure and go forward.

16 And then, we have two funding  
17 requests. One, that Congress look at funding  
18 2019, to get it started as soon as possible. And  
19 that if appropriations are not made, that the  
20 Secretary have the authority to use existing  
21 funds that have already been appropriated for the  
22 purpose of standing up the VIS.

1 MR. HERETH: Okay.

2 MR. PARKER: So, those elements are in  
3 there.

4 MR. HERETH: So, in your mind, then,  
5 the way this is written, this covers the  
6 recommendation you're envisioning in Regulatory  
7 and Legal?

8 MR. PARKER: Correct.

9 MR. HERETH: Okay.

10 MR. COTE: Other comments? Questions?  
11 3.1, the VIS Executive Board should be jointly  
12 co-chaired by an industry representative and a  
13 PHMSA governance representative.

14 The VIS Executive Board would have  
15 specific responsibilities for data governance,  
16 including data quality standards, and oversight  
17 of VIS activities and products.

18 Again, the Executive Board is  
19 envisioned to be the senior executive leadership  
20 group of VIS. Hearing no questions or comments.

21 3.2, the VIS Executive Board  
22 membership should include representatives from

1 key stakeholders, including industry, PHMSA,  
2 safety advocacy groups, labor, and research and  
3 development organizations, as well as a state  
4 safety agent appointed by the National  
5 Association of Pipeline Safety Representatives,  
6 NAPSAR.

7 A majority of the VIS Executive Board  
8 should be made up of pipeline industry  
9 representatives, as this would help motivate  
10 voluntary participation and provide a level of  
11 security for industry participants.

12 The key to getting people to volunteer  
13 will be having them being at least reasonably  
14 secure that this is not being imposed from the  
15 outside.

16 That's the very essence of  
17 volunteering. If it was imposed from the  
18 outside, they wouldn't participate, short of an  
19 order of PHMSA. And so, this is in keeping with  
20 that vision of a voluntary participation model.

21 Chris?

22 MR. WARNER: Chris Warner from Mears.



1 Dan, I support the list of people you have on  
2 here. It just sounds like it's going to be a big  
3 Executive Board, did you guys consider any size  
4 definition at all?

5 And then, my second question is, is  
6 there going to be a second team, like in ASIAs,  
7 where people come together, the Board is a  
8 separate entity, and they talk about what's  
9 happening?

10 Are we envisioning an industry or  
11 other annual meeting or quarterly meeting or  
12 whatever the case may be?

13 MR. COTE: We didn't built that into  
14 governance.

15 MR. WARNER: Okay.

16 MR. COTE: We talk about a meeting  
17 cadence in a bit. But until we see what the  
18 cadence is and this matures a bit, we didn't want  
19 to dictate that cadence.

20 MR. WARNER: Okay.

21 MR. COTE: But if you hold that  
22 thought, we'll cover that in recommendation a

1 little later.

2 MR. WARNER: And then, the size, are we

3 --

4 MR. COTE: Size, I mean, we talked a  
5 lot about that. I was -- honestly, my personal  
6 preference was a more nimble Board.

7 But recognizing that stakeholder buy-  
8 in from across the spectrum of interested people  
9 was absolutely critical. So, we didn't want to  
10 dictate what those numbers had to look like.

11 MR. WARNER: Okay.

12 MR. COTE: And again, because buy-in is  
13 so critical, without adequate buy-in, again, from  
14 across the spectrum, this will fail. And so,  
15 we're going to leave the exact numbers ultimately  
16 to the Board organization to select.

17 Oh, I'm sorry, Dr. Perry?

18 DR. PERRY: Yes, Dan. Simona Perry,  
19 Pipeline Safety Coalition. I would like to see a  
20 definition of safety advocacy groups, whether  
21 that means, like, public safety advocacy or  
22 safety advocacy within the industry, two

1 different things.

2 MR. COTE: I think we envisioned folks  
3 like yours --

4 DR. PERRY: Okay.

5 MR. COTE: -- to tell you the truth.  
6 But we will include that in our formal  
7 definitions and frame that. Again, I think we  
8 all knew what we meant, but it was one of those  
9 deals that we didn't write down. Thank you.

10 MR. JONES: Yes, I was going to second  
11 that, it was public safety advocates that I  
12 certainly meant. And we could insert that now,  
13 if you like, or we could wait until later.

14 MR. COTE: Leif?

15 MR. JENSEN: Just one comment on that  
16 most recent discussion. As we stated early on in  
17 the VIS, that we are advocating pipeline safety  
18 advocacy groups, not pipeline adversarial groups.

19 MR. COTE: And that's a fair  
20 distinction, thank you. Other thoughts or  
21 comments?

22 3.3, the VIS Executive Board should

1 meet at regular intervals and may be convened to  
2 discuss data trends or emerging issues on an ad  
3 hoc or emergency basis.

4 And, again, until we see the flow of  
5 data, and having been part of a lot of different  
6 activities that relied on people volunteering or  
7 stepping up or providing data, I mean, initially,  
8 this is likely to start off slow.

9 We will not have armies, typically  
10 there are early joiners and then, we start to  
11 build and produce enough information so that the  
12 middle of the pack sort of gets interested and  
13 wants to participate and sees the value of it.

14 But because we recognize that cycle is  
15 likely to occur, we didn't want to dictate a  
16 cadence until a cadence emerges.

17 3.4, the VIS Executive Board is  
18 responsible for the development of governing  
19 documents based on a collaborative model for  
20 self-governance rules.

21 Examples of useful governing documents  
22 may include the mission and charter, stakeholder

1 organization participant agreement,  
2 confidentiality policies, and issue resolution  
3 process.

4 There was a fair amount of debate and  
5 discussion on our committee as to how  
6 prescriptive the governance recommendations  
7 should be on the Board.

8 And ultimately, we sort of tried to  
9 fall in middle ground, where we're giving clear  
10 guidance and expectations, but not handcuffing  
11 the Board. If we were going to do that, we'd be  
12 wasting our time.

13 And so, this was sort of comprise  
14 language where we, again, found the common  
15 denominators that people could be comfortable  
16 with. Hearing no comments.

17 4.1 -- oh, I'm sorry.

18 DR. PERRY: Simona Perry. I would just  
19 also want to see issue resolution process, I  
20 think we talked about this yesterday, defined and  
21 kind of contextualized, in terms of wording  
22 that's being used, so that's clear. Thank you.

1 MR. COTE: Understand.

2 DR. PERRY: Okay.

3 MR. COTE: And we saw, honestly, Dr.  
4 Perry, we saw issue resolution process and self-  
5 governance rules to sort of work concurrently,  
6 but the Board would ultimately determine  
7 precisely how they worked. Again, we were not  
8 looking to dictate a clear, detailed process for  
9 that.

10 DR. PERRY: Understood.

11 MR. COTE: 4.1, the Issues Analysis  
12 Team should be made up of third-party data  
13 provider, the NAPS-R-appointed state agent, and  
14 technical experts from industry and PHMSA.

15 And, again, those issues, we envision  
16 the Issues Analysis Team to really be made up of  
17 industry experts and would be varied. That is  
18 not a single appointed group where eight of us  
19 are the PHMSA Issues Identification Team.

20 Different types of technical issues  
21 will demand different types of technical  
22 expertise.

1           So, if you look at a situation where  
2           a failed plastic fusion, for example, caused a  
3           major incident or a near miss, you would want  
4           different experts than those who might have  
5           enormous expertise in ILI or pipeline issue  
6           remediation of various kinds.

7           And so, that wasn't meant to be a  
8           single monolithic group, but would be drawn in as  
9           industry experts, based on the specific issue to  
10          be discussed or analyzed.

11          4.2 -- or, I'm sorry, that was 4.2.  
12          No, it wasn't. 4.2, the Issues Analysis Team --  
13          so, the two sentences start the same way, forgive  
14          me.

15          The Issues Analysis Team should  
16          analyze data and make specific recommendations to  
17          the VIS Executive Board regarding non-regulatory  
18          actions to address the data trends and identify  
19          risks.

20          So, they would recommend, essentially,  
21          to the VIS Board what would be published and  
22          distributed by way of data or trends. Or we also

1 envisioned that certain types of individual  
2 incidents may be so compelling that they decide  
3 to send the industry notice on those, based on  
4 the specific situations.

5 DR. MURRAY: Quick --

6 MR. COTE: Dr. Murray?

7 DR. MURRAY: Just a clarifying  
8 question. Would lessons learned fit into this  
9 recommendation as well?

10 MR. COTE: Could very well. Much of  
11 the data will be lessons learned. Now, whether  
12 or not it takes more than one near miss, for  
13 example, to generate a report would be up to the  
14 third-party and the Issues Analysis Teams, and  
15 ultimately decided by the Board.

16 DR. MURRAY: Would it make sense to  
17 include language regarding recommendations and  
18 lessons learned?

19 MR. COTE: Fine, I see no objection.  
20 Does anyone on the Subcommittee object to that?  
21 Certainly. Nance, you got that?

22 MS. WHITE: I do, I'm modifying it to



1 read that it will make specific recommendations  
2 and lessons learned to the VIS Executive Board.  
3 Nancy White, PHMSA.

4 MR. COTE: Thank you. Oh, I'm sorry,  
5 Jason?

6 MR. CRADIT: Just a point of clarity  
7 on, should analyze data, does that mean  
8 specifically data analytics directly?

9 MR. COTE: I think we were thinking of  
10 data in the more micro setting. In other words,  
11 analyze the data in the individual issues being  
12 addressed.

13 I mean, that certainly is not intended  
14 to be exclusive to that, but we thought a little  
15 less about macro data analysis, that would come  
16 later, because it takes a fair amount of data.  
17 But that wasn't intended to be exclusive.

18 MR. LAMONT: What was your concern?

19 MR. CRADIT: Well, I'm looking at the  
20 overlap between the Issue Analysis Team and the  
21 third-party data provider and how much access  
22 they would have directly to the data source. And

1 my concern is around how we would architect the  
2 system to support that. Does that make sense?

3 MR. COTE: It does. It makes perfect  
4 sense. And we're going to cover a little more on  
5 their access to the data providers in just a bit.

6 MR. CRADIT: Sure.

7 MR. COTE: The classification -- okay,  
8 we're on -- oh, I'm sorry, Mark?

9 MR. HERETH: I'm Mark Hereth. What is  
10 it -- help me understand what it is the non-  
11 regulatory actions, or are those going to be  
12 defined somewhere else? I mean, I know you  
13 clarified them just a little bit a second ago, by  
14 adding lessons learned, but --

15 MR. COTE: No, let me -- I mean, the  
16 non -- obviously, these are all intended to be  
17 non-regulatory. In other words, they're not  
18 enforcement actions, they're not inspection  
19 results, they're not letters of warning.

20 MR. HERETH: Could they be an advisory?

21 MR. COTE: They could be an advisory,  
22 simply to the industry, sent by the VIS. And we

1 envisioned a couple of different levels of  
2 outreach communication.

3 Most of what we see VIS producing is  
4 various advisories to the industry, on both near  
5 misses or the analysis of more broad data trends,  
6 this is the data we're seeing on 1962 ERW pipe,  
7 for example.

8 And corrosion trends or whatever the  
9 technical issue is, when the VIS has enough data,  
10 so it feels like it can say with a level of  
11 technical confidence that this is a problem that  
12 the operators need to examine.

13 Now, that could get down to the level  
14 of a single near miss, for example, on using  
15 plastic pipe at five degrees and not recognizing  
16 the temperature gradient, or whatever --

17 MR. HERETH: Again, yes.

18 MR. COTE: -- there's a million  
19 technical issues there.

20 MR. HERETH: Right.

21 MR. COTE: But it can be both. In  
22 other words, those issues that are generated by a

1 relatively few reports, but significant, or  
2 broader industry data that says, we've analyzed a  
3 hundred different reports and here's our  
4 conclusion. I mean, and we need to define that  
5 in definitions in very bright terms.

6 MR. HERETH: And that would be your  
7 plan to do that?

8 MR. COTE: And it would be our plan to  
9 do that.

10 MR. HERETH: Okay. Thank you.

11 MR. COTE: 4.4, Issues Analysis Team  
12 should use all appropriate data in their analyses  
13 and reports on lessons learned. Oh wait, still -  
14 - oh, I'm sorry. Well, 4.4, any takers?

15 (Laughter.)

16 MR. WARNER: I'm just not sure what  
17 that means. I mean, what are you trying to get  
18 at in terms of that? What are you trying --

19 MR. COTE: Well, there's going to be --  
20 and I think what we were trying to say, Chris,  
21 was, there will be data flowing in from near  
22 misses, for example, and from trends, hopefully,

1 the vendors, contractors, as well as operators  
2 find in their broader data.

3 But to the extent we can reach beyond  
4 that into PHMSA records that are publicly  
5 available, other industry data, we want, just  
6 like we tried to cast a broad net on the data  
7 that was available, we intend for these Issues  
8 Analysis Teams to use all the data available to  
9 them in the public arena or the things that came  
10 in through the Voluntary Information Sharing,  
11 which are not public, and then, are scrubbed and  
12 de-identified. That's what we were really trying  
13 to say there.

14 MR. WARNER: So, maybe clarify that for  
15 -- because to me, it seems almost like a, thou  
16 shalt use all data, and then, that -- I don't  
17 know, for some reason, that creates -- Jason's  
18 shaking his head.

19 MR. CRADIT: I agree.

20 MR. COTE: Well, how would you -- I  
21 mean, this says Issue Analysis Teams should use  
22 all appropriate --

1 MR. WARNER: I would say, consider all

2 --

3 MR. COTE: -- not shall, should.

4 MR. WARNER: -- should consider data  
5 outside of the VIS in analyzing its data trends,  
6 or something like that.

7 MR. COTE: Fine, I --

8 MR. WARNER: That's all I'm --

9 MR. CRADIT: That's a good idea.

10 MR. WARNER: Okay.

11 MS. WHITE: So, the edit is --

12 MR. COTE: Can you say that again,

13 Chris?

14 MR. WARNER: Issues Analysis Teams  
15 should consider the use of other data outside of  
16 the VIS data source, or data set --

17 MR. COTE: When presenting its  
18 analysis?

19 MR. WARNER: -- when performing  
20 analysis and reports, yes.

21 MR. COTE: Perfect. Thank you. Mark?

22 MR. HERETH: So, you're -- this is Mark

1 Hereth. You're removing the word appropriate  
2 there, then? Because I struggled with why  
3 appropriate's in there.

4 MR. WARNER: Right.

5 MR. HERETH: Okay.

6 MR. COTE: I think we did remove the --

7 MR. HERETH: Yes.

8 MR. COTE: -- word appropriate.

9 MR. HERETH: Okay.

10 MR. COTE: Are you good, Mark? Or --

11 MR. HERETH: Well, I'm struggling with  
12 -- yes, could we state what it says now?

13 MS. WHITE: Sure. Issue Analysis Teams  
14 shall consider the use of all data outside the  
15 VIS in their analysis and reports on lessons  
16 learned.

17 MR. LAMONT: I would say, other data.

18 MS. WHITE: Other data?

19 MR. WARNER: Yes, because you can't  
20 verify all.

21 MR. HERETH: You can't say all.

22 MS. WHITE: Okay, other data.

1 MR. HERETH: And --

2 MS. WHITE: Issue Analysis Teams shall  
3 consider the use of other data outside the VIS in  
4 their analysis and reports on lessons learned.

5 MR. HERETH: And the key thing that  
6 we're trying to capture there is what?

7 MR. COTE: That the Issues Analysis  
8 Teams should not be restricted to the PHMSA  
9 Voluntary Information Sharing data that flows in.

10 MR. HERETH: Okay.

11 MR. COTE: That's the strategic  
12 takeaway.

13 MR. HERETH: So, it could be other  
14 publicly available data?

15 MR. COTE: Exactly.

16 MR. HERETH: Okay. Thank you.

17 MR. COTE: You bet. 4.3, data  
18 classification and analysis will begin after the  
19 data is collected and de-identified.

20 At the same time, the appropriate  
21 Issues Analysis Team will work with the third-  
22 party data provider to offer recommendations to



1 the VIS Executive Board regarding the necessity  
2 of individual, specialized, or technical input  
3 from outside individuals.

4 Such input might be necessary when  
5 dealing with specialized technical cases, such as  
6 inline inspection and interpretation.

7 So, in other words, once an Issues  
8 Analysis Team is set up, this hypothesizes that  
9 they will want other direction that wasn't  
10 directly appointed and should be able to go get  
11 it, simply stated. Oh, Leif?

12 MR. JENSEN: Leif Jensen. A couple of  
13 comments here. Yesterday, during the Best  
14 Practice Subcommittee meeting, we had reflected  
15 on some comments we heard from the FAA in that,  
16 as data is submitted, to delay the de-  
17 identification of that data farther down the  
18 process, so that those who are interpreting the  
19 data can go back to the data provider and get  
20 clarification as it is necessary.

21 So, we have a continuous improvement  
22 loop in our recommendation, or one of the ideas,

1 that we actually reverse the quality and  
2 validation aspect prior to the de-identification  
3 aspect.

4 Which folds in this whole  
5 confidentiality protocol aspect, put that issue  
6 aside. So, I think we need to be careful with  
7 the recommendation that all analysis will occur  
8 after de-identification.

9 And then, my second comment pertaining  
10 to this is, relative to the confidentiality  
11 protocol, if the Analysis Team needs to reach out  
12 to other experts, there has to be a, I'll call it  
13 a DMZ or a barrier with respect to, not  
14 necessarily allowing those third-parties coming  
15 into the analysis to be subject or privy to the  
16 confidential identified data.

17 MR. COTE: Right, and this envisions  
18 that the only group that sees the confidential  
19 data is the third-party provider, not even the  
20 Issues Analysis Teams will have access to that.

21 And so, should -- I mean, they can,  
22 through the third-party provider, and we make

1 that statement a little later, through the third-  
2 party provider, if the Issues Analysis Teams feel  
3 like they need more information from the  
4 reporter, the provider of the report, they would  
5 send essentially a data request through the  
6 third-party.

7 The third-party will be able to reach  
8 out to the folks who reported, because obviously  
9 the third-party sees it, because they scrubbed  
10 the data. That would be the way that would work.

11 MR. JENSEN: And I hear what you're  
12 saying, very well said. One of the things that  
13 we heard from, I believe it was Warren from the  
14 FAA, that it's very important that we pair people  
15 from the third-party team with people from the  
16 industry, because those that we hire that are  
17 capable of analyzing data, mathematicians,  
18 statisticians, may not necessarily know the  
19 industry lore.

20 And so, we're going to have to have  
21 members from industry, or any other stakeholder  
22 group, be able to participate with that third-

1 party in a confidential umbrella, to be able to  
2 analyze data.

3 MR. COTE: Understand. And we don't  
4 disagree with a word you said. Chris?

5 MR. WARNER: I'd like to suggest, maybe  
6 it would clear it up if you said, data  
7 classification and analysis performed by the  
8 Issues Analysis Team, will begin after data is  
9 collected and declassified.

10 And so, that means that if analysis is  
11 happening by the third-party data collector or  
12 prior to getting to this Issue Analysis Team, it  
13 may not be de-identified. So, that's what I  
14 would like to recommend on this statement.

15 MR. COTE: Did you capture that, Nance?

16 MS. WHITE: I did. I'm looking at Leif  
17 to see that it's --

18 MR. COTE: Leif, are you good with that  
19 language?

20 MR. JENSEN: Yes.

21 MR. COTE: Thank you.

22 MS. WHITE: Nancy White, PHMSA. Read

1 back, data classification and analysis performed  
2 by the Issue Analysis Team will begin after data  
3 is collected and de-identified, period. And  
4 then, to continue with the rest of what you see.

5 MR. COTE: Are we good?

6 MR. CRADIT: Sorry, Jason Cradit. It's  
7 a funny point of clarity, but we have talked a  
8 lot in our Subcommittee about machine learning  
9 and how it might play an impact on the outcomes.  
10 And given that language, analysis, to me, would  
11 be a machine learning task. Or classification.

12 MR. COTE: Could be.

13 MR. CRADIT: Which, in my mind, would  
14 happen in the third-party provider's job jar,  
15 right?

16 MR. COTE: That's fair.

17 MR. CRADIT: So, then, that language  
18 would preclude that, in my mind.

19 MR. COTE: Nance, can you read that one  
20 more time? I hadn't thought about it through  
21 that prism and need to hear it one more time.

22 MS. WHITE: Absolutely. Nancy White,

1 PHMSA. Data classification and analysis  
2 performed by the Issue Analysis Team will begin  
3 after data is collected and de-identified. Would  
4 you propose --

5 MR. CRADIT: Because you said --

6 MS. WHITE: -- a modification?

7 MR. CRADIT: -- performed by that team,  
8 I think it is clear. I think it is clear. Yes.

9 MS. WHITE: Do we have resolution?

10 MR. CRADIT: Yes.

11 MR. COTE: We do, thank you.

12 MS. WHITE: Wonderful.

13 MR. HERETH: Mark Hereth. What I would  
14 -- Jason, I thought your concern was that you  
15 might want to apply some type of data analytics,  
16 of which machine learning would be one, could be  
17 one, that would be applied in an un-de-identified  
18 domain. And I'm not sure the language that's now  
19 proposed allows that.

20 MR. CRADIT: Jason Cradit. I do think  
21 it does, because the point was, performed by the  
22 Issues Analysis Team --

1 MR. COTE: Correct.

2 MR. CRADIT: -- is that correct?

3 MS. WHITE: That is correct.

4 MR. CRADIT: So, then, I think it could  
5 happen, but anything -- the point that this  
6 sentence now makes, in my head, is that, if it's  
7 performed by the Issues Analysis Teams, those  
8 steps would be taken.

9 MR. COTE: Exactly. And that was the  
10 intent.

11 MR. CRADIT: That was the intent? Yes.

12 MR. COTE: We are -- yes. We were not  
13 concerned about the IT analysis that took place  
14 in the third-party computer, because it's  
15 probably not going to blab.

16 (Laughter.)

17 MR. HERETH: So, could we read that  
18 again, please?

19 MS. WHITE: Yes. Nancy White, PHMSA.  
20 Read back, data classification and analysis  
21 performed by the Issue Analysis Team will begin  
22 after data is collected and de-identified.

1 MR. HERETH: When I hear that, it still  
2 says that it's going to be after its de-  
3 identified. So, that's not --

4 MR. COTE: But that would --

5 MR. HERETH: -- addressing --

6 MR. COTE: But it says specifically, by  
7 the Issues Analysis Team.

8 MR. HERETH: But it uses --

9 MR. COTE: Which is correct.

10 MR. HERETH: It uses the preposition,  
11 after --

12 MR. JENSEN: That's right.

13 MR. HERETH: -- correct?

14 MR. JENSEN: Leif Jensen. In my  
15 perspective, to add onto that, is that we want  
16 the ability to have subject matter experts from  
17 stakeholder groups, along with the Analytical  
18 Team, to be able to be privy to identified data,  
19 under a confident umbrella, so they won't leak  
20 the information.

21 MR. COTE: Then, that is --

22 MR. JENSEN: That's the way it happens



1 in ASIAs, right?

2 MR. COTE: That, we did not envision,  
3 let me say for the record. We didn't envision  
4 the -- because we saw a potentially significant  
5 number of people being part of those Issues  
6 Analysis Teams.

7 And so, we couldn't think -- I mean,  
8 if you capture the right technical data, why do  
9 you need to know who the operator is? I mean,  
10 and I think --

11 MR. JENSEN: Well, let me walk down a  
12 hypothetical scenario --

13 MR. COTE: Go ahead, please.

14 MR. JENSEN: -- to help clarify for the  
15 group the way I envision this, based on what I  
16 heard from the FAA at the last meeting.

17 Let's say we have a dozen pipeline  
18 operators involved in the VIS. And they go  
19 through a training and competency onboarding  
20 process and there's a handful of people at each  
21 operator, or maybe just one, that's trained and  
22 operators under this confidentiality umbrella.

1           Likewise, there is a third-party  
2 administrator that is underneath the VIS, that  
3 also is subject to this confidentiality protocol.

4           So, as data is being submitted by the  
5 liaison from these dozen operators and the  
6 Analysis Team and the third-party administrator  
7 has questions, they can go back to that person  
8 who submitted the data and collaborate and  
9 clarify and scrub the data or make sure that we  
10 have QA/QC performed on the data.

11           Because if we have data in that's  
12 garbage, then we're going to get a bad product  
13 out of the system. So, my take on it is those  
14 entities need to be privy to the identified data,  
15 so that we can ensure the process is going to  
16 work.

17           MR. COTE: And the way we envision  
18 that, and we're close, but not exactly there,  
19 first of all, the people submitting data from the  
20 companies, be they pipeline or distribution  
21 companies, we were not going to require  
22 confidentiality of, because they only see their

1 data.

2 And so, they would be privy to it by  
3 definition, and so, there's no reason for them,  
4 they wouldn't see confidential industry data,  
5 they would only see their own. So, we didn't  
6 envision them being confidential.

7 In terms of the Issues Analysis Team,  
8 they would see the scrubbed data, but if they had  
9 technical questions, to your point, and I think I  
10 referenced this a while ago, they could simply  
11 submit them to the third-party.

12 The third-party clearly knows who  
13 submits the report and the third-party folks do  
14 have access to all the confidential data. And  
15 so, they would reach back to the reporter and  
16 simply seek, in a data request format or a  
17 discussion, whatever format makes the most sense  
18 for the question.

19 But there's no reason for the Issues  
20 Analysis Team to be part of that. In other  
21 words, that third-party would become the  
22 gatekeeper and the, essentially, the regulator

1 for data flowing in and out.

2 And so, under those circumstances,  
3 Leif, we really didn't envision the Issues  
4 Analysis Team needing access to confidential  
5 data.

6 I mean, because -- most of the  
7 technical data, we saw as really nonconfidential,  
8 because there's typically enough pipe in the  
9 country so that if it's a 24-inch transmission  
10 line at 800 pounds, that could be any one of two  
11 dozen people.

12 And so, beyond that, and I mean, in  
13 terms of the generics of the technical data, we  
14 couldn't think of a whole lot that would be so  
15 compelling as to identify the operator.

16 MR. JENSEN: The only basis for my  
17 follow-up comment to that is, what we heard from  
18 the FAA when we asked them the question, what  
19 would you do differently? They have 20 years  
20 advancement on us.

21 And one of the replies was to suspend  
22 the de-identification of data farther down the

1 chain, so that they could ensure better quality  
2 of that data.

3 And my take on it is that, if we have  
4 a third-party administrator that hires a staff of  
5 statisticians and mathematicians and very smart  
6 people, they're not going to know the right  
7 questions to ask the data provider.

8 MR. COTE: Understand. So, that's a  
9 tension then -- so, the tension is really between  
10 having more people have access to the non-de-  
11 identified data.

12 Let me ask the Subcommittee, do we  
13 have a passion for that? We can certainly tweak  
14 that. I mean, I'm thinking we may want to table  
15 this if we do, or we can simply disagree and say,  
16 we continue to see our model as necessary. But  
17 does anyone on the team have strong feelings  
18 about that?

19 MR. PARKER: This is Randy Parker,  
20 Kinder Morgan. One thing I remember from a  
21 presentation for the Center for Offshore Safety  
22 is that they quickly realized they were going to

1 get a lot of data that was really bad quality,  
2 unless they had the ability to go to the  
3 reporter, reporting company and ask questions.

4 So, they maintain that confidentiality  
5 during that process and then, they de-identified  
6 it afterwards, after they had cleaned it up. So,  
7 I'm certainly open to that, if we can provide  
8 operators with the protection I think they need.

9 MR. COTE: Mark?

10 MR. HERETH: I respectfully disagree  
11 with your characterization. It's not a tension,  
12 it's what's the right thing to do.

13 MR. COTE: Well, I mean, I --

14 (Laughter.)

15 MR. HERETH: I understand what you're  
16 saying. And so, this is one where I think that  
17 we need some more discussion from your  
18 Subcommittee or as a full Committee to really  
19 understand where we want to place this, because  
20 this is really important.

21 And I see other heads shaking yes.

22 And I hope that you'll actually be more vocal,

1 because this one, I'm uncomfortable with the way  
2 we currently have it phrased, and I'm not sure  
3 that I see a resolution to it at the moment.

4 If there are suggestions on how to  
5 change that wording to make it such that the  
6 Issue Analysis Team can work with it in an  
7 identified, non-identified, unidentified manner,  
8 then I think I can be supportive of that. But I  
9 struggle with the way it's written currently,  
10 with the after in there.

11 MR. COTE: I appreciate that. Walter?

12 MR. JONES: I find -- on the  
13 Subcommittee, the reason this is on there,  
14 because there was a perceived need to have a huge  
15 firewall between a third-party analysis and the  
16 rest of the world.

17 And this wall couldn't be built high  
18 enough, deep enough, or wide enough. And it  
19 seemed like that was the purpose of our get  
20 together, was ensuring that no one ever, ever,  
21 ever saw some de-identified data.

22 Subsequently, we got a number of

1 different presentations from IT folks and FAA, as  
2 Leif had pointed out a few times today, that said  
3 that, if we could do it all over again, let's  
4 hold off on de-identifying.

5 And then, the other IT guys had said,  
6 we could probably control that better than this  
7 20-foot high firewall that we were probably --  
8 but we never really changed our thinking, because  
9 we were concerned with industry, making sure that  
10 confidentiality.

11 So, I would imagine we're willing to  
12 go back and relook at this idea, either today or  
13 at another meeting, to address what I guess IT  
14 can do for us, in terms of de-identifying, or as  
15 Leif pointed out -- we want a big wall, that was  
16 our goal, between that and -- because we didn't  
17 think this process would suffice.

18 MR. COTE: And that's a very fair  
19 characterization, Walter. That was -- our  
20 compelling single concern was, being able to  
21 assure the industry the data would be de-  
22 identified and that their confidential data would



1 truly be confidential.

2 And so, that was a powerful motivator  
3 for us, because our concern was people wouldn't  
4 report if they didn't have that assurance.

5 Robert?

6 MR. BUCHANAN: Isn't there a mechanism  
7 to have two-way questions going back and forth?  
8 Maybe this Issues Analysis Team can say, I've got  
9 questions, they can send the question back to the  
10 third-party company. And then, that company can  
11 sort of try and get that question answered and  
12 get the answer back to them.

13 MR. COTE: And that's exactly what we  
14 had identified.

15 MR. BUCHANAN: Yes, so I think that  
16 mechanism is there to get more information, I  
17 think. So, let's identify it somehow. Let's  
18 still keep that wall.

19 MR. COTE: Just a --

20 MR. BUCHANAN: But have that two-way  
21 communication available as an option.

22 MR. COTE: Thank you. Just a nod of

1 heads or show of hands, I mean, is there enough  
2 support to table this and really rewrite it with  
3 more -- with a broader, recognizing that sort of  
4 challenge with the industry and confidentiality,  
5 but more people have access to confidential data?

6 Is that sort of the sense of the  
7 group, then? Then, this one will be tabled. And  
8 Nance, that was 4. --

9 MS. WHITE: 3.

10 MR. COTE: -- 3, good deal. Okay.

11 MS. WHITE: So, I'm noting that as  
12 tabled for now for further reflection by the  
13 Subcommittee, to include more people having  
14 access to confidential data.

15 MR. COTE: Perfect.

16 MS. WHITE: Okay.

17 MR. JENSEN: I would like to add and  
18 echo what we heard Bob Buchanan say, that if  
19 indeed we desire to have a more robust firewall,  
20 to woo other operators and industry  
21 representatives to voluntarily participate, that  
22 in the absence of introducing more people to that

1 confidentiality, that we establish a workflow  
2 process, a well-documented workflow process, that  
3 allows correspondence between the Analysis Team,  
4 through the third-party, to the data provider.

5 MR. COTE: And that is what we  
6 envisioned, though we haven't articulated it  
7 well. Thank you, Leif. Okay.

8 We have covered 4.4, so 4.5. Issue  
9 Analysis Teams, in coordination with the third-  
10 party data provider, should make recommendations  
11 to the VIS Executive Board on products for  
12 distribution.

13 And products for distribution are  
14 clearly those reports that we talked about,  
15 notices to the industry, various formats of  
16 communication, in terms of risks identified or  
17 remediation measures.

18 The VIS Executive Board should decide  
19 what information products are distributed, to  
20 facilitate pipeline safety improvements. So,  
21 again, the VIS Board is the ultimate gatekeeper  
22 of what gets distributed.

1                   Okay. 4.6, Issues Analysis Teams,  
2                   working with the third-party data provider,  
3                   should provide input to the VIS Executive Board  
4                   on potential protocols, including metrics,  
5                   reporting format, and reporting form templates.

6                   So, in other words, how does the data  
7                   come in? How do we -- how does it get formatted?  
8                   Are there broad metrics that we want to track  
9                   over time to produce an ongoing metrics report,  
10                  for example, in areas?

11                  All of that should be within the  
12                  purview of the third-party data provider, based  
13                  on the Issues Analysis -- and working with the  
14                  Issues Analysis Teams, clearly.

15                  CHAIR BURMAN: This is Diane Burman.  
16                  I just wanted to say, on that point, that 4.6,  
17                  kind of gets at the issues of what's in 4.3, in  
18                  terms of what some of the information and input  
19                  the Analysis Team will need.

20                  But to the extent that you think  
21                  about, when we table 4.3 and do it, that 4.6 can  
22                  be made a little broader to also give some wiggle

1 room for what will be needed to do analysis and  
2 to get the right information.

3 MR. COTE: Understand. Having said  
4 that, Diane, I guess I would recommend that we  
5 still -- I mean, because conceptually, it won't  
6 change, we can expand its definition a bit, in  
7 terms of data, but it doesn't change the  
8 substance.

9 So, unless you believe we're really  
10 making a substantive change, I would invite the  
11 group to vote on that in the end and include it,  
12 recognizing that we'll just tweak the language a  
13 bit with more detail on the types of data. Is  
14 that fair?

15 CHAIR BURMAN: Right, yes. I agree.  
16 I agree with that. I just also want folks to not  
17 be -- this is all really important and a lot of  
18 the information that needs to -- and how it gets  
19 fleshed out in 4.3, needs to be broad enough to  
20 give wiggle room for legislation and then, the  
21 implementation, where a lot of the details will  
22 come by the setting up of the process.

1                   Obviously, I think, keeping in mind  
2                   what some of the key objectives are and why it's  
3                   important to have secure sharing information and  
4                   the protection of confidentiality aspects. So,  
5                   keep that in mind.

6                   MR. COTE: I agree fully. And I would  
7                   just add, I mean, we hadn't intended 4.6 to be  
8                   exclusive to those. That's why we said, on  
9                   potential protocols, including.

10                  We expect the Board to want to expand  
11                  that dramatically, and probably explore both data  
12                  and analytics that we haven't even thought of  
13                  yet, over time. So, couldn't agree more with  
14                  what you said, ma'am.

15                  Then --

16                  CHAIR BURMAN: Great.

17                  MR. HERETH: So, what does that mean,  
18                  then? What's your expectation, that we would add  
19                  to this or supplement to this?

20                  MR. COTE: Well, the Board will add and  
21                  supplement, in terms of the protocols it creates  
22                  around the sort of data it disseminates, simply

1 stated.

2 MR. HERETH: Okay, thank you.

3 MR. COTE: Dr. Perry?

4 DR. PERRY: Yes, Simona Perry. I would  
5 just maybe recommend that there be a phrase  
6 inserted after including, including, but not  
7 limited to.

8 MR. COTE: I certainly don't object to  
9 that.

10 DR. PERRY: So, then, it's --

11 MR. HERETH: Yes.

12 DR. PERRY: -- inclusive.

13 MR. COTE: Nance, did you capture that?

14 MS. WHITE: Can we revisit, where the  
15 edit is?

16 DR. PERRY: Yes. On Recommendation 4.6  
17 --

18 MS. WHITE: Right.

19 DR. PERRY: -- after, VIS Executive  
20 Board on potential protocols, including, but not  
21 limited to, added.

22 MS. WHITE: Got it.

1                   MR. COTE: Any objection to that  
2 friendly amendment? Hearing none. 5, 5.1, the  
3 third --

4                   CHAIR BURMAN: Before we go to 5, I  
5 think it might be important to check in with both  
6 the audience, who may have comments on the  
7 recommendations so far.

8                   I know we opened it up for  
9 Recommendations 1 and I believe 2, but I don't  
10 think we did for 3 and 4. And I just don't want  
11 to lose the thread, if folks in the audience have  
12 some comments they want to make.

13                   MR. COTE: That's fair, Diane, thank  
14 you. Comments from the audience?

15                   MR. TU: This is Wen Tu from AGA,  
16 again. I did have a comment about, thinking  
17 forward about tactically how we're going to do  
18 this governance, I'm wondering if the Committee  
19 would consider having some type of clause that  
20 recommends that the service level agreement part  
21 of the contracts with the third-party vendor  
22 would be reviewed by the executive governance



1 team, I think that's what you called it.

2 MR. COTE: That's fair. Nance, can we  
3 capture that in notes somewhere?

4 MS. WHITE: Yes.

5 MR. COTE: That that would be one of  
6 the governance board's responsibilities? Thank  
7 you.

8 DR. MURRAY: There's another question.

9 MR. COTE: Oh, I'm sorry.

10 MR. SPEICHER: Hi, Kevin Speicher, New  
11 York Department of Public Service. I get a  
12 little bit nervous when I see data analysis  
13 teams, so that -- it implies to me that somebody  
14 has data and might not be releasing all the data  
15 or making all the data available.

16 I don't know if you understand that,  
17 but I think the worst data to have is the data  
18 you don't do anything with. If you have access  
19 to that data and aren't using that and it becomes  
20 a problem in the future.

21 If you have access to it, you should  
22 allow the, I don't know exactly the way to say

1 it, but allow the raw data to be used and  
2 analyzed by more than just this very small team.

3 MR. COTE: What phrase did you hear  
4 that made you think that we were restricting the  
5 data that we provided the data analysis teams?

6 MR. SPEICHER: I think it's -- my  
7 comment is towards limiting it only to the data  
8 analysis teams. So, if you made raw data --  
9 obviously, it needs to be protected, it's  
10 confidential in nature, as far as who supplied  
11 the data.

12 But if that data is made available to  
13 a wider audience, I think you find more trends in  
14 there that the data analysis teams might not  
15 find.

16 MR. COTE: Understand. I mean, the,  
17 conceptually, the Executive Board is the ultimate  
18 arbiter of everything that goes out the door in  
19 VIS.

20 And so, this isn't meant to exclude  
21 that, and we envisioned over time, as we gather  
22 more data, because much of the data that we will

1 have specifically through VIS that is exclusive  
2 to VIS will be those confidential voluntary  
3 reports that we get.

4 And so, this envisions that that  
5 group, the Executive Board be the ultimate  
6 determiner of that. But that the third-party  
7 provider and the Issues Analysis Teams will be  
8 making -- they'll see all the data available and  
9 they'll be making recommendations to the  
10 Executive Board on trends analysis, special  
11 notices, everything that goes out the door.

12 I don't -- I heard what you said, but  
13 I'm not sure -- I'm struggling a bit with your  
14 comment. Mark?

15 MR. HERETH: Mark Hereth, maybe I can  
16 help.

17 MR. COTE: Oh, please.

18 MR. HERETH: Well, first of all, Kevin,  
19 thank you for making that comment, because it  
20 raises a very important question, which is, does  
21 your governance model envision that parties other  
22 than the Issues Analysis Team would be able to

1 look at de-identified data in some fashion?

2 And I'll give you a hypothetical.

3 Will ILI service providers be able to see blocks  
4 of the de-identified data? Would heads of  
5 pipeline safety organizations at a state level be  
6 able to look at this data in some fashion? Would  
7 NDE companies be able to look at this data?

8 MR. COTE: I think, ultimately, we  
9 envisioned that VIS, when it had enough data,  
10 would be able to publish broad swaths of the data  
11 that it possessed.

12 Until you get enough data, though, so  
13 that everyone is comfortable that it's totally  
14 de-identified and it's merely at that point  
15 analyzing, what I'll call industry trends, it's  
16 hard to do.

17 But that's the sort of thing that,  
18 when we talked about the protocols that would be  
19 established for disseminating data, all of the  
20 above.

21 It's not envisioned that over long  
22 periods of time, that VIS hold great pockets of

1 data, that it doesn't share with the industry.  
2 That's absolutely contrary to its mission.

3 The question is, when are they  
4 comfortable that there's enough masks and you've  
5 de-identified the data thoroughly, and that the  
6 trend is statistically and technically valid?

7 MR. JONES: I just want to add, that's  
8 the question I was asking yesterday, about -- and  
9 the vibe I got from the room was, basically, that  
10 would be left up to the Executive Board.

11 MR. COTE: Exactly.

12 MR. JONES: So, if the Executive Board  
13 wanted to release that data to these other  
14 groups, it would be done. But the vibe, I guess,  
15 was that the Board is supposed to speak with one  
16 voice and that's how it would be done.

17 MR. HERETH: So, you -- I guess, what  
18 I want to clarify then is, does the governance  
19 model envision that, for example, thousands of  
20 runs, or even tens of runs, from ILI combined  
21 with an operator's view combined with NDE data,  
22 applying 1163, that those blocks of data would be

1 available in a de-identified fashion for people  
2 to utilize?

3 MR. COTE: Yes.

4 MR. HERETH: And at some point, show me  
5 how that's captured. We don't need to do it --  
6 because I think --

7 MR. COTE: I think, it's captured in --  
8 I mean, it doesn't have that level of detail, but  
9 Issues Analysis Teams, working with the third-  
10 party provider, should provide input to the VIS  
11 Board on potential protocols.

12 And then, we added the, including, but  
13 not limited to, metrics and maybe -- and, again,  
14 if it comforts the group, we can add, raw data,  
15 as appropriate, metrics, in that sentence. But  
16 that's the section that was designed to capture  
17 that.

18 And so, clearly, if you're asking the  
19 questions, it's not clear enough that that  
20 includes all available data. And so, can we add  
21 to 4.6, including metrics, data, as appropriate,  
22 reporting format, reporting templates, et cetera.

1                   Again, that was intended, Mark, to  
2                   cast a very wide net.

3                   MR. HERETH: And the intention there,  
4                   again, is that the opportunity is for -- and this  
5                   was articulated probably better than I will,  
6                   yesterday in the Technology Subcommittee.

7                   But there's an opportunity here for  
8                   ILI service providers to see not only their own  
9                   data, but other data --

10                  MR. COTE: Right.

11                  MR. HERETH: -- de-identified, but to  
12                  learn from that, just as operators can learn from  
13                  that and NDE service providers and others can  
14                  learn from that.

15                  And, frankly, if our public and our  
16                  state regulators were also able to access that,  
17                  that's of great value too. And I --

18                  MR. COTE: No disagreement.

19                  MR. HERETH: -- just want to make sure  
20                  we capture that.

21                  MR. COTE: No disagreement.

22                  MR. HERETH: And thank you for raising

1 that.

2 MR. COTE: Don't disagree with a word  
3 you said. I --

4 MR. HERETH: Okay.

5 MR. COTE: -- and I appreciate that.  
6 I didn't, again, I'm so close to it that I didn't  
7 see the forest for the trees, in terms of the --  
8 that was -- none of that section was meant to be  
9 restrictive.

10 I mean, the very mission of the VIS  
11 Board is to disseminate information, valuable  
12 pipeline safety information, to the industry and  
13 stakeholders. I mean, an intrinsic part of their  
14 mission.

15 So, nothing should imply that there  
16 was a vision that they would somehow hold data or  
17 not share everything that they could, with the  
18 proviso that it needed to be de-identified. And  
19 provide the confidentiality that the commitment  
20 to the individual reporters expected.

21 Leif?

22 MR. JENSEN: Yes, I'd just like to add



1 a comment on behalf of operators who may be  
2 concerned about voluntarily joining this effort.

3           Once it becomes known that raw data,  
4 de-identified or not de-identified, is going to  
5 be made available beyond the scope of the VIS,  
6 it's going to cause concern. It's going to raise  
7 some eyebrows.

8           And so, while I understand the  
9 question and the intent, whether it's an R&D  
10 institution or a university or ILI vendor, you  
11 name it, that wants to use the data for positive  
12 pipeline safety aspects, on the flip side, there  
13 will be anti-pipeline advocates out there who  
14 take this data and spin it and try to use it  
15 against pipeline operators.

16           So, in the spirit of this context, I  
17 think it's important that we tier the  
18 information, much like was done with NPMS for  
19 first responders, where they have a greater depth  
20 into the data into NPMS relative to the public.

21           MR. COTE: And that is a concept that  
22 we have not developed, let me say for the record.

1 The governance model that we envisioned had data  
2 that was confidential and data that was  
3 distributed, not tiered data.

4 Because at that point, how do you  
5 slice and dice finely what that data looks like  
6 to who? I mean, initially, my initial impression  
7 would be, the operators, the participating  
8 operators get access to that data, but no one  
9 else.

10 Because, again, the further you expand  
11 that without confidentiality agreements, it  
12 becomes very problematic. And so, that becomes a  
13 central strategy issue to what we're trying to do  
14 here.

15 Do we have simply confidential and  
16 nonconfidential data or do we tier it? And, I  
17 mean, clearly, Mark, your vision and Leif's are  
18 substantially different, as I hear this.

19 MR. HERETH: They're actually very  
20 similar.

21 MR. COTE: Are they?

22 (Laughter.)

1 MR. COTE: Then, help me. Save me.

2 MR. HERETH: No, so, I guess the  
3 question is, did you discuss the concept of  
4 tiered?

5 MR. COTE: We did.

6 MR. HERETH: Okay.

7 MR. COTE: We did.

8 MR. HERETH: And where did you end up?

9 MR. COTE: And we -- here was the way  
10 the discussion went. We, particularly initially,  
11 we expect to have a fairly small population  
12 participating, the early joiners and the people  
13 that really share the vision.

14 But probably 80 or 90 percent of the  
15 industry, particularly on the distribution side,  
16 are unlikely to be early joiners.

17 And so, the question is, as we develop  
18 trends and data, if we don't share it with the  
19 industry, with the broad industry, not simply the  
20 people participating in VIS, we're going to lose  
21 the opportunity to really drive pipeline safety  
22 through the benefits of the VIS in a way that's

1 detrimental to pipeline safety.

2 So, we thought that we could better  
3 manage what we disseminate, but share it very  
4 broadly.

5 And that would have more overall  
6 pipeline safety accretive benefits than tiering  
7 it and trying to slice it and dice it, knowing  
8 that any time you do that, you're going to make  
9 decisions on who gets left in, who gets left out,  
10 and at the same time, gets harder to control the  
11 data. That was essentially our analysis.

12 MR. HERETH: So, I'll offer a comment,  
13 which is that, within our group, within our  
14 Subcommittee, Process Sharing, one of the things  
15 that we have yet to undertake is an idea that Joe  
16 actually brought up on our Subcommittee.

17 And that is, asking the stakeholder  
18 groups what it is they want to see. And so,  
19 there's a part of me that says, we're missing a  
20 piece here, which is, let's not presume, and I  
21 think that's what you were trying to get us to,  
22 let's not presume what we think people want or

1 need, let's understand.

2 And so, we took that on, and that's  
3 work that we still have to do, but I think it's a  
4 very important piece of this and I think this  
5 discussion highlights that.

6 MR. COTE: I agree.

7 MR. HERETH: I'm -- while you think  
8 that Leif and I are apart, I don't know that we  
9 are, because I think we need to consider tiered,  
10 some sort of a tiered approach. I don't know  
11 that -- I know I don't know the answer, but I  
12 think there needs to be consideration of that.

13 MR. COTE: And this is --

14 MR. HERETH: So, unless you present it  
15 as a recommendation that it's not tiered and we  
16 vote on it and go ahead, but I struggle with not  
17 having enough information yet to know whether or  
18 not we should or shouldn't have that.

19 MR. COTE: And this is clearly a  
20 pivotal or threshold issue for the Committee.  
21 And so, I would rather not try to move this  
22 quickly. And we will take 4.6 out of the vote,

1 because I do think that this needs to be  
2 explored.

3 This is the very heart of what it is  
4 we'll be disseminating to the industry. And, I  
5 mean, I think there are some real challenges,  
6 either way, to tell you the truth, because --

7 MR. HERETH: Oh, I agree. I agree.

8 MR. COTE: -- because there are  
9 compelling points on both sides. But having said  
10 all of that, if no one objects, we will not vote  
11 on 4.6.

12 CHAIR BURMAN: Yes, and this is Diane  
13 Burman. I do want to weigh in here. I know that  
14 we're going to go back on each chapter with the  
15 recommendations.

16 So, to the extent that we're voting on  
17 the chapters as a whole, with making some  
18 changes, depending on the chapter, like, for  
19 example, for Chapter 1, we had minor changes, one  
20 was the Recommendation 1.1 was not part of the  
21 recommendations anymore, it was a preamble, and  
22 adding in some more governance language, et

1 cetera.

2 I do want us to take a pause after we  
3 get through Chapter 5 and Chapter 6 and look at  
4 what some of the overall focus is and maybe some  
5 concerns on voting. And then, just maybe -- I  
6 have a couple of suggestions and recommendations  
7 on how to get through it.

8 And especially, Chapter 4, seems to be  
9 one that I think people need to digest and look  
10 at. There may be an opportunity for us to put  
11 that on pause until we think about it through,  
12 potentially, lunch and come back to it to look  
13 at, or decide whether or not it's a overall  
14 needing some more thought.

15 We don't have six working group  
16 members here, that may also want to weigh in,  
17 including some folks that I think would probably  
18 have some opinions in this area.

19 That it may be something we look at  
20 for coming back to voting on at the virtual  
21 meeting in October, with giving some guidance  
22 ahead of time on what we're looking at for more

1 fleshing out. But that's just my thought right  
2 now, before we get to Chapters 5 and 6.

3 MR. COTE: Understand, thank you,  
4 Diane. We will -- what I'm hearing you say is,  
5 let's think about Chapter 4 a bit, particularly  
6 4.3 and -- 4.3 and 4.6, we're definitely going to  
7 leave out.

8 I think the question at the end will  
9 be, was there enough consensus around the rest to  
10 vote today or not, I think is your question, is  
11 that fair?

12 CHAIR BURMAN: Yes, and I just, for me,  
13 a lot of it is, I do think that it's not like  
14 there are huge debates, it's just thoughtfulness  
15 in terms of what we need to make sure we're  
16 capturing all of the different concerns and  
17 focusing on what will work.

18 Keeping in mind that this is also  
19 about how to do this in a way that doesn't shield  
20 the formation of the information sharing system  
21 from others who might be concerned about what  
22 this means.



1           And also, needing to get -- and that  
2 gets to one of the first questions that was asked  
3 from the audience members about weighing in and  
4 commenting in a way that could be helpful to the  
5 working group.

6           So, this is one area that I think  
7 needs a lot of making sure we are doing it in a  
8 way that is being thoughtful, to get to the best  
9 product and what the recommendations are put  
10 forward.

11           But keeping in mind, it's also about,  
12 does some of this also need to be fleshed out at  
13 a later date in more specific drill-down detail,  
14 but not necessarily for the working group itself  
15 to try to figure out every last aspect of it.  
16 What are the key issues that we need to look at?  
17 So, that's just my thought.

18           MR. COTE: Understand. Thank you. 5.1  
19 -- oh, I'm sorry. Go ahead.

20           MR. ZUNIGA: Mark Zuniga. So, from the  
21 IT Architecture Team, we did design that with,  
22 Mark, sir, where you were going, in terms of, we

1 expected the need for tiered access, to not only  
2 data, perhaps raw data, but also analytics.

3 Now, that's not to say that the raw  
4 data was identifiable, but that is to say that we  
5 did envision that tiered access would be  
6 required.

7 And then, with respect to identified  
8 and de-identified information, we were expecting  
9 to address that in the various security roles  
10 that we would wrap around the data itself. The  
11 data and/or analytics.

12 So, I think our initial thoughts were,  
13 there would be use cases for R&D groups,  
14 universities, industry groups, whomever, who  
15 would have need for that raw data, to perhaps go  
16 and perform their own analytics, that wasn't  
17 being performed within VIS or whatnot.

18 So, from the IT Architecture side  
19 alone, not the governance or not anything else, I  
20 think we were building that into our model, as  
21 far as how to expose data and analytics and  
22 reports and the like. So --

1 MR. COTE: That's helpful to know --

2 MR. ZUNIGA: -- just so you know where

3 our --

4 MR. COTE: -- thank you.

5 MR. ZUNIGA: -- we were planning it

6 from.

7 MR. COTE: That's good. That's good.

8 Please?

9 MR. KIEBA: This is Max Kieba. Again,  
10 with my plastic pipe database committee, this is  
11 one where I do support what I'm hearing from the  
12 Subcommittee on the notion of the Board decides  
13 what goes out publicly in the whole, because  
14 that's one the PPDC does.

15 The concern is, any chunk of data you  
16 provide, it could be taken out of context. And  
17 once it goes to one party, another party's going  
18 to want it.

19 And yes, if you put something out,  
20 there might be an issue, say, with one vendor,  
21 one technology, one manufacturer, the context  
22 will be, now, that manufacturer is bad, without

1 having the full picture of your entire data.

2 So, there is some -- this is where I  
3 do support certainly the Subcommittee's idea of  
4 the Board should decide what can go out publicly.  
5 So, just a suggestion.

6 MR. COTE: All right, thank you.

7 DR. MURRAY: And I think that's the way

8 --

9 MR. COTE: I appreciate that  
10 perspective.

11 DR. MURRAY: Isn't that the way FAA has  
12 theirs set up?

13 MR. COTE: Well, they do have tiers, as  
14 I understand it. So, there's data that goes  
15 publicly, but there's also a much greater block  
16 of data that go to the FAA information sharing  
17 participants, that does not become public or go  
18 to stakeholders, as I understand it.

19 DR. MURRAY: But doesn't the board  
20 decide what goes out under what tiers, et cetera?

21 MR. COTE: Yes, the board does --

22 DR. MURRAY: Because I remember --

1 MR. COTE: -- decide that.

2 DR. MURRAY: -- from their presentation

3 --

4 MR. COTE: That is correct.

5 DR. MURRAY: -- the board is the one-  
6 stop-shop, you can have the tiers, if I recall,  
7 but they still weigh in on what goes into what  
8 tier and what's --

9 MR. COTE: Understand.

10 DR. MURRAY: -- publicly shared.

11 MR. COTE: I understand.

12 DR. MURRAY: Okay.

13 MR. COTE: And one possibility is that  
14 we simply make a recommendation to the Board that  
15 they consider how to do that, that might be a way  
16 to finesse this issue. But I understand and,  
17 again, I think we've covered it thorough and  
18 we'll take Diane's recommended timeout.

19 5.1, the third-party data provider is  
20 a non-PHMSA entity that will receive, de-  
21 identify, analyze, and manage voluntarily shared  
22 data.

1           The third-party data provider must  
2           also act as a clearinghouse for the VIS, setting  
3           up the database, collecting the data, and  
4           maintaining the database. The system will be  
5           managed by the third-party data manager.

6           Mark?

7           MR. ZUNIGA: Mark Zuniga. So, just  
8           nit-picky, but could we get rid of the word  
9           database and replace that with system?

10          MR. COTE: Okay, sure can. Nance, you  
11          got it? Database goes to system.

12          (Laughter.)

13          DR. MURRAY: That was easy.

14          MR. COTE: We're talking the flower of  
15          1980s technology here.

16          (Laughter.)

17          MS. WHITE: Setting up the system? I  
18          can do that.

19          MR. ZUNIGA: As well as maintaining the  
20          system.

21          MS. WHITE: Okay, maintaining --

22          MR. COTE: Setting up and maintaining

1 the system.

2 MS. WHITE: Setting up --

3 MR. COTE: Thank you, gentlemen. Mark?

4 MR. HERETH: I'm going to build on  
5 Mark's point, and maybe ask that we find a way to  
6 -- well, let me ask, is that sentence,  
7 particularly the parts of the sentence that refer  
8 to how this is being done, the how this is going  
9 to get done is going to be defined in the  
10 Technology group, and I would suggest that we  
11 keep this much more generic to what you want the  
12 third-party to do.

13 MR. COTE: That's fair. I like that a  
14 lot. So, how about this, we keep the first  
15 sentence. The third-party data provider is a  
16 non-PHMSA entity that will receive, de-identify,  
17 analyze, and manage voluntarily shared data.  
18 This system will be managed by the third-party  
19 data provider.

20 MR. HERETH: Yes.

21 MR. COTE: Because -- and that doesn't  
22 talk about the how, because -- and again, I am

1 fine with leaving that to the data committee.

2 Does the Governance Subcommittee concur?

3 (Laughter.)

4 MR. COTE: Okay, good deal. Then,  
5 Nance, if you would.

6 MS. WHITE: All right. Nancy White,  
7 PHMSA, for a read back. The third-party provider  
8 is a non-PHMSA entity that will receive, de-  
9 identify, analyze, and manage voluntarily shared  
10 data.

11 The system will be managed by the  
12 third-party data provider. Okay? The system  
13 will be managed by a third-party data provider,  
14 period.

15 MR. COTE: Period, yes. And we don't  
16 even need the third one, because it's redundant,  
17 so that's perfect.

18 MS. WHITE: Okay.

19 MR. COTE: So, Sentence 2 and Sentence  
20 3 come out.

21 MS. WHITE: Got it.

22 MR. COTE: Short and sweet. Any



1 objections?

2 MS. LYNCH: This is Karen. I just want  
3 to make sure that this is a recommendation and  
4 not really a definition. And if it's a  
5 recommendation, it seems like there should be  
6 some additional language in there. Maybe  
7 establish or --

8 MR. COTE: What additional language  
9 would you recommend to make it -- to really -- we  
10 do see it as a recommendation.

11 MS. LYNCH: Okay. Who's going to  
12 establish this third-party data provider? Is it  
13 going to be established by the VIS Board? So --

14 MR. COTE: Yes, the VIS Board will  
15 establish it and PHMSA will essentially contract  
16 it.

17 MS. LYNCH: Okay. I just think there  
18 needs to be some additional language there,  
19 because it just really reads as a definition,  
20 that you're defining who the third-party data  
21 provider is. There's no action there.

22 MR. COTE: Understand. The VIS Board

1 will establish the third-party data provider and  
2 PHMSA will contact it through its process?

3 DR. MURRAY: So, PHMSA will be  
4 responsible for the procurement --

5 MR. COTE: Right.

6 DR. MURRAY: -- and the Board will be  
7 responsible for the selection?

8 MR. COTE: The specifications,  
9 actually.

10 DR. MURRAY: Right. The requirements  
11 and all that stuff?

12 MR. COTE: Right, exactly.

13 DR. MURRAY: Okay.

14 MR. COTE: Not the details, that will  
15 go through the PHMSA acquisition process, but the  
16 Board will identify -- sort of create the RFP,  
17 request for proposal.

18 DR. MURRAY: Okay.

19 MR. WARNER: I like the idea, I like  
20 what you said, Dr. Murray, maybe the Board should  
21 be responsible for making that final selection.

22 DR. MURRAY: It would have to be a

1 mutual discussion, just from acquisitions--

2 MR. WARNER: Right.

3 DR. MURRAY: -- contract, legalities.

4 But I think the Board should be involved with the  
5 selection process.

6 MR. WARNER: Yes, I agree.

7 MR. COTE: Well, the Board and PHMSA  
8 will collaborate on the selection.

9 DR. MURRAY: Good.

10 MR. COTE: Nance, did you get all that?

11 MS. WHITE: I am writing all the  
12 different language. So, I'm --

13 MR. COTE: Thank God, English was not  
14 my native tongue.

15 (Laughter.)

16 MS. WHITE: Let me do a read back in  
17 just a second.

18 DR. MURRAY: But I think the  
19 recommendation that I think, to Karen's point,  
20 that your Subcommittee may be trying to make, is  
21 that, you're trying to make the distinction that  
22 this is an independent third-party entity.

1 MR. COTE: Right.

2 DR. MURRAY: So, they will a third-  
3 party, that's more the recommendation.

4 MR. COTE: Exactly, that is.

5 DR. MURRAY: That it should be or will  
6 be --

7 MR. COTE: Exactly.

8 DR. MURRAY: -- and that is not to be  
9 confused with an internal --

10 MR. COTE: Exactly.

11 DR. MURRAY: -- data group.

12 MR. COTE: Right, that's fair. But we  
13 also need to cover how we select it. And so, I  
14 think this was valuable discussion and a fair  
15 recommendation. Thank you.

16 MS. WHITE: All right. Nancy White,  
17 PHMSA, for a read back and possible edits. The  
18 third-party data provider is an independent non-  
19 PHMSA entity that will receive, de-identify,  
20 analyze, and manage voluntarily shared data.

21 The third-party data provider will be  
22 established by the VIS Executive Board. PHMSA's

1 acquisition process will be used to procure the  
2 system.

3 MR. COTE: Anyone have any concerns  
4 with that? Mark?

5 MR. HERETH: I'm sorry, I couldn't hear  
6 it, can you read that last sentence back again,  
7 please?

8 MS. WHITE: Yes. PHMSA's acquisition  
9 process will be used to procure the system.

10 MR. HERETH: I'm sorry, the one before  
11 that?

12 MS. WHITE: Oh, okay. The third-party  
13 data provider will be established by the VIS  
14 Executive Board.

15 MR. COTE: No, I think what we need to  
16 say there is, the third-party data provider --  
17 detailed -- the PHMSA Executive Board shall  
18 formulate the RFP, request for proposal --  
19 everyone familiar with the term?

20 DR. MURRAY: I think I would recommend  
21 --

22 MR. COTE: Yes, please.

1 DR. MURRAY: -- just for consideration,  
2 keeping the Board's role more broad, in terms of,  
3 they will provide requirements.

4 MR. COTE: Perfect.

5 DR. MURRAY: And then, that covers  
6 those things, all the other pieces that fall out.

7 MR. COTE: Perfect.

8 MS. WHITE: That helps, thank you.

9 MR. COTE: It does. Well done.

10 MS. WHITE: Develop system  
11 requirements?

12 DR. MURRAY: Or just requirements, it's  
13 going to be probably multiple --

14 MS. WHITE: Got it. The third-party  
15 data provider is an independent non-PHMSA entity  
16 that will receive, de-identify, analyze, and  
17 manage voluntarily shared data.

18 The VIS Executive Board will develop  
19 requirements. PHMSA's acquisition process will  
20 be used to procure the system.

21 MR. COTE: How about, and one more  
22 sentence, and the VIS Board and PHMSA will

1 jointly select the third-party?

2 DR. MURRAY: I don't know -- let us go  
3 back and check on that. You can put it -- well,  
4 I would say, can we -- we would have to go back  
5 and make sure that --

6 MR. COTE: Okay. Leave --

7 DR. MURRAY: -- that's something that

8 --

9 MR. COTE: -- leave that out. I think

10 --

11 DR. MURRAY: -- doesn't get us --

12 MR. COTE: -- we can always add it --

13 DR. MURRAY: -- in hot water.

14 MR. COTE: -- and vote on it again.

15 Thank you.

16 MS. WHITE: Just that -- Nancy White,  
17 PHMSA. Just an idea, if the VIS Executive Board  
18 is developing the requirements, the  
19 specifications going in, then there's that front  
20 part of that influencing and helping just with  
21 the selection process.

22 MR. COTE: And I think that's perfectly

1 fair. It's sort of the backside that we're still  
2 not settled on. And I'm good with that, we can  
3 certainly wait on that. Dr. Perry?

4 DR. PERRY: Nancy, can you read the  
5 first sentence again?

6 MS. WHITE: Yes. The third-party data  
7 provider is an independent non-PHMSA entity that  
8 will receive, de-identify, analyze, and manage  
9 voluntarily shared data.

10 DR. PERRY: Okay. The only -- I was  
11 just thinking, maybe changing the is to will be?

12 MS. WHITE: Okay.

13 DR. PERRY: As a -- in terms of that  
14 recommendation language, versus the this is what  
15 this is --

16 MS. WHITE: Okay.

17 DR. PERRY: -- the definitional  
18 language.

19 MS. WHITE: All right.

20 MR. COTE: So, will be? I don't, I  
21 mean --

22 DR. PERRY: Yes, it's just --



1 MR. COTE: -- future tense, then that's  
2 fair.

3 MS. WHITE: Nancy White, one more read  
4 back. The third-party data provider will be an  
5 independent non-PHMSA entity that will receive,  
6 de-identify, analyze, and manage voluntarily  
7 shared data.

8 The VIS Executive Board will develop  
9 requirements. PHMSA's acquisition process will  
10 be used to procure the system.

11 MR. COTE: Everyone good? Oh, Mark?

12 MR. HERETH: So, one small point, but  
13 I think an important one, is that, earlier in our  
14 discussions, we talked about that the Issues  
15 Analysis Team could use data outside of the  
16 voluntarily provided data. And wouldn't this  
17 third-party provider be managing that data as  
18 well?

19 MR. COTE: That's true. But this talks  
20 about manage voluntarily shared data --

21 MR. HERETH: Right.

22 MR. COTE: -- which is not exclusive --

1 I mean, voluntarily shared, anything, I mean, you  
2 can argue that anything in the public arena is  
3 voluntarily shared.

4 So, I mean, we're not -- the only  
5 confidential data that we would be dealing with  
6 under these circumstances is that which was  
7 supplied to VIS by its individual participants,  
8 unless someone can think of a source we haven't  
9 identified. Anything that's given to VIS would  
10 be voluntarily shared. So --

11 MR. HERETH: Couldn't -- wouldn't it be  
12 just simpler to say, voluntarily shared and  
13 publicly available.

14 MR. COTE: Fine.

15 MR. HERETH: I mean, just to make sure  
16 that we're capturing the sense of what we talked  
17 about before.

18 MR. COTE: Understand. Chris?

19 MR. WARNER: I'm going to let Jason  
20 speak to this, because I think --

21 MR. CRADIT: Well, we might have the  
22 same thoughts, if that's what you're --

1 MR. WARNER: Yes.

2 MR. CRADIT: But I don't think we can  
3 suppose that this entity would support all the --  
4 manage all the public data sets.

5 MR. COTE: No, that's true.

6 MR. WARNER: That was mine.

7 MR. CRADIT: Okay. But I see your  
8 point, Mark, and I think you're right on point,  
9 that this Issues Analysis Team would have the  
10 opportunity to aggregate it, with other data  
11 sources.

12 MR. COTE: Well, they would manage the  
13 data that they imported from whatever source.  
14 So, to the extent -- I'm sorry, the third-party  
15 provider, once they imported data as being an  
16 appropriate data stream for any analysis that  
17 they're doing, or even broad metrics, then they  
18 would take responsibility for slicing and dicing  
19 that as it fit the specific analysis they were  
20 doing.

21 MR. CRADIT: That is contrary to what  
22 the --

1                   MR. HERETH: Well, I think what we --  
2                   this is Mark Hereth. I think what we were  
3                   discussing before was that the Issues Analysis  
4                   Team can pull in publicly available data if they  
5                   so choose to use.

6                   MR. COTE: Agreed.

7                   MR. HERETH: My sense is, that what you  
8                   want to capture here is that, when they do pull  
9                   data in, that that is then managed in the third-  
10                  party managed database.

11                  MR. COTE: Exactly, that's exactly  
12                  correct.

13                  MR. HERETH: And all I want to make  
14                  sure is that we capture that. So, structured and  
15                  unstructured.

16                  MR. ZUNIGA: Mark Zuniga. So, I guess,  
17                  the concern there is that you would have to have  
18                  a contracting mechanism to be able to do that.

19                  You couldn't expect that the third-  
20                  party is going to take this blanket, I will throw  
21                  in -- just because I get a request from the  
22                  Analysis Team that we need to incorporate a new

1 data set, there's a lot of work that would have  
2 to be done to do that.

3 And that's what we discussed,  
4 mechanisms to do that with building APIs to  
5 extract data and the whole bit. But, I mean,  
6 typically, that's a contract unto itself.

7 So, you just want to -- you can offer  
8 a -- you need to -- there needs to be a workflow  
9 for that request and the response to that, to be  
10 able to handle addressing all data sets that are  
11 publicly available.

12 DR. MURRAY: And I think the add-on  
13 that Nancy just read off regarding the Executive  
14 Board's role in defining requirements captures  
15 that.

16 Because the Executive Board will be  
17 getting input from all the other sub-teams,  
18 whether it's the Analysis Team, et cetera, that  
19 should inform whatever requirements are necessary  
20 from a data collection standpoint, that would  
21 ultimately make its way through the procurement  
22 process, if approved by the Board and on the

1 PHMSA side.

2 So, I think that mechanism covers what  
3 the, what is it?, the ISA Team or IAS Team, would  
4 be interested in, as a part of that. I can't  
5 think of a case where they would do it outside of  
6 the Executive Board, buy-in, from a requirement  
7 standpoint.

8 MR. COTE: I mean, in a very retail  
9 level, there may be some information out there  
10 that an Issues Analysis Team is aware of that  
11 doesn't rise -- it's not really macro data, it's  
12 a specific stream of data that may be readily  
13 available in the public.

14 So, I wouldn't preclude that, you know  
15 what I mean? But I think your --

16 DR. MURRAY: But if you have --

17 MR. COTE: -- analysis was 95 percent  
18 --

19 DR. MURRAY: But if you're paying a  
20 third-party provider to do work --

21 MR. COTE: Yes.

22 DR. MURRAY: -- the work should be

1 managed through the requirements --

2 MR. COTE: Of the Board.

3 DR. MURRAY: -- and the acquisition  
4 process.

5 MR. COTE: Exactly.

6 DR. MURRAY: So, if there's a need from  
7 the IAT, that requires a third-party entity to  
8 get involved --

9 MR. COTE: It needs to be defined.

10 DR. MURRAY: -- I think the mechanism  
11 through the Executive Board allows for that.

12 MR. COTE: And I would agree with that.

13 Mark?

14 MR. HERETH: So, are we incorporating  
15 the phrase that provides for the use of publicly  
16 available data?

17 MR. COTE: Nance, did we capture that?

18 MS. WHITE: As it states now, the  
19 third-party data provider will be an independent  
20 non-PHMSA entity that will receive, de-identify,  
21 analyze, and manage voluntarily shared data.

22 The VIS Executive Board will develop

1 requirements. The PHMSA acquisition process will  
2 be used to procure the system.

3 MR. COTE: Then, after you said, shared  
4 data, and publicly available data as identified.  
5 And meaning, identified by the VIS Board. And if  
6 people feel strongly about it, we can include  
7 that phrase.

8 MR. HERETH: I'm just trying to reflect  
9 --

10 MR. COTE: Yes.

11 MR. HERETH: -- what our earlier  
12 conversation was. And that that the discussion  
13 was that the Issues Analysis Team should be able  
14 to go out and use publicly available data, that  
15 was not made available through the VIS process.

16 MR. COTE: Right.

17 MR. HERETH: And what I just want to  
18 make sure of is that we're also envisioning,  
19 which is what this gets to, is that that data  
20 would then be managed by the third-party.

21 MR. COTE: Right.

22 MR. HERETH: If it's not, then there's



1 not integrity in our data.

2 MR. COTE: Don't disagree with a word  
3 you said.

4 MR. HERETH: Yes. Does that make  
5 sense?

6 DR. MURRAY: It does. And so, the role  
7 -- when it's introduced by the IAT and they say,  
8 hey, this is something that we want managed  
9 through the third-party.

10 I think the only thing that I was  
11 trying to articulate, and I don't know, Dan, if  
12 that's what you were saying, it still needs to go  
13 through the process in which that third-party  
14 provider was given work to do.

15 MR. COTE: It would be part of the  
16 specifications.

17 DR. MURRAY: So, it needs to be a part  
18 of their work. And that's the mechanism to do  
19 it, is through the requirements.

20 And in the requirements, it could even  
21 be specified as other publicly available  
22 information that the IAT brings forward, as a

1 part of the requirements defining part.

2 MR. HERETH: I'll give you a real  
3 example, because I don't -- this discussion is  
4 not abstract. So, I'm going to go back to your  
5 plastic fuse example.

6 MR. COTE: Yes.

7 MR. HERETH: If you saw a trend in  
8 fuses, where there was delayed cracking, for some  
9 reason, it may turn out that there's a study  
10 that's been done by GTI or NYSEARCH, in fact,  
11 there probably is.

12 And so, the Issues Analysis Team might  
13 actually want to turn to one of those  
14 organizations and say, have you done research in  
15 this area that we may not be aware of?

16 And they may want to be able to take  
17 that report in and use it as a part of the  
18 analysis they do on the data they do have --

19 MR. COTE: Absolutely.

20 MR. HERETH: -- that's been provided.

21 MR. COTE: No disagreement. I mean --

22 MR. HERETH: And that's what I want to

1 make sure that we're able to capture --

2 MR. COTE: Did we capture the publicly  
3 available data piece?

4 MS. WHITE: The third-party data  
5 provider will be an independent non-PHMSA entity  
6 that will receive, de-identify, analyze, and  
7 manage voluntarily shared and publicly available  
8 data, as identified by the VIS Board.

9 The VIS Executive Board will develop  
10 requirements. The PHMSA acquisition process will  
11 be used to procure the system.

12 MR. COTE: Everyone comforted by that?

13 CHAIR BURMAN: This is Diane Burman.  
14 I just want to raise an issue that I'm wondering,  
15 are we actually, when we're talking about  
16 publicly available data, are we actually  
17 capturing though, I think, what Mark just said,  
18 which is about utilizing other entities to help  
19 with some of the analysis, so that they may have  
20 data or they may have done a report, but now  
21 you're looking to do something with the data?

22 Maybe I'm not saying it right. I'm

1 just making sure that we're not limiting it, if  
2 you want to work with another entity to help in  
3 the analysis.

4 MR. COTE: No, there's clear language  
5 in this that includes the recognition that the  
6 Issues Analysis Teams can reach out to  
7 individuals or entities for that additional  
8 analysis.

9 And this merely -- I mean, and this  
10 part captures the data that may feed that. It  
11 can be individual reports, it can be statistical  
12 data. I think that's the point, Diane.

13 CHAIR BURMAN: Okay. I just wanted to  
14 make sure I didn't miss that. So, thank you.

15 MR. HERETH: This is Mark. That's a  
16 very important question and very important point,  
17 it really is.

18 MR. COTE: Understand and agree

19 MR. CRADIT: And I don't disagree with  
20 the spirit of what you're saying, I don't like  
21 the word manage and would prefer something like  
22 utilized or augmented. To me, the word manage

1 would mean it would be in our VIS system and  
2 database and then, maintained there.

3 MR. COTE: Okay. So, utilized, does  
4 utilized provide the correct word, in your view?  
5 I mean, I'm --

6 MR. CRADIT: Or augmented or --

7 MR. COTE: -- you can't utilize it if  
8 you don't have it. Leif?

9 MR. JENSEN: Leif Jensen. Let me  
10 provide another concrete example of another  
11 source of data. When operators have accidents or  
12 incidents, as defined in 195 and 192, they submit  
13 a 7000-1 accident report.

14 And that data is maintained by PHMSA  
15 and once the investigation is closed, that  
16 information is publicly available, right?

17 In my mind, it would be more than  
18 appropriate, maybe not as it relates to ILI and  
19 the collaboration between NDE vendors and  
20 operators, but in the other side, where we're  
21 information rich, lessons learned, particularly  
22 in the distribution world, that that data would

1 be imported --

2 MR. COTE: Exactly.

3 MR. JENSEN: -- into the system.

4 MR. COTE: You bet.

5 MR. JENSEN: But it is not incumbent  
6 upon the third-party administrator to manage that  
7 data.

8 MR. COTE: Right.

9 MR. JENSEN: It's PHMSA's  
10 responsibility to manage that data.

11 MR. COTE: Absolutely, that's a perfect  
12 example, couldn't agree more. And, I guess, and  
13 we did envision that and that was that entire  
14 discussion around multiple data sources.

15 And without that, to your point, Mark,  
16 we're completely missing the boat. We've got to  
17 use as much data as is available. But again, it  
18 feels like we've captured it, I mean, and I think  
19 that's the point at the end. Nance?

20 MS. WHITE: Nancy White, PHMSA, for  
21 another read back. I've made another change, so  
22 let's see if this gets it.

1           The third-party data provider will be  
2           an independent non-PHMSA entity that will  
3           receive, de-identify, analyze, manage voluntarily  
4           shared data and utilize publicly available data.

5           MR. COTE: Okay. Well done, thank you.

6           MS. WHITE: Great.

7           MR. LAMONT: Hey, Dan, it's Michael --  
8           (Laughter.)

9           MR. COTE: Michael?

10          MR. LAMONT: So, changing gears here,  
11          in light of the happenings with Facebook, et  
12          cetera, I just want to make sure it's clear that  
13          the data collected for VIS is only used for VIS  
14          purposes by this third-party.

15          Because I could see an instance in  
16          which you collect all this data and you apply  
17          machine learning and then, you're using it for  
18          some other purposes, beyond VIS. Is that  
19          something --

20          MR. COTE: Well, I mean, beyond -- I'm  
21          not sure, when we say VIS, I mean, I would be  
22          comfortable with the term, pipeline safety uses.

1 MR. LAMONT: Other commercial uses,  
2 perhaps?

3 MR. COTE: Well, I do think we envision  
4 that, on the basis of this, for example, an ILI  
5 vendor may identify another tool and develop it  
6 or --

7 MR. LAMONT: I'm talking about the  
8 third-party --

9 DR. MURRAY: The third-party who's  
10 going to be handling the data --

11 MR. COTE: Oh, okay.

12 DR. MURRAY: -- they can't use it for  
13 --

14 MR. COTE: No.

15 DR. MURRAY: -- their own purposes.

16 MR. COTE: No, exactly. Oh, I'm sorry  
17 --

18 MR. LAMONT: To me, that wasn't clear  
19 from here. Is that something you guys --

20 MR. COTE: Yes, that is absolutely  
21 something, yes. I mean, let's include one more  
22 sentence in this gem --



1 (Laughter.)

2 MR. COTE: -- that says, the third-  
3 party --

4 MS. WHITE: Wait, wait, let me get my  
5 cursor in the right place.

6 (Laughter.)

7 MR. COTE: Okay.

8 MS. WHITE: Okay, I'm ready. Okay.

9 MR. COTE: The third-party data  
10 provider shall not use VIS data for any non-VIS  
11 purpose.

12 MR. LAMONT: Unless approved by the  
13 Board.

14 MR. COTE: Okay, fine. I'm good with  
15 that. Because hopefully the Board will have  
16 sense enough to say, no.

17 MR. JONES: And there may be people  
18 they might want to --

19 MR. COTE: Yes, exactly. And there may  
20 be -- that's a good point, Walter.

21 MS. WHITE: Okay. Would you like me to  
22 do one more read back?

1 MR. COTE: Please.

2 MS. WHITE: Nancy White, PHMSA. The  
3 third-party data provider will be an independent  
4 non-PHMSA entity that will receive, de-identify,  
5 analyze, manage voluntarily shared data, and  
6 utilize publicly available data.

7 The third-party data provider shall  
8 not use any VIS data unless approved by the VIS  
9 Executive -- shall not use any data outside of  
10 the VIS system -- or how do we want to say that,  
11 Dan?

12 MR. JONES: Shall not provide.

13 MS. WHITE: Shall not provide any data  
14 --

15 MR. JONES: VIS data.

16 MS. WHITE: -- VIS data outside --  
17 shall not provide any VIS data to any outside  
18 entity --

19 MR. JONES: Unless approved by the  
20 Board.

21 MS. WHITE: -- unless approved by the  
22 VIS Executive Board. The VIS Executive Board

1 will develop requirements. PHMSA's acquisition  
2 process will be used to procure the system.

3 MR. COTE: John?

4 MR. MACNEILL: John MacNeill, Utility  
5 Workers. If the third-party is using public  
6 information, how can you tell them they can't  
7 share that information after they've got that  
8 information?

9 MR. COTE: Well, I think our point is  
10 that they can't reuse -- I mean, if it's --

11 MR. MACNEILL: I'm just playing devil's  
12 advocate.

13 MR. COTE: -- if they -- no, well, if  
14 they import data at VIS cost into the VIS system,  
15 they can't disseminate that. In other words,  
16 that's VIS's, it's not theirs.

17 Now, if it's a separate project,  
18 someone hires them to go hunt down data, I mean,  
19 I think we hadn't thought that far. But I think  
20 the language captures that, that any use needs to  
21 be approved by the VIS Board. If they import it  
22 for VIS, it's VIS's, not theirs.

1 MR. MACNEILL: Even if it's a public --

2 MR. COTE: Even if it's a public  
3 document. And if they want to share it with  
4 someone or have a purpose, they go to the VIS  
5 Board.

6 MR. WARNER: Dan, is this important  
7 enough we just make it a separate recommendation?

8 MR. COTE: I mean, we've done a lot of  
9 work on it to date. I think, if we've got it  
10 captured, I'd rather move on. But if you don't  
11 think it's captured well enough --

12 MR. WARNER: It's just kind of clunky,  
13 with talking about what this --

14 MR. COTE: Well, I think the draft --  
15 as long as we, as I envision this, as long as we  
16 capture the concepts and everyone knows what it  
17 means, the drafting group can decide if they want  
18 to slice it and dice --

19 MR. WARNER: Okay.

20 MR. COTE: -- or that really becomes  
21 two recommendations.

22 MR. WARNER: Okay.

1 MR. HERETH: So, just one -- can you  
2 read back the -- Nancy, can you please read back  
3 the -- I think it's now the last sentence, sorry.  
4 Or actually, please just read the whole thing  
5 again, I'm sorry.

6 (Laughter.)

7 MS. WHITE: Third-party data provider  
8 will be an independent non-PHMSA entity that will  
9 receive, de-identify, analyze, manage voluntarily  
10 shared data, and utilize publicly available data.

11 The third-party data provider shall  
12 not provide VIS data to any outside entity,  
13 unless approved by the VIS Executive Board. The  
14 VIS Executive Board will establish requirement.  
15 PHMSA's acquisition process will used to procure  
16 the system.

17 MR. HERETH: So, the way it's stated  
18 now is that the third-party will not provide the  
19 data, does this allow them to use the data on  
20 their own account? Should we cover that?

21 MR. LAMONT: Yes, they can't use it  
22 either, right, for anything beyond VIS.

1 MR. COTE: So, shall not use or  
2 provide?

3 MR. HERETH: That would help, I think.

4 MR. COTE: Again, the drafting team  
5 will wordsmith it, so I don't know --

6 MR. HERETH: That's a good point --

7 MR. WARNER: We still haven't addressed  
8 --

9 MR. COTE: I think we got the important  
10 part.

11 (Laughter.)

12 MR. COTE: Okay. Are we good?

13 MS. WHITE: One more read back?

14 MR. COTE: Please.

15 MS. WHITE: Nancy White, PHMSA. The  
16 third-party data provider will be an independent  
17 non-PHMSA entity that will receive, de-identify,  
18 analyze, manage voluntarily shared data, and  
19 utilize publicly available data.

20 The third-party data provider shall  
21 not use or provide VIS data to any outside  
22 entity, unless approved by the VIS Executive

1 Board.

2 The VIS Executive Board will develop  
3 requirements. PHMSA's acquisition process will  
4 be used to procure the system.

5 MR. COTE: 5.2 --

6 (Laughter.)

7 MR. COTE: -- the third-party data  
8 provider will be the only entity that is able to  
9 access all the information, including the  
10 identity of the information submitters.

11 As such, the third-party data provider  
12 must work with the information submitters on  
13 initial analysis. When analyzing and classifying  
14 reports, the third-party data provider may reach  
15 out to the information submitters for  
16 clarification or additional information. That's  
17 that confidentiality piece.

18 5.3, you all must be hungry. The  
19 third-party data provider shall de-identify data  
20 with respect to individual reporters. Again,  
21 Confidentiality 101.

22 Mark?

1 MR. HERETH: Can we change that to,  
2 submitters?

3 MR. COTE: Absolutely.

4 MR. HERETH: The individual submitters?

5 MR. COTE: Absolutely.

6 MR. HERETH: Reporters makes --

7 MR. COTE: Reporters is a --

8 MR. HERETH: -- me nervous.

9 MR. COTE: -- pejorative phrase.

10 (Laughter.)

11 MR. COTE: Okay.

12 MR. HERETH: And Leif isn't in here,  
13 but I think it would make him nervous too.

14 (Laughter.)

15 MR. COTE: To individual submitters.

16 Got it, Nance?

17 MS. WHITE: Nancy White, PHMSA, read  
18 back. The third-party data provider shall de-  
19 identify data with respect to individual  
20 submitters.

21 MR. COTE: Perfect, thank you. 5.4,  
22 the third-party data provider will also work with



1 the Issue Analysis Teams to provide input on  
2 potential protocols, including metrics, reporting  
3 format, and reporting forms.

4 Now, we changed that sentence a bit  
5 earlier, if I recall, where we provide input that  
6 includes, but is not limited to, remember that  
7 language? So, that should reflect the same  
8 language we used on the Issues Analysis Teams.  
9 Do you -- yes, 4.6.

10 MS. WHITE: Yes. Includes, but is not  
11 limited to, metrics, reporting format, reporting  
12 forms.

13 MR. COTE: Exactly.

14 MS. WHITE: Change made.

15 MR. COTE: Perfect. John?

16 MR. MACNEILL: Should we use the same  
17 verbiage as how we removed reporting on 5.3,  
18 should we remove it here also and put submitting  
19 format? Would that make sense or no?

20 MR. COTE: I think -- yes, fine.

21 MR. MACNEILL: Yes.

22 MR. COTE: Do you have that, Nance?

1 MS. WHITE: Hold on. Submitting format  
2 and submitting form templates, or just  
3 submittals? Submitting format and submitting  
4 form templates or just submittal format?

5 MR. COTE: Go ahead.

6 MR. HERETH: I think, there's two  
7 contexts here. So, there's -- I think what you  
8 meant here was reporting out --

9 MR. COTE: Right.

10 MR. HERETH: -- to the Executive Board,  
11 right? But John raises an interesting question,  
12 which is also submitting formats.

13 MR. COTE: Well, it --

14 MR. HERETH: Does this cover that?

15 MR. COTE: That was the intent, that  
16 the third-party data provider and the Issues  
17 Analysis Team really need to do both.

18 They need to format the data coming in  
19 and recommend to the Executive Board on  
20 formatting and issues analysis and metrics and  
21 all of that, on the data going out. So, that's  
22 really intended to mean both. Now, we probably

1 need to say that.

2 MR. HERETH: Yes, I would suggest that  
3 we clarify that, because the Technology team  
4 certainly emphasized, or Subcommittee certainly  
5 emphasized the importance of being specific about  
6 the data you receive.

7 MR. COTE: Right.

8 MR. HERETH: So, I just want to  
9 reemphasize that. That's a good question, so  
10 thank you for raising it.

11 MR. COTE: So, what that would now read  
12 is -- and let me just think about the words for a  
13 minute, unless someone has them already.

14 MR. JONES: Do we need that statement?  
15 It's already the work that you guys are doing --

16 MR. COTE: Well, is it -- I mean, does  
17 one of the other Committees, does the Data  
18 Committee cover this? If they do, then you're  
19 right.

20 MR. JONES: Are we talking about how  
21 you want the data coming and how you're going to  
22 get it out?

1           MR. COTE: Yes, how it will come in and  
2 go out. I mean, I think it going to the Board  
3 probably is the purview of governance. It coming  
4 in is not. That's more data acquisition. So, do  
5 you guys have that covered? And if you do, that  
6 makes this moot and we're good. Is that fair?

7           MR. HERETH: Yes.

8           MS. WHITE: 21 recommendations.

9           MR. COTE: No, we've got to keep it,  
10 because this really covers the interaction --

11          MS. WHITE: Okay.

12          MR. COTE: -- of those two committees  
13 and the Board. It is no longer intended to  
14 include the interaction on the teams and the  
15 third-party provider to the information  
16 providers. So, I think we're good.

17          MS. WHITE: So, is there a recommended  
18 edit?

19          MR. COTE: No.

20          MS. WHITE: Okay, we keep it as it is?

21          MR. COTE: Yes.

22          MS. WHITE: Okay. Did we just add, but

1 is not limited to?

2 MR. COTE: Right.

3 MS. WHITE: Got it. May I read back?

4 MR. COTE: You may.

5 MS. WHITE: Nancy White, PHMSA. The  
6 third-party data provider would also work with  
7 the Issue Analysis Teams to provide input on  
8 potential protocols, including, but not limited  
9 to, metrics, reporting format, and reporting form  
10 templates.

11 MR. COTE: Perfect. Thank you. Having  
12 gone through 5, any comments from the audience on  
13 Section 5?

14 Then, Madam Chairman, I have about  
15 three minutes of 12:00. Rather than launch into  
16 Section 6, where there's -- that's likely to  
17 produce at least a little bit of discussion, if  
18 not controversy, my recommendation is, we table  
19 that until after lunch and just come back and  
20 finish up and vote.

21 CHAIR BURMAN: So, what I'm thinking  
22 is, we go to 12:15 and then, we take lunch from

1 12:15 to 1:15.

2 But that before we finish up Chapter  
3 6, the recommendations in 6, even if it's just so  
4 we can get it out there, I want to do a little  
5 recap and then, get a sense of folks -- I mean,  
6 give some homework during lunch.

7 MR. COTE: So, you're recommending we  
8 stop now and we do 6 after lunch, is that right?

9 CHAIR BURMAN: No.

10 DR. MURRAY: No, the other way around.  
11 Finish through 6.

12 CHAIR BURMAN: Do Chapter 6 now and  
13 then, I'm going to do a recap of some of these  
14 items and give some thought for what we can think  
15 about over lunch, so we can make headway on some  
16 of these issues.

17 MR. COTE: Understand. Okay, thank  
18 you. 6.1, confidentiality policies shall include  
19 issues of redaction, security, and data and  
20 information dissemination.

21 6.2, confidentiality policies may also  
22 be included in contracts between participants and

1 the third-party data provider.

2 6.3, individuals performing work in  
3 this environment could be required to sign non-  
4 disclosure agreements in accordance with policies  
5 established by the Executive Board, to include  
6 Executive Board members.

7 There being no comments from the  
8 Committee, do our guest have any comments they'd  
9 like to offer? Oh, I'm sorry.

10 MR. BELLAMY: I'm sorry, I realize this  
11 is going to be unpopular because lunch is  
12 weighing on people's stomachs, or not, as the  
13 case may be. It all seems kind of obvious, but  
14 also a little, so what?

15 And I wonder if the confidentiality  
16 requirement, the confidentiality recommendations  
17 need to be a little more pointed? I recognize  
18 that's --

19 MR. COTE: When you say more pointed,  
20 what would you -- in what way would you sharpen  
21 the proverbial stick.

22 MR. BELLAMY: Because what I don't

1 understand is behind this. So, should include  
2 issues of redaction, security, data and  
3 information dissemination. Why? And to deal  
4 with what? To deal with what concerns, to deal  
5 with what kinds of issues, where is the  
6 background?

7 MR. COTE: I think the issues, all of  
8 this surrounds the assurance that VIS has to make  
9 to operators, that their data will be  
10 confidential and go into enough detail so that --

11 MR. BELLAMY: But what's missing, I  
12 think here, is the context for those  
13 recommendations. And I don't know where that's -  
14 -

15 MR. COTE: Well, I think the formatting  
16 of this is that one these are voted on, then we  
17 as a Subcommittee will go back and add a  
18 paragraph or two, in terms of the context and the  
19 need and the rationale and the considerations,  
20 for each one of the recommendations.

21 That happens as a next step. So,  
22 these are intended to be conceptual in nature,



1 not a detailed description.

2 MR. BELLAMY: Well, yes, I'm lost a  
3 little bit with the process here, because to see  
4 recommendations -- this goes back to the comment  
5 I made earlier, about wanting to see it all  
6 before voting on any individual part.

7 But not having all of the context that  
8 goes with it, you don't know if the language  
9 there is correct or not correct, which is I think  
10 why we're getting wrapped around axle on a lot of  
11 these recommendations, because we're trying to  
12 contextualize it in the room here, real time, so  
13 that when we're asked to vote after lunch, we can  
14 do so with a clear conscience.

15 At least, that's how I think this  
16 process is currently working in practice, even if  
17 we haven't been explicit about that element of  
18 the process.

19 So, it's not a criticism, I'm not  
20 trying to criticize the recommendations, per se,  
21 because they're like, duh, yes, of course you  
22 would need all of that.

1                   But as a process, it's not -- I'm  
2                   finding it a little lacking, for me personally,  
3                   because I don't see all the rest of the verbiage  
4                   that backs it up. Sorry, Dan, it's not --

5                   MR. COTE: I understand.

6                   MR. BELLAMY: -- specifically about --  
7                   it's a general comment.

8                   DR. MURRAY: So, I think that it might  
9                   be helpful if we revisit the process on when this  
10                  Committee might feel comfortable with voting.

11                  If we could try to get as much  
12                  clarified with the recommendations and if there  
13                  is items that we're not able to clarify now, get  
14                  that work.

15                  And then, we're -- and I think Diane  
16                  and I both agree that a vote will only happen if  
17                  the Committee feels comfortable with voting and  
18                  she'll talk about that more as she gets a sense  
19                  of where she'd like to go next, based on what  
20                  she's hearing.

21                  But I think that, if there are any  
22                  other comments on the recommendations themselves,

1 or clarification is needed, that we provide that  
2 to Dan. And then, we can follow back up on, is  
3 there a comfortability to vote or not.

4 MR. COTE: Thank you. Any other  
5 questions? Any comments from the audience?

6 MR. HERETH: Can we just have another  
7 minute or so, to look through these and --

8 MR. COTE: Of course.

9 MR. HERETH: So, Mr. Cote, my question  
10 is, in discussing this yesterday, there was some  
11 concern about the use of non-disclosure  
12 agreements. You've been able to work through all  
13 that?

14 MR. COTE: We have. We --

15 MR. HERETH: Okay.

16 MR. COTE: -- this is changed language  
17 from yesterday, we changed it in the Committee  
18 meeting. And added the clarity around, in  
19 accordance with policies established by the  
20 Executive Board, to include Executive Board  
21 members.

22 So, the Executive Board will really

1 establish the rules under which the individuals  
2 performing work in the environment could be  
3 required to sign the non-disclosure agreements.

4 So, essentially, the Board will be  
5 tasked with identifying what those circumstances  
6 are. And we changed -- and I believe in our  
7 original one, it is they shall, this is, they  
8 could be required. And so, based on the Board's  
9 direction.

10 MR. HERETH: So, I guess, that begs a  
11 question, then, which is, for providers of the  
12 data, operators, service providers, and others,  
13 what assurance do they have of the protection of  
14 that data, if entities are not signing a non-  
15 disclosure agreement?

16 MR. COTE: Well, I -- the way we  
17 envisioned this, that the Board will establish  
18 these rules initially.

19 So, any provider of data will be able  
20 to see what the rules are and if they're not  
21 comfortable -- if somehow, I mean, hard for me to  
22 believe, but if the Board were not providing the

1 level of security that those providers need,  
2 they're not going to share the data.

3 But this -- I mean, again, the way we  
4 looked at that, broadly, was the Board will be  
5 closer to that and closer to the stakeholders.  
6 So, they will really be able to identify very  
7 specifically under what circumstances they  
8 require the non-disclosure agreements.

9 This merely captures the recognition  
10 that those will be needed and the Board makes  
11 those final decisions.

12 MR. HERETH: So, my sense of the  
13 discussion yesterday, and I may have  
14 misunderstood, but my sense of the discussion  
15 was, there was more of a discomfort around non-  
16 disclosure agreements, because some people were  
17 not as familiar with them as others.

18 And my sense here is that you're  
19 creating -- and that the follow-up was going to  
20 be that you would keep requirements of non-  
21 disclosure agreements, but that you would provide  
22 clarity in the report about what non-disclosure

1 agreements were about, what they entail, give  
2 people information on that.

3 I see something here that I sense is  
4 different and I'm just trying to point this out.  
5 And then, I think it raises a potential concern,  
6 which is you're now going the tack of possibly  
7 not requiring non-disclosure agreements in some  
8 circumstances.

9 MR. COTE: Well, that would be the  
10 Board's decision. We are not -- this does give  
11 the Board a bit more discretion than the  
12 recommendation yesterday.

13 Not to the extent that we were  
14 concerned that suddenly masses of data would be  
15 disclosed arbitrarily, but this doesn't -- this  
16 went from shall to could, for example.

17 MR. HERETH: So, help us understand why  
18 that happened. Give us -- so, in the context of  
19 Mr. Bellamy's question of understanding context,  
20 I think this is one where understanding context  
21 would be helpful.

22 MR. COTE: That's fair.

1           MR. HERETH: I may be able to get to  
2 the same place. I also appreciate your point  
3 that, if the rules of engagement are defined, and  
4 operator, service providers, and others can  
5 choose to elect to get in or not --

6           MR. COTE: I'll see it --

7           MR. HERETH: -- but help us understand  
8 why it is you created the opening of could be  
9 required.

10          MR. COTE: Well, I think, again,  
11 someone ultimately is going to have to decide in  
12 detail, based on individuals.

13          We didn't think we could cast so wide  
14 a net at this point -- I mean, we've talked  
15 generally about groups of people who may flow in  
16 and flow out, but clearly, we can't manage this  
17 at the level of detail necessary to decide  
18 exactly who individually, based on what they're  
19 going to do, needs confidentiality agreements,  
20 and those that don't.

21          Someone's going to have to do that.  
22 So, we decided the Board was the correct entity

1 to do that.

2 MR. HERETH: Okay.

3 MR. COTE: And by tasking them with it  
4 and requiring that they create those rules of  
5 engagement, to use your term, Mark, that that was  
6 the best overall outcome.

7 Recognizing that, as a broad  
8 recommendation from 10,000 feet, we simply don't  
9 have the context to really get to the level of  
10 detail where we could really establish that  
11 fairly, simply said.

12 And to your point, because ultimately  
13 everyone will see what that looks like, they'll  
14 develop their own comfort level around the data.

15 And I mean, I'm comfortable that the  
16 Board will use and apply sufficient judgment to  
17 that, to ensure that we get data and  
18 participants. I believe they'll be at least as  
19 sensitive to that issue as we are. Go ahead.

20 MR. HERETH: I'm going to stop at this  
21 point, but I'm still not -- it's not clear to me  
22 why the could be is in there, but I'll stop at



1 this point.

2 MR. COTE: Well, because any time  
3 someone else is going to make a judgment, that  
4 judgment could be, could or could not. It would  
5 be fairly useless, in our estimation, to say,  
6 they shall have confidentiality agreements,  
7 without being able to identify clearly who the  
8 shall is.

9 So, someone's got to make a judgment.  
10 And that judgment, implicit in the judgment by  
11 the Board will be, they may or may not be  
12 required. And so, it's no longer a shall.

13 DR. MURRAY: So, are you saying that  
14 the Board is going to determine when a non-  
15 disclosure is needed by an entity or individual?

16 MR. COTE: Exactly. That's exactly  
17 what it says.

18 DR. MURRAY: And does that still make  
19 sense to your point of, the could versus must or

20 --

21 MR. HERETH: Well, I'll say this --

22 DR. MURRAY: -- meaning who's all

1 required?

2 MR. HERETH: The could gives me pause  
3 that I didn't have yesterday. So, the could  
4 gives me pause when I look at this  
5 recommendation.

6 DR. MURRAY: And is it the could around  
7 who might have to sign it and who might not? Or  
8 --

9 MR. HERETH: Yes, because all of our  
10 discussion this morning has been around third-  
11 party entities protecting the data, ensuring that  
12 it's not released.

13 And absent those individual  
14 protections, and I'll defer to Mr. Parker on  
15 this, but absent those kinds of protections, I  
16 don't know how you can have that assurance. And  
17 again, I'm not a lawyer, but I deal a lot with  
18 these kinds of issues.

19 MR. PARKER: Mark, this is Randy Parker  
20 with Kinder Morgan. I think we're going to  
21 recommend that Congress pass a law protecting  
22 this information from being disclosed. Any

1 information that's voluntarily submitted to the  
2 VIS will be protected and it will be illegal to  
3 disseminate that.

4 MR. HERETH: Okay.

5 MR. PARKER: But you still need, in my  
6 opinion, non-disclosure agreements and  
7 confidentiality agreements working with the VIS  
8 that touches this stuff, so that you can tell  
9 them what the law is and make it a binding,  
10 contractual commitment.

11 MR. HERETH: This is Mark Hereth. I  
12 agree and I'm reasonably confident that if I did  
13 more work with Kinder Morgan in the future, I  
14 would not be working without an NDA.

15 (Laughter.)

16 MR. PARKER: That's true.

17 (Laughter.)

18 DR. MURRAY: So, we have John, I think,  
19 first or --

20 MR. MACNEILL: Yes, I was just going to  
21 say that, I mean, I'm with Mark on this. I feel  
22 the same as him. And just that, the whole fact

1 that I think we have to have that protection and  
2 we're looking for it from the beginning.

3 And to put in may and could and things  
4 like that, it just opens it up. I mean, I look  
5 at the 6.2, the word may, I think, you have to  
6 have confidentiality policy between the  
7 participants and the third-party provider. I  
8 don't see where may would even come into that. I  
9 don't understand that.

10 MR. COTE: Understand, thank you.

11 MR. MACNEILL: Okay.

12 MR. COTE: Chris?

13 MR. WARNER: My comment on 6.3, which  
14 seems to be part of the issue we're having, is,  
15 it seems to be addressing who will have an NDA  
16 and also, what the Executive Board will do.

17 MR. COTE: Right.

18 MR. WARNER: And I'm wondering if we  
19 rephrase this to just, the Executive Board shall  
20 create confidentiality policies, or however you  
21 want to describe it, that ensure the protection  
22 and the confidentiality of the data, and just

1 leave it at that.

2 Then, out of that flows who's going to  
3 get an NDA and everything else. So, that's my  
4 thought.

5 MR. COTE: So, Committees, in terms of  
6 the Subcommittees, anyone object to that?

7 MR. PARKER: This is Randy Parker. I  
8 think Chris's suggestion is good.

9 MR. COTE: I do too.

10 MS. WHITE: Nancy White, PHMSA. An  
11 idea, I believe under the definition of  
12 responsibilities of the VIS Executive Board, we  
13 state that they're responsible --

14 MR. COTE: Right.

15 MS. WHITE: -- for policies related to  
16 confidentiality.

17 MR. COTE: We do.

18 MS. WHITE: If we could go back to the  
19 Executive Board recommendations just really  
20 quick, we might be able to determine whether this  
21 is necessary --

22 DR. MURRAY: Chapter 3?

1 MS. WHITE: -- based on the fact that  
2 we may say it already previously. And then, I  
3 leave it to the group. Recommendation 3.4.

4 MR. COTE: Right. The VIS Executive  
5 Board is responsible for the development of  
6 governing documents based on a collaborative  
7 model for self-governance rules.

8 Examples of useful governing documents  
9 include, the mission and charter, the stakeholder  
10 organization participation agreement,  
11 confidentiality policies, and the issue  
12 resolution process.

13 Do we want to provide more direction  
14 in that to the Board or is that sufficient? I  
15 mean, that's one possibility is to take out 6.3  
16 and 6.2, because we've already given that to the  
17 Board.

18 Or we could change may to would,  
19 confidentiality policies, so 6.2 would read,  
20 confidentiality policies would also be included  
21 in contracts between participants and the third-  
22 party data provider. And then, in 6.3, would be

1 required to sign non-disclosure agreements.

2 I'm honestly good either way, because  
3 we're still tasking the Board with ultimately  
4 making those specific decisions, but -- oh, I'm  
5 sorry, Leif?

6 MR. JENSEN: Yes, just a proposal for  
7 the group to consider, given what we heard from  
8 Randy and the pursuit of some of the Regulatory,  
9 Funding, and Legal recommendations that we'll  
10 hear later today, and coupled with what we just  
11 saw in 3.4. One notion is to eliminate Chapter 6  
12 altogether.

13 MR. COTE: Chapter 6, I mean,  
14 certainly, we discussed the fact that  
15 legislation, Congressional legislation is much  
16 more powerful than anything we're going to make  
17 by way of a recommendation.

18 And so, we kicked around the idea, do  
19 we need this? We decided to have both, simply in  
20 the event, to Mark's point earlier, that if this  
21 doesn't get Congressional approval, we still have  
22 a second bite at the apple.

1                   That's why we wanted both. But I'm  
2 certainly willing to let Section or Chapter 6 go  
3 overboard. Chris?

4                   MR. WARNER: I like Leif's comment, but  
5 Leif, the only question I have is, if having this  
6 in here doesn't provide the public with a little  
7 bit more clarity and context to how concerned we  
8 are around confidentiality?

9                   If it's covered in the text somewhere  
10 else, then I'm with you, let's take it out. But  
11 if it doesn't, it clearly delineates how serious  
12 we are about confidentiality.

13                   DR. MURRAY: Would that be covered,  
14 Randy, in the Regulatory, Funding, and Legal  
15 section?

16                   MR. COTE: It is.

17                   MR. PARKER: It is covered there.

18                   MR. COTE: Is everyone good, then, with  
19 Chapter 6 going overboard? Any objections?

20                   MR. HERETH: Just a question.

21                   MR. COTE: Please.

22                   MR. HERETH: Mark Hereth. So, to the



1 point that you just made, Dan, I guess this is a  
2 question for you and Randy, if we take this  
3 language out here, then the language we're  
4 relying on is language that appears to be tied to  
5 legislation --

6 MR. PARKER: Exactly.

7 MR. HERETH: -- and regulation,  
8 correct?

9 MR. PARKER: Correct.

10 MR. HERETH: Could I suggest that we  
11 table these until we've had that Regulatory and  
12 Legal discussion, and then, we'll understand the  
13 full context?

14 MR. COTE: Perfect. So, 6 --

15 MR. HERETH: Because this is where I  
16 think context is really important.

17 MR. COTE: Chapter 6 gets tabled.

18 MR. HERETH: Yes.

19 MR. COTE: Thank you.

20 MR. HERETH: Thank you. I do  
21 appreciate Leif's suggestion and I think it's a  
22 suggestion we should keep in mind overall in the

1 course of all of this. I think it's a really  
2 important point. If there's things we can --

3 MR. COTE: Well, the alternative --

4 MR. HERETH: -- simplify and get rid  
5 of, we should.

6 MR. COTE: We have it in both places.  
7 I mean, I think that --

8 MR. HERETH: Yes.

9 MR. COTE: -- neither one are  
10 exclusive, we linked pretty tightly with the  
11 Legal group recommendations. So, these are not  
12 exclusive, either if we use the would or could  
13 and decided to keep them. But you're right, see  
14 the full story and we can decide as a Committee.

15 Walter?

16 MR. JONES: Yes, we could talk about  
17 the issue. And I just want to bring up one point  
18 that you just mentioned, and it's -- I think this  
19 is something, Mark, you might be concerned with.

20 The idea that, as Dan pointed out,  
21 that we kept it in there was that, in the  
22 meantime, because we know how expedited Congress

1 is, how fast they are in addressing the needs of  
2 the people and passing bills in a timely manner,  
3 that our program may get off the ground before a  
4 law is passed.

5 And if that is the case, how would we  
6 want confidentiality structured during that  
7 period, until we got covered by law? So, that's  
8 primarily --

9 MR. COTE: That is a great point,  
10 Walter.

11 MR. JONES: -- why it's in there. And  
12 I was the one primarily pushing back about the  
13 need for everyone to be under confidentiality,  
14 strict confidentiality requirements and I wanted  
15 more information on that.

16 And I moved my position, and I was  
17 still the one to say, yes, well, we can put may  
18 in there, but if the will of this Committee wants  
19 to move beyond that, I'm fine.

20 MR. COTE: So, I'm hearing no object to  
21 would, and we can either keep these and change  
22 them to would, or let them go, based on -- but

1 let's wait until the Legal group does their read  
2 out and go from there. Good, thank you.

3 Madam Chairman, we've completed  
4 Section 6. We're going to table it for now and  
5 it's back to you for final instructions before we  
6 bolt for lunch.

7 CHAIR BURMAN: Okay, great. So, couple  
8 of things. I'm looking at this, the different  
9 chapters, the six chapters. In most of them,  
10 there have been some changes or concerns raised,  
11 as well as some fine tuning of the language.

12 I think it would be really helpful to  
13 not have this for a formal locking in vote, but  
14 more of, during lunch, think about some of the  
15 things and we come back, we take about 15 minutes  
16 to look at each chapter and just people make  
17 comments on more things that they want either to  
18 focus on or flesh out.

19 And that we look at giving you some  
20 more direction for what should be done from a  
21 draft recommendations perspective, to then have  
22 for the virtual meeting, which I think should be

1 in the beginning of October, rather than at the  
2 end, where we are actually doing more of a formal  
3 vote, with more.

4 Because some of these things, I think  
5 we can look at some further development of  
6 language that will facilitate this. But I think  
7 that way, it gives us all time to make sure we're  
8 fully grasping it.

9 There are a lot of things in here that  
10 we're also looking at to possibly change or to  
11 have fleshed out more. So, I think what's  
12 helpful is for the Subcommittee to have direction  
13 from core concepts of what we're looking at, but  
14 also to identify for each chapter the relevant  
15 Subcommittees that should be working with the  
16 Missions and Objective Subcommittee to help.

17 Especially because I think it will  
18 lead into some of their particular tasks, which  
19 we'll see from the Processes and the Best  
20 Practices, but also from the Technology group,  
21 that also may be helpful.

22 And Chapter 6, with the

1 confidentiality, my particular, and for what the  
2 Board's role is, my particular personal thought  
3 is that it is really necessary to have the law be  
4 very clear on the confidentiality and not  
5 necessarily leave the discretion to the Executive  
6 Board on those issues.

7 Because an Executive Board, or any  
8 body, especially a regulatory body, can change  
9 based on public pressure or incidents, and it may  
10 be very difficult if you're going down a certain  
11 pathway, without the law being very clear about  
12 what the executive body needs to do and you can  
13 wind up in difficult situations because of the  
14 uncertainty, especially if your individuals  
15 change or the focus changes.

16 So, I just think it's really important  
17 that the report itself identifies the critical  
18 nature of the confidentiality and the critical  
19 nature of the law addressing it in a helpful  
20 fashion.

21 MR. COTE: Madam --

22 CHAIR BURMAN: That's my thoughts.

1                   MR. COTE: Madam Chairman, just one  
2                   comment. I'm concerned about tabling all 23  
3                   recommendations until October. This is far and  
4                   away the largest block of overall  
5                   recommendations, because the detailed  
6                   requirements of governance.

7                   And if we wait until October to start  
8                   writing our recommendations, frankly, I'm not  
9                   sure we'll get them done in time. And so, I  
10                  strongly recommend that, as we go through this  
11                  this afternoon, any of those chapters where  
12                  there's little or no concern, we do take the vote  
13                  on.

14                  I certainly agree with you, that we  
15                  don't want to press for votes on anything that  
16                  people are uncomfortable with. But in the course  
17                  of the discussion, I think we clarified a lot and  
18                  I do believe there are likely to be some things,  
19                  at least, that the group is willing to vote on.  
20                  And so, would urge you to allow those votes to  
21                  take place under those circumstances.

22                  CHAIR BURMAN: Yes. And I don't see it

1 so much as tabling, I see it more as fleshing  
2 out, so that when people are looking at this,  
3 they're not feeling like --- (telephonic  
4 interference) -- being able to say, okay, we  
5 agreed, but these are the concerns and we need to  
6 see more language. Or we don't agree, we want to  
7 see more language.

8 And so, it's more of a draft  
9 recommendation and a sort of initial, just let's  
10 take the temperature of the room vote about what  
11 we're looking for to come back for the October  
12 meeting, so that we are not locking ourselves in.

13 But I do understand, you need more  
14 direction and you also want to have some vote. I  
15 don't see it necessarily as -- I think we can get  
16 there, I just think we need to be cognizant of  
17 the fact that I think a lot of this is going to  
18 need for people to think about and also,  
19 incorporate in the relevant Subcommittees.

20 So, with that, we're going to take a  
21 break now. We will come back at 1:15 and get  
22 started right away.



1 DR. MURRAY: All right. Thank you.

2 CHAIR BURMAN: Anyone have any thoughts  
3 before we leave?

4 DR. MURRAY: This is Christie. Just  
5 one thought and it's a process thought. Any  
6 recommendation that's voted on today, not just  
7 the Mission and Objectives one, if there is a  
8 need to refine it, as more information is  
9 understood, I just want to give the parent  
10 Committee some encouragement that, you can still  
11 make a recommendation to refine a recommendation.

12 So, just something to think about over  
13 lunch. Okay.

14 CHAIR BURMAN: Yes, agreed.

15 DR. MURRAY: All right. So --

16 CHAIR BURMAN: Thank you, everyone.

17 DR. MURRAY: -- 1:15.

18 (Whereupon, the above-entitled matter  
19 went off the record at 12:27 p.m. and resumed at  
20 1:25 p.m.)

21 DR. MURRAY: So while we're waiting on  
22 a few people to fully return, Diane, we'll go

1 ahead and get started. Do you have any thoughts  
2 or input in terms of how you might want to use  
3 this afternoon's time?

4 CHAIR BURMAN: Yeah, so I'm looking at  
5 this. We got through coordinating, and then  
6 Mission and Objectives, which we knew would be  
7 most bulk, a long one because of the good work  
8 that they did and the recommendations they had.  
9 So we got through that. We also got through  
10 practice sharing with best practices, technology,  
11 competency, awareness training, and regulatory  
12 legal.

13 A lot of these we usually go there and  
14 come out from the main mission objectives. My  
15 focus is also on being thoughtful in the work  
16 that the Missions and Objectives Subcommittee  
17 did. We have to be mindful that they're going to  
18 need some decision points today and some  
19 thoughtful comments on what we need to do.

20 But we may not need -- we may not be  
21 voting on some of these things, but overall,  
22 giving more direction and input, and to the

1 extent that there are things that we very much  
2 agree with, we can also share that as well.

3 My thought is that we should take some  
4 pause, look at process sharing and best  
5 practices, because both of those I think we can  
6 do in a short time and go through those don't  
7 have actually any votes, and that may also help  
8 facilitate some more discussion on Mission and  
9 Objectives, and then we'll regroup, and we'll be  
10 able to get through the rest after that.

11 So we're going to do process sharing,  
12 best practices, then go back to Mission and  
13 Objectives, because I think that will also give  
14 us some more context for going through the  
15 different -- on the six different chapters and  
16 get focus from that. Does that make sense?

17 DR. MURRAY: I see some head nods.

18 CHAIR BURMAN: Okay. All right. So  
19 we'll start -- and I'm sorry, I should have told  
20 you guys that beforehand for process sharing to  
21 go first, and then best practices.

22 DR. MURRAY: Okay

1 MR. HERETH: I'll go ahead. Good  
2 afternoon. Everybody have a good lunch? You're  
3 well-fed and docile.

4 (Laughter.)

5 MR. WARNER: Everybody but Dan.

6 (Laughter.)

7 MR. COTE: Hello, Mark.

8 (Off-record comments.)

9 MR. HERETH: Okay, these are the  
10 members of our committee, our subcommittee. You  
11 know these folks. Yesterday, we did have Kate  
12 with us all day yesterday, which was really  
13 helpful, and we appreciate that. We were missing  
14 a couple of our new additions, but they had  
15 vacation commitments, so we understand that.  
16 We've already gone through these in the past.

17 I am going to ask, though, between now  
18 and our next meeting, that you review these  
19 information sharing types, and if you have  
20 comments and feedback, provide those. We did  
21 provide these I believe in April and again in  
22 June.

1           So this is important, because it will  
2 define the types of data that we'll be  
3 considering in technology and best practices and  
4 other places. So if there are refinements to  
5 this, improvements, we're certainly looking to  
6 that.

7           So today, we're going to present the  
8 framework of recommendations, how we got to  
9 these, but we're not going to ask for votes. SO  
10 I want you to have the opportunity to see where  
11 we are, the progress we've made, some  
12 improvements we made yesterday, and we'll work  
13 from there.

14           So up to now, we've had some joint  
15 discussions with best practices and technology  
16 committee. The technology committee had a day-  
17 long session, and Eric Amundsen from best  
18 practices and I had the opportunity to spend some  
19 time at the beginning of their meeting comparing  
20 notes, understanding what each group was doing,  
21 and that was really helpful.

22           We had drafted, coming into the last

1 week, 12 draft recommendations. We vetted them  
2 yesterday. We discussed some improvements. We  
3 made some changes, adjustments. We also agreed  
4 on combining some of them, and you'll see that  
5 reflected today. I'll try to provide some  
6 context and color behind those.

7 As I mentioned earlier this morning,  
8 there's one other issue that we're still working  
9 through, which is understanding what our  
10 stakeholders expect. As I mentioned this  
11 morning, this was an idea that Joe Subsits had  
12 raised, and we think it's a great one, so we're  
13 going to do more work on that, and we'll report  
14 back at our next meeting. And you'll probably  
15 see some material that's reflective of that in  
16 advance of that meeting.

17 So what I want to talk about today, so  
18 I'm visually going to show you how we got to the  
19 recommendations that we got to, because the  
20 lesson learned that I had out of yesterday was if  
21 you try to work through text line by line by  
22 line, people's minds go into different places.

1           So I'm going to show you visually what  
2 we've come up with, and then I'll show you some  
3 of the words so that you can look at the specific  
4 words. So in a big-picture sense, you saw this  
5 picture in some form back in April and then in  
6 June. Eric and I developed this, and then we've  
7 taken a lot of great input from other members of  
8 the committee.

9           And we're going to call this, with the  
10 suggestion of the best practices team, we're  
11 calling the community of practice, so it's  
12 reflective of all of all the stakeholders in the  
13 process. So it's not just operators, service  
14 providers. It's research organizations, members  
15 of the public.

16           And one of the things that Kate helped  
17 us with yesterday is it's not just  
18 representatives of the public, the pipeline  
19 safety trust, Simona's organization, it's  
20 actually the public themselves could have  
21 interest in this, so we should recognize that.

22           It also includes research

1 organizations, certainly PHMSA, state regulators.  
2 And so what we've shown here is this is a  
3 community that brings value. Every one of the  
4 members of this community brings value.

5 So what I want to do is to step back  
6 and say where are we today in voluntary  
7 information sharing? One place that we have an  
8 actual recommended practice, or a standard, is in  
9 API RP 1163. And the construct of this is that  
10 the operator and the ILI service provider work  
11 together, sharing information back.

12 So not only improve what they do, but  
13 actually validate the results. The RP is  
14 actually called a validation document, so it's  
15 really -- it's great in that context, because it  
16 ensures that we get valid results.

17 So that's built into this process.  
18 What we found, in the course of doing our work is  
19 that there are operators and service providers  
20 working together to use this process today, but  
21 it's not uniformly used, and it's not used by  
22 every operator and every service provider.



1                   So this is the starting point.  
2           There's a great foundation to build on. We had a  
3           presentation on 1163 in our last meeting. The  
4           next thing is to look at how we improve and  
5           integrate these processes and make them better.  
6           And I start with this because that's where the  
7           statute was really focused.

8                   Now, as we've pointed out this  
9           morning, and we talked about yesterday, I think  
10          in a number of the subcommittees, we've expanded  
11          beyond the statute, so I'm going to get to that.  
12          But certainly this is a place that we recognize  
13          we have the opportunity to improve.

14                   And that is to go from the model of  
15          the two of the operator service provider and  
16          really move to one that extends it to including  
17          the NDE, the non-destructive evaluation service  
18          provider, the service provider that actually  
19          makes measurements of what we find with the ILI.  
20          They make measurements from what we find in the  
21          excavation, or in a ditch, or an examination.

22                   It's also to extend this to other

1 forms of integrity assessment, including direct  
2 assessment. As Chris pointed out yesterday, it  
3 actually needs to include hydrotesting and other  
4 technology. And with a future rulemaking that we  
5 expect to see, it will include things like guided  
6 way, right?

7 (Off-record comments.)

8 MR. HERETH: So then the next  
9 evolution is to take that and to move it to this  
10 diagram up here in the right-hand corner, which  
11 you've seen before, which was really a  
12 visualization of the VIS hub. I think we've  
13 talked about that in earlier meetings. And so  
14 we've made some adjustments to this diagram. I  
15 think it's still a work-in-progress.

16 So initially, we start with doing --  
17 we receive data, we get data quality and do  
18 validation. We do some analysis and evaluation.  
19 It will go through some deidentification, and the  
20 technology committee is going to provide a lot  
21 more detail on that than we will. But the idea  
22 is to visually show that we're moving towards a

1 hub. And then the hub is ultimately this.

2           It's taking that community of practice  
3 that I talked about earlier, so it's all of our  
4 stakeholders, it's having this hub in the middle,  
5 which is where information is shared into and  
6 lessons learned and data are shared out of. It  
7 builds on the existing process of the service  
8 providers and the operators and extends that as  
9 we showed in earlier slides. And it recognizes  
10 the value that each of these stakeholder groups  
11 brings in a process.

12           So that's very simple and high-level,  
13 but I wanted to start with that to show you that  
14 we're ultimately working to get to a voluntary  
15 information sharing hub, and the way that we'll  
16 do that is to build upon the things that we  
17 already have in place.

18           I'll also add that I'm not going to  
19 elaborate on this today, because I know the best  
20 practices group will be, but there are already,  
21 other than the diagrams that I showed you, in  
22 each of these trade associations up on top, there

1 are already voluntary information sharing systems  
2 that they have in place in each one of their  
3 organizations.

4 Okay, now the words. SO what we did  
5 is we tried to work these. And again, we're not  
6 asking for a vote today. We welcome your input.  
7 We decided that even with on our own  
8 subcommittee, we still need vet things, but we  
9 welcome anybody on the committee as a whole to  
10 make a comment to provide input. I'll briefly  
11 walk through these, Christie and Diane, if that's  
12 what you'd like to do. Does that make sense?

13 Yeah.

14 So our first one is define and develop  
15 a community and practice that fosters sharing and  
16 exchange of information to improve pipeline  
17 safety performance. This really responds to our  
18 task statement. Our task statement said this,  
19 and what this does is it says to develop a  
20 community of practice that then executes on that.

21 Now, we had a discussion yesterday,  
22 just very candid and open. At one point, we said

1 development community, and we had some discussion  
2 about is this really a recommendation. And I put  
3 it up here as a recommendation. I'm not sure.

4 There's two options here.

5 One, we added the define and develop  
6 to this, meaning we're going to define the  
7 stakeholders that we believe should be involved,  
8 and that's the stakeholders in the community of  
9 practice, right? And then development. And so,  
10 there was discussion yesterday about this  
11 actually being more of a policy statement. It  
12 might actually be better suited in an  
13 introduction as something we're aspiring to do.

14 But we're presenting it today as a  
15 recommendation for your consideration with the  
16 addition of define and develop the community of  
17 practice. And we've added some notes here. One  
18 of the things is that we have a clear recognition  
19 that as with the FAA model and some of the  
20 others, it may need to start with the coalition  
21 of the willing, those people who really want to  
22 step up and make it happen.

1                   Any questions or comments? Again,  
2 we'll look for feedback. Dan, you must have  
3 some.

4                   MR. COTE: I do.

5                   MR. HERETH: Good. Thank you.

6                   MR. COTE: You bet. Just a question.  
7 On the define and development community of  
8 practice, did you have specific behaviors or  
9 activities in mind that you would expect VIS to  
10 engage in? Or was that more an anticipation of  
11 the convention that will simply occur where the  
12 willing will step forward once the VIS program is  
13 launched?

14                   MR. HERETH: So yes. But it's also,  
15 I think by looking at the community of practice,  
16 the group of stakeholders, it's to clearly  
17 recognize to the public that it's not just to be  
18 ILI operator, ILI service providers and operators  
19 in a small community working together. The  
20 vision is bigger than that. And it really is to  
21 engage with the public. It's to engage with our  
22 regulators. It's to engage with our research

1 organizations, because they all bring value.

2 MR. COTE: Here's why I asked the  
3 question, Mark. You used the term develop.

4 MR. HERETH: Yes.

5 MR. COTE: And that implies that's --  
6 in my mind, that implies specific actions, that  
7 someone's got to do something. And to the extent  
8 that you have specifics, I would see the  
9 recommendation being reach out to the trade  
10 associations and engage them in discussion for  
11 data and collaboration.

12 You know, reach out to the public  
13 safety organizations and engage, you know what I  
14 mean? Those are actions that PHMSA would need to  
15 undertake. So if you have a list of those -- and  
16 I think those would flesh this out, I'm guessing.

17 MR. HERETH: And we envisioned -- we  
18 hadn't talked about that kind of detail, but we  
19 envision that there's text that puts these in  
20 context with all these. And those are great  
21 suggestions.

22 MR. COTE: Well, before this morning,

1 I wouldn't have either. But after the governance  
2 section, it got me thinking about it.

3 MR. HERETH: Yeah. The context is so  
4 important. And we had this happen several times  
5 yesterday where we think we're saying what we  
6 want to say, but somebody hearing it with a fresh  
7 set of eyes hears it differently. So, great  
8 suggestion.

9 MR. COTE: Thank you.

10 MR. HERETH: In fact, we'll look for  
11 written input if you have it there, certainly.  
12 The second one is define processes for developing  
13 the hub. To facilitate the sharing of discrete  
14 data into a data warehouse. And really, I should  
15 have changed that based on a discussion we had in  
16 technology yesterday. It should just end to  
17 share discrete data. But the idea was that this  
18 is the statement that really is one of our high-  
19 level recommendations, is that we create a VIS  
20 hub.

21 Now, we left to legal and governance  
22 how that gets done. There's an underlying theme



1 in all of our recommendations as we try to stay  
2 focused on what, not how. The how we see being  
3 done in technology, recommendations from best  
4 practices, legal, regulatory, and funding. Third  
5 one is continue -- or, consider existing  
6 information sharing systems evaluated by the  
7 process-sharing subcommittee, and select ones to  
8 adopt to accelerate maturity.

9 And one example that we cite is one  
10 that's been formed within the PRCI which has a  
11 focus largely around ILI and in the ditch  
12 excavation data. But there's certainly other  
13 opportunities. And the best practices team  
14 actually enumerates them, I believe, in the  
15 recommendations.

16 So we may supplement this. This is  
17 also an example where I think we sat there  
18 yesterday, and I remember looking at Leif  
19 thinking, these we might combine together. We  
20 may ultimately do that.

21 And as the Chairwoman said this  
22 morning, there may be some of these -- she

1 expected there to be overlap. And this is a  
2 classic example of that. In fact, I would argue  
3 theirs might be better articulated. So hold off,  
4 Dan.

5 Okay, so those are our sort of high-  
6 level ones, and a next level down, we look at  
7 defining processes for sharing lessons learned  
8 from incidents, accidents, near-misses, and what  
9 we would also call good catches. The idea there  
10 is that -- is to have the processes to be able to  
11 take those in to the voluntary information  
12 system, into the hub, and to be able to address  
13 those.

14 The technology committee,  
15 subcommittee, has done some great work on how to  
16 work with that kind of information, because it  
17 may not be in a well-defined, well-structured  
18 format. And so it may require the use of  
19 unstructured data, and we're counting on them to  
20 help in that regard.

21 The second one is develop a process to  
22 share lessons learned for operators. So the next

1 three look at three members of the committee in  
2 practice that work around assessments and  
3 integrity assessments. So number five is around  
4 operators. Six is around service providers. And  
5 seven is around NDE service providers.

6 Within a longer version than we're  
7 willing to share with you, we actually talk about  
8 the types of data that would be collected and  
9 shared among that group and then would be used by  
10 the -- I think you called them the something  
11 analysis team.

12 MR. COTE: Issue Analysis Team.

13 MR. HERETH: Issue Analysis Team,  
14 thank you. So the Issue Analysis Team would take  
15 data -- I'm going to sometimes deidentify,  
16 sometimes identify data, from each of these  
17 processes. We broke the processes apart. We had  
18 some discussion about having one process that had  
19 nuances for each, and we decided to stay with  
20 three. We'll keep visiting that over time, and  
21 the next time we come together, we'll have an  
22 idea.

1                   But the last one is define the  
2 processes for disseminating lessons learned among  
3 the community of practice. So how do we take the  
4 lessons learned that we have recognized and add  
5 what are the processes for disseminating those?  
6 And then tech supports these.

7                   It identifies the need to recognize  
8 the trade organizations, public interest groups,  
9 and things along those lines. So it's high-level  
10 still at that context.

11                   Then there's three more that are down  
12 at a much lower level. But the group believed  
13 they're important. And that is that operators  
14 should formalize the use of API 1163, which each  
15 of their service providers, ensuring that  
16 learnings can be recognized, documented, and  
17 shared.

18                   So this one is taking the triangle  
19 diagram that we had up there for this -- this  
20 diagram back here, formalizing that process, and  
21 maturing it so that it brings the NDE service  
22 provider into that equation, and then also

1 extending that to other integrity services.

2           Number ten is really a recognition of  
3 the importance of pipeline safety management  
4 systems so that once an operator has executed and  
5 become somewhat mature with their use of 1163,  
6 it's to actually evaluate that and audit that  
7 periodically consistent with Section 10 of the  
8 requirements in Section 10, Safety Assurance,  
9 which included auditing and evaluation. So you  
10 would do that as a part of the safety management  
11 system.

12           And then I believe our last one here  
13 is consider the development and periodic update  
14 of an integrity assessment, management, and we've  
15 got both words there because we want your input.  
16 We probably mean management, but it's something  
17 this group needs to decide. Integrity assessment  
18 compendium, or documents of some sort, to share  
19 state-of-the-art with regard to integrity  
20 assessment technology, risk assessment, including  
21 data integration and NDE technology.

22           I think that's the end there. Yup.

1 Any questions or comments? So again, from a  
2 process standpoint, we'll look for input. The  
3 subcommittee will continue to vet these and work  
4 on these. We discussed the schedule yesterday.  
5 We will continue to meet about every three weeks.  
6 We may reach out to the other subcommittees as we  
7 have done to this point.

8 I think one of the things that was  
9 cool yesterday was to look at how we can support  
10 each other's recommendations, and we did that in  
11 both best practices and process sharing, and we  
12 may combine some. I'm sorry, and technology as  
13 well. Questions or comments?

14 DR. MURRAY: Surprisingly, Dan has  
15 some.

16 MR. HERETH: Oh, thank you, Dan.

17 MR. COTE: I thought you were ignoring  
18 me over here.

19 MR. HERETH: I was probably  
20 optimistically -- no. I love to hear them.  
21 Great comments.

22 (Laughter.)

1           MR. COTE: Mark, five, six, seven, and  
2 eleven are your recommendations that mostly deal  
3 with that data flowing in piece, so the  
4 expectation, a lot of the data that will be  
5 valuable to VIS will come from those four  
6 recommendations. And while I don't want to pick  
7 a scab, I think this is a critically important  
8 issue that we raised this morning, and that was  
9 where does that line on confidentiality have to  
10 start and stop?

11           So what I would simply recommend from  
12 a high-level is for what we could use -- what our  
13 team could use from your team is specifics around  
14 the data that those issues analysis teams would  
15 have to see that would be confidential that  
16 would be critical to their task, because we  
17 talked about that a lot and didn't see very much.

18           And so technically, you can give us  
19 some of the examples of why they would meet, what  
20 that confidential data is that they would have to  
21 meet that would not be scrubbed out in a data-  
22 scrubbing process. That would be very helpful to

1 us.

2 MR. HERETH: Okay. Fair question.  
3 And I would say that we may address that. We'll  
4 factor that in. And the thing, I'm looking at  
5 Joe as I say this. We may factor that in to the  
6 questions we ask among our stakeholders. But  
7 you're actually asking it in the context of the  
8 issues analysis team I believe?

9 MR. COTE: Well, issues analysis and  
10 governance.

11 MR. HERETH: Yes.

12 MR. COTE: The governance needs to  
13 reflect whatever it is you want to achieve.

14 MR. HERETH: Yes. Yes. That's a fair  
15 question. I think our thinking at this point in  
16 time is that there would be protections around  
17 that information at the time of submittals,  
18 throughout the process.

19 MR. COTE: And that's one way, one way  
20 to do this, you make protections, and the other  
21 is not to give them confidential data that needs  
22 to be protected. So my question is very



1 specific.

2 MR. HERETH: I would say, based on our  
3 discussion this morning, I felt as though we  
4 needed to have more discussion there, and I sense  
5 that from others. Chris?

6 MR. WARNER: This may be obvious, but  
7 I think our assumption is that there is going to  
8 be assessment and analysis performed by the  
9 third-party data provider as well as by the IAT  
10 team.

11 MR. HERETH: Yes, I would agree with  
12 that.

13 MR. WARNER: So that's -- so the  
14 third-party would not have -- be constrained by  
15 the confidentiality, because it hasn't been  
16 scrubbed. And the IAT would be more focused on  
17 data that may already be scrubbed.

18 MR. COTE: And well, that was the  
19 vision. And so that goes to -- again, and what  
20 we're looking for is specifics that would lend us  
21 to supporting that, recognizing that it's  
22 important. That was the question.

1                   MR. MACNEILL: Dr. Borener, can you  
2 help us in this regard?

3                   DR. BORENER: So, recognizing my  
4 ignorance, because I'm not really sure. This is  
5 Sherry Borener. I'm not really sure the focus of  
6 the Issue Analysis Team versus the provider.  
7 Typically, in the FAA model, standard metrics are  
8 produced on a regular basis by that provider. So  
9 you've already had the issue. You said gee, this  
10 condition is an indicator of a precursor of an  
11 event, count those up for me.

12                  MR. COTE: Excavating damages, for  
13 example.

14                  DR. BORENER: Right. So you want to  
15 count that precursor up. You need a complete  
16 operational picture of that environment to do  
17 that. Once you've done that and you've said that  
18 signature looks like six of these, two of those,  
19 and it's raining, whatever, then you need to go  
20 back -- and then you can collect it, and then  
21 it's deidentified.

22                         So only those things that are relevant

1 to describing the event are captured, and the  
2 fact that it was X, Y, Z pipeline versus A, B, C  
3 is not relevant anymore. But during that time  
4 that you're characterizing the anomaly, you may  
5 need complete information for a short time in  
6 order to get that signature.

7 MR. COTE: That's a good point.

8 DR. BORENER: And that's the time when  
9 you might have a special team like that IAT that  
10 has non-disclosure agreements and so on with one  
11 another so that they can share that information,  
12 protect anybody that is involved, like labor  
13 that's involved. So that's what that is, as I  
14 understand it.

15 MR. COTE: And I understand that  
16 theoretically. What I'd asked for, and that was  
17 the discussion that I just had with Mark was,  
18 when we discuss that at a very technical level,  
19 we couldn't see a lot of things that would --  
20 that were confidential that would really be all  
21 that different from the scrub data in terms of  
22 the technical aspects of whatever the incident

1 was. The type of incident, pipe, diameter, depth  
2 of facilities, all of those things.

3 DR. BORENER: That's true.

4 MR. COTE: And so what I was looking  
5 for is I understand conceptually what you're  
6 describing. Give me a few examples of where that  
7 really meets the road, and I think that'll make  
8 this process easier.

9 DR. BORENER: So Sherry Borener again.  
10 I think the one thing that you might not want to  
11 share is that it was so-and-so's pipeline that  
12 this happened at. So it might be true that in  
13 the Issue Analysis Team that owner of that  
14 pipeline would come to the table and say, I've  
15 got ten of these events.

16 But walking out of that room, they may  
17 not want to tell anybody that. So there are  
18 times when you want to discuss these precursors  
19 with that protection, because it's not a  
20 necessarily reportable event, but it's a  
21 precursor, and you want that protection.

22 You believe there's operator error

1 involved. You don't want to be identifying  
2 individuals who were involved, you know what I  
3 mean? So that's the difference, is that once  
4 it's aggregated, they can't tell who it was that  
5 this happened to when you're actually trying to  
6 decompose the event in your -- in this Initial  
7 Analysis Team.

8           You need a lot of protection so that  
9 you have the trust to be able to share that  
10 information. And that's why there might be some  
11 time when there would be identified data that  
12 would be discussed, because there's a lot of  
13 depth about that that's discussed in the room.

14           MR. HERETH: So this is the kind of  
15 content that we need to have the context to be  
16 able to discuss some of the things that we  
17 discussed this morning, and even here. And so  
18 I'm going to ask for -- we talked about this a  
19 little bit yesterday, but I would really like for  
20 us to have this written up so when we come back  
21 again, and with some opportunity to review in  
22 advance, that we really have this write up with

1 you, and with Warren's input as well.

2 DR. BORENER: Yes.

3 MR. HERETH: I think that would help  
4 this group, because I think some of us struggled  
5 this morning to fully appreciate all the  
6 scenarios which she can share with us based on  
7 experience, which I think would be of value.  
8 Leif?

9 MR. JENSEN: I was just going to offer  
10 another example, but it's getting into the weeds.

11 MR. HERETH: Yeah

12 MR. JENSEN: I'll try to do it  
13 quickly. In the pipeline arena, some areas where  
14 operators and Ili vendors will want to be pretty  
15 assertive with respect to confidentiality is  
16 feature dimensions, and the precision and  
17 accuracy of the in-the-ditch analysis to validate  
18 the actual call by the tool.

19 MR. HERETH: Yes.

20 MR. JENSEN: And one particular  
21 example is if several operators are having a seam  
22 issue on a particular vintage of pipe and a

1 particular tool can detect that, but the accuracy  
2 of that tool is not desirable.

3 So that type of information I think  
4 needs to be held confidentially, ILI vendor to  
5 ILI vendor, because, it's getting into their  
6 proprietorial algorithms, etcetera, and then even  
7 operator to public, because, you know, we're  
8 flowing our commodities through people's  
9 backyards.

10 And while there are factors of safety  
11 built into the pipeline that will still allow  
12 that pipeline to operate safely, if that  
13 information gets out and spun the wrong way, then  
14 paranoia and people are going to get misinformed  
15 with respect to the actual fitness or purpose of  
16 that pipeline asset.

17 MR. HERETH: Great example, very  
18 helpful thinking. And we actually, it would be  
19 helpful if we could develop some sort of a way of  
20 expressing that in writing. I think that would  
21 be helpful. Chris?

22 MR. MCLAREN: Chris McLaren.

1                   MR. HERETH: Actually, Chris, is it  
2 okay to go to staff?

3                   DR. MURRAY: Are there any other? I  
4 think you're fine.

5                   MR. MCLAREN: Just one other example  
6 is location, and, you know, operators are not  
7 going to want location. Sometimes even if I have  
8 a 22-inch diameter pipeline, that might be unique  
9 enough. But certainly with location, however  
10 when you end up in environmentally-assisted  
11 corrosion, where you end up in land slumps or  
12 natural forests, I mean, that location data can  
13 be key for drawing trends and identifying issues.

14                   So as you work through all of these  
15 different things, you're going to find a whole  
16 load of them that say I need to keep that data  
17 identified for as long as possible until I start  
18 deidentifying.

19                   MR. COTE: Understand, thanks. Dr.  
20 Borener?

21                   DR. BORENER: So would it be  
22 worthwhile for us -- I'm going to throw this out



1 as a concept to establish that process sharing  
2 recommends that a set of use cases that describe  
3 these missions in the Issue Analysis Team versus  
4 the accumulator, or whatever you call that.

5 MR. COTE: Third party data.

6 DR. BORENER: That those be developed  
7 and then such as -- and we could give some  
8 examples -- so that that clarifies, you know,  
9 what --

10 MR. COTE: Our understanding of the  
11 sort of data that you want to protect becomes  
12 important strategically identifying a governance  
13 recommendation for how to protect it.

14 DR. BORENER: Right.

15 MR. COTE: So yes.

16 DR. BORENER: So that would be -- so  
17 yeah, I think we could go through and --

18 MR. HERETH: We discussed use cases  
19 yesterday, but I think this reinforces the need  
20 for that.

21 DR. BORENER: Yeah.

22 MR. HERETH: And thank you, Dan, for

1 helping us see that. And one other point that I  
2 wanted to make, which was recommendation number  
3 eight actually was written initially identifying  
4 specific members of a community of practice. So  
5 it identified research organizations. It  
6 identified in a separate one representatives of  
7 public interest groups, for example, like  
8 Simona's and Kate's organizations.

9 And we decided, after discussion  
10 yesterday and some really good input, that we're  
11 probably better combining that one. They'll be  
12 text that supports this and why it's brought  
13 together. So, you know, we're open for  
14 discussion on that, but the text that supports  
15 this I think will help put that in better context  
16 and help people understand. But we did have some  
17 good discussion around that. Dan?

18 MR. COTE: Well, and to that point,  
19 from a governance perspective, what are those  
20 communities? I mean, how many gradients of data  
21 sharing do you see? I mean, because the  
22 governance committee envisioned there was either

1 public data or data not disseminated, and you're  
2 talking about at least a couple of different  
3 gradients in that.

4 And so in order for us to establish a  
5 governance model that provides the protection and  
6 yet disseminates the information that you're  
7 recommending, we need to see what that looks like  
8 and understand it.

9 MR. HERETH: And we may adjust this  
10 diagram to reflect that, but I think it was clear  
11 this morning that we need more discussion around  
12 that, and I think between -- hopefully between  
13 best practices, ourselves, and you all, we can  
14 come to a good place there.

15 MR. COTE: Understand and agree.

16 MR. HERETH: Yeah. Good. Good.  
17 Anything else, Dan? Other comments? On the  
18 phone? Diane?

19 CHAIR BURMAN: No, I think that's a  
20 great session and it was very helpful.

21 MR. HERETH: Thank you.

22 DR. MURRAY: The only other thing I

1 would say --

2 CHAIR BURMAN: Did we open it up to  
3 the audience?

4 MR. HERETH: Thank you. Christie, you  
5 had a comment?

6 DR. MURRAY: Yes, it was just about  
7 your -- you mentioned that you guys are meeting  
8 three weeks from now? That will put you after  
9 the September call for initial sections to the  
10 report.

11 MR. HERETH: We're going to have to  
12 adjust that, yeah.

13 DR. MURRAY: Okay.

14 MR. HERETH: Thank you. We'll have to  
15 adjust that.

16 DR. MURRAY: Any other questions from  
17 the audience?

18 MR. HERETH: Identify yourself.

19 MR. OSMAN: I need a mic for it to  
20 work. CJ Osman from INGAA again. I just wanted  
21 to reiterate and amplify what Mr. McLaren said,  
22 particular when talking about gas transmission

1 pipelines, because that's who we represent.  
2 There really aren't a whole lot of them out there  
3 in the grand scheme of things, right?

4           And when you're looking at trying to  
5 discover the root cause of incidents and events  
6 of near misses that isn't readily available just  
7 from looking at it, you really do need a lot of  
8 information about the pipeline. What seam type  
9 it has, what size it has, when it was built, what  
10 the material is, where it's located, as Chris  
11 said.

12           And for those of us who really follow  
13 this stuff, and including for PHMSA, it can  
14 become pretty evident what pipeline you're  
15 talking about pretty quickly once you start to  
16 hear those characteristics.

17           I think if an important incentive for  
18 folks to elect to participate in this is that  
19 that information doesn't get back to the  
20 enforcement and regulatory side of PHMSA, they're  
21 not going to want all that information about the  
22 specific pipeline to make it to a big group that

1 might not be under a non-disclosure agreement  
2 depending on how, you know, you structure the  
3 data analysis team and all that.

4           So I guess what I'm saying is I'm  
5 trying to support some of the discussion earlier  
6 around getting those non-disclosure agreements or  
7 other protections in place so that the data can  
8 make it as far into the process before it becomes  
9 anonymized, because you really do need people who  
10 really understand how these systems work to  
11 interpret what all is going on here, and that may  
12 not be something that the third-party or data  
13 aggregator and data analysis firm can handle  
14 unless they have really deep pipeline background  
15 and history. So thank you.

16           DR. MURRAY: Any other comments from  
17 the audience? Okay. Diane, that is all from the  
18 audience.

19           CHAIR BURMAN: Okay, great. Thank  
20 you. So we're done with the process sharing at  
21 this moment, and we're going to best practices.  
22 And I do want to just regroup before we get into

1 best practices, so my understanding is the eleven  
2 recommendations, none of them at this time need  
3 to be voted on in process sharing, and you're  
4 going to -- we're going to be regrouping on  
5 restructuring some of the timeline issues as well  
6 as what you need from the other subcommittees to  
7 flesh out, further your work, right?

8 MR. HERETH: That's correct, yes.

9 CHAIR BURMAN: Okay, great. Okay,  
10 best practices, you're up. Thank you.

11 MR. JENSEN: Okay, thank you, Diane.  
12 This is Leif Jensen from Energy Transfer stepping  
13 in for Eric Amundsen who couldn't be here. I  
14 don't have a PowerPoint presentation. Instead, I  
15 have an eleven-page Word document. And trust me,  
16 I'm not going to read through the entire thing.

17 I'm going to trust Tom to kind of page  
18 through it, and then I'll hit the highlights of  
19 the eight proposals or recommendations that we  
20 are currently working through and in conjunction  
21 with some of the other subcommittees.

22 The first page really is the

1 background, and it repeats the task statement, so  
2 we really don't need to go through in detail on  
3 page one. We didn't change the task statement.  
4 So if you could scroll down to page two. Just as  
5 a reminder to the VIS workgroup, we broke into  
6 three different sub-subcommittees or task groups  
7 if you want.

8 One was to focus on in-line data,  
9 inline inspection data, in the ditch pipeline  
10 safety and integrity management process  
11 improvement, and then communication and  
12 stakeholder knowledge. The workgroup has seen  
13 this before, so I'm not going to go through this  
14 in a lot of detail unless there's any questions.

15 Okay. Let's move into page three. So  
16 we have I think there's eight total, maybe nine  
17 total recommendations. After our subcommittee  
18 meeting yesterday, we did reach a close consensus  
19 that some of these really belong in the  
20 introduction or the executive summary part of the  
21 report as opposed to an actual specific  
22 recommendation.



1           Stay up there a little bit if you  
2           could. I do want to go through this. We are  
3           suggesting in this first one that we should  
4           leverage the existing practices, processes,  
5           procedures, and models currently being utilized  
6           within the industry as well as the other  
7           industries. And we have talked at length in  
8           previous meetings of what those other industries  
9           are, and the balance of this portion of the  
10          document gets into those details.

11           The science, I'll let you scroll down,  
12          because I'm not going to go through these in  
13          detail. The Center for Offshore Safety. Slow  
14          down a little bit. That's fine, go on. PRCI,  
15          and I think there are one or two more without a  
16          lot of detail. The industry associations -- and  
17          we list them right here -- API, AOPL, PRCI, and  
18          so forth, and others -- and leveraging the  
19          ability to rely on their processes.

20           And that's already been verbalized  
21          today and articulated in some of the other report  
22          outs, but let's not reinvent the wheel, but let's

1 leverage those and be able to bring them to the  
2 VIS, either in the form of information or in the  
3 form of data and be able to convey that  
4 information in a deidentified manner to those  
5 people or operators that aren't necessarily  
6 members of those associations.

7 Part of the discussion we had  
8 yesterday that would help the body of the report  
9 as it relates to the readers of the report is to  
10 identify the specific practices within some of  
11 those organizations that we want to benchmark.

12 And there's some more examples. The  
13 virtual tailgate that API posed, the PIX and the  
14 Pipeline Information eXchange. INGAA has  
15 processes as well.

16 Before I move on to number two, is  
17 there any conversation about number one and  
18 leveraging other institutions? Okay. We're all  
19 in that post-lunch food coma.

20 (Laughter.)

21 MR. JENSEN: Number two is -- I'm not  
22 going to read through the whole thing. It gets

1 into the body here, about the third line down.  
2 The VIS should provide the means to share  
3 information relative to high-value learning  
4 events from existing industry efforts to benefit  
5 all operators regardless of their affiliation.  
6 Scroll down a little bit. Then you just saw this  
7 diagram from Mark, and this particular flow  
8 diagram has this quadrant with the deidentified  
9 data and information.

10 If you scroll a little bit further  
11 down, a little bit further down this page, I  
12 think we show in the middle of number three,  
13 yeah, right there. But we had this dialog a  
14 little bit earlier today as it relates to this  
15 process flow. The first quadrant reads,  
16 information sharing, and then data quality and  
17 validation, and then deidentified data and  
18 information.

19 We flipped these two quadrants. It  
20 used to be deidentified data before and data  
21 quality and validation after. And the spirit of  
22 that is that we had this conversation this

1 morning. At what point do we deidentify? At  
2 what point does it makes sense to allow the  
3 third-party administrator, the Issues Analysis  
4 Team, or even third-party vendors that we may  
5 want to come in and help with the analysis under  
6 some type of non-disclosure agreement.

7 So I think we've seen this in a couple  
8 of different presentations already. It's in here  
9 twice. It's also in process sharing. So as part  
10 of the overlap, we need to come to consensus as  
11 we define the workflow and process flow, follow  
12 the data as it works from the operators, our ILI  
13 vendors, into the hub and out of the hub.

14 So scroll back up a little bit if you  
15 could. Just I wanted to go through number three.  
16 I know I touched on it already a little bit. A  
17 framework to managed sharing context and include  
18 fundamental elements found in other business  
19 entities. So it's repetitive with respect to  
20 what's in number two, but they are both getting  
21 down to the same point.

22 Any questions, comments on items two

1 or three? Let's go down to four. In this  
2 particular case, we do not want the VIS to be  
3 limited specifically to pipeline ILI data or  
4 inspection data. Considerable value and safety  
5 improvement is possible if sharing is expanded to  
6 include data information knowledge, lessons  
7 learned, and solutions within the context of all  
8 pipeline here.

9           There are three sections here. Data  
10 improvement -- oh, don't go too fast. Data  
11 information, layers, records. So this is kind of  
12 like the type of sharing, the type of information  
13 we want to share. And I know process sharing  
14 touched on this a little bit with four and five  
15 recommendations.

16           These are probably repeating them.  
17 Most of it is directly related to what's in the  
18 statute, but we also touch on near-miss data,  
19 root cause failure analyses that may happen, as  
20 well as lessons learned, and then technology gaps  
21 on existing processes.

22           So scroll right back up just a little

1 bit to the bottom. The second big thing is  
2 what's the output of this? And it's R and D  
3 projects to address the gaps, operator actions to  
4 prevent recurrence, operator and service provider  
5 best practices, engineering service provider,  
6 engineering syndicate and so forth. So that's  
7 what we expect to come out of the VIS. And then  
8 lastly, you have an input, you have an output,  
9 how we measure our success. And that's these  
10 things up here.

11 Scroll just up a little bit. The  
12 number of participants that we have, these are  
13 proposed metrics. Quantitative statistics  
14 relative to the data and the information. How do  
15 we actually demonstrate that we're improving  
16 pipeline safety? And then show the impact and  
17 what did we learn from others that would be  
18 relevant. I'll pause.

19 MR. WARNER: I mean, if you can scroll  
20 back up to that first of the three. Right there.  
21 So in this section I think above you talked about  
22 not wanting it to just be focused on ILI. But

1 again, I'm seeing there are other things in  
2 there, but maybe we should include some other  
3 things that have been mentioned, such as DA  
4 locate information, leak survey information,  
5 something like that.

6 MR. JENSEN: Okay.

7 MR. WARNER: To flush it out a little  
8 bit more.

9 MR. JENSEN: Yeah. That's a good  
10 point, Chris, and many of that might come through  
11 operational lessons learned, but --

12 MR. WARNER: It might be. I think  
13 it's more statistics than lessons learned.

14 MR. JENSEN: Okay. Mark?

15 MR. HERETH: Mark Hereth. This is one  
16 that I think we could give some strong  
17 consideration and figure out how to combine  
18 these, or if we're going to have them separate,  
19 recognize why we have them separate, because  
20 there is a lot of things here that we're trying  
21 to get at in the same way. So it doesn't matter  
22 to us where they are, but this is really well

1 thought out. It's really nice.

2 MR. JENSEN: When you say combine  
3 these, you're thinking the one within process  
4 sharing?

5 MR. HERETH: Yes. Yes. The one where  
6 we point to this. This is really good, this is  
7 well thought out.

8 MR. JENSEN: Chris, did you have  
9 something else?

10 MR. WARNER: No, I'm sorry.

11 MR. JENSEN: Dan?

12 MR. COTE: Yeah, I wanted to add to  
13 that discussion, it seems to me since we're  
14 talking about information that will be  
15 disseminated, I see a very, very, very direct  
16 linkage between the list that Mark produced, Mark  
17 and his team produced earlier, and it was  
18 substantially different than yours.

19 It included -- it was a little more  
20 vigorous around data integrity management and  
21 remediation techniques and those lessons learned  
22 in addition to near-miss data.



1 I see you two putting this together  
2 and even producing a shared recommendation or  
3 deciding where you're going to draw those lines  
4 and why, because as I look at this, you're  
5 dealing with exactly the same issue with two  
6 different subcommittees, and I think that's  
7 appropriate. But I suggest from an internal  
8 committee governance perspective you guys figure  
9 out how to handle that in one document.

10 MR. JENSEN: Thanks. Yes, Mark?

11 MR. HERETH: So one of the things that  
12 we discussed yesterday is that we like to see how  
13 some of these recommendations tie back to the  
14 best practices we heard of from other  
15 organizations. And having that, that'll  
16 strengthen us having that recommendation, whether  
17 we have it in process sharing or best practices.  
18 So tying them back to best practices from the  
19 presentations we've heard.

20 MR. COTE: And that all makes perfect  
21 sense. I mean, it doesn't precisely translate  
22 from other industries quite as well, particularly

1 around things like what we call integrity  
2 management, which may be a little beneath us.  
3 But I agree. But again, this is really about all  
4 the information that we want to come in, and then  
5 all of the information we need to disseminate.  
6 And I think from a strategy perspective, at  
7 least, that's one comprehensive set of data in  
8 and of.

9 MR. HERETH: Yes, thank you.

10 MR. COTE: You bet.

11 MR. JENSEN: So we don't have it  
12 captured up here in terms of the thought, but now  
13 is an opportune time to bring it up as it relates  
14 to community of practice or communities of  
15 practice. And what we have up here is in the  
16 first three, in my mind, those are directly  
17 related to the requirements or mandates that are  
18 in the statute.

19 It's that relationship between  
20 operator, ILI vendor, and in-the-ditch non-  
21 destructive examination vendor and the  
22 collaboration amongst those three to improve the

1 technology and find those threats that we're  
2 struggling getting at today.

3 The second portion, the near-miss  
4 data, the RCFAs, some of the lessons learned,  
5 that's really what I would characterize as not  
6 data-rich but information rich. And so maybe  
7 we're looking at two different communities of  
8 practice, possibly different VIS or information-  
9 sharing systems, or at least umbrellas. And I  
10 only bring that up as a thought.

11 We don't need to deliberate it or come  
12 to a vote. But as we get down the road and we  
13 ultimately have to submit a report to the  
14 secretary, the secretary may want to look at one  
15 was mandated in Section 10 of the statute, and  
16 one was not. Not that they're going to cherry-  
17 pick and choose one or the other, but it might  
18 give them the option to identify if we have to  
19 pursue something in phases, what do we want to  
20 pursue?

21 All right, let's move on to number  
22 five. One more up. So VIS system for the

1 industry should provide a broad context of the  
2 sharing processes and be flexible and amendable  
3 to ad hoc or customized sharing as appropriate.

4 My take on this is -- and Mark touched  
5 on this earlier where we have a triangle where  
6 operator and ILI vendor and 1163 really defines  
7 the A practice, A best practice in communicating.  
8 Then you add the third leg to that triangle being  
9 the NDE vendor, or the direct assessment vendor  
10 as Mark proposed this morning, earlier this  
11 afternoon.

12 That's one way to look at that. And  
13 then you have other inputs. You could have the  
14 RCFAs, lessons learned from various practices,  
15 near-miss safety moments, as input to that  
16 process.

17 Scroll down a little bit more. So  
18 it's a mechanism to share the information among  
19 all the various parties or the stakeholders that  
20 may have a vested interest.

21 And in one essence, it's an ability  
22 for us to influence and cultivate a more

1 trustworthy relationship between the regulators,  
2 the technology providers, and the public. Any  
3 comments on number five? Scroll down for all of  
4 six. Oh, I'm sorry?

5 MR. COTE: Just one. You know, just  
6 thinking about the discussion Mark had and some  
7 of the things that we touched on in Missions and  
8 Governance. It seems to me the key to building  
9 those kinds of relationships is ultimately -- and  
10 this won't happen day one, certainly -- but  
11 producing data that supports the improvements  
12 taking place. That's the heart of this.

13 And so when we think about both the  
14 way we communicate and what we communicate, but  
15 there is still -- I hate to say always, but for  
16 the foreseeable future, there will be near-  
17 misses, and there might even be a few more  
18 incidents. But over time, to the extent that we  
19 can show clear trends, we are -- the industry is  
20 using this information to improve performance.  
21 That's the most powerful message we could  
22 deliver, in my mind.

1           So just to comment in terms of sort of  
2 those ultimate deliverables, particularly when we  
3 talk about building relationships with people who  
4 might have historically, either as a result of a  
5 regulatory model or simply antipathy, have been  
6 natural enemies historically.

7           MR. JENSEN: Good point. And it's the  
8 output, the metrics, the scorecard, the KPIs,  
9 whatever you want to call it.

10          MR. COTE: You bet, exactly.

11          MR. JENSEN: That, you know, as an  
12 industry and the collaboration efforts, we are  
13 actually improving pipeline safety and  
14 performance and keeping that public, right?  
15 Because you have one incident, and all that story  
16 gets pushed aside.

17          MR. COTE: It's the old military  
18 adage. The trick to being a hero isn't being  
19 shot at. The trick to being a hero is being shot  
20 at when the general's watching.

21          (Laughter.)

22          MR. JONES: I just want to say, you

1 know, I think more important that we just try to  
2 just document our efforts in trying to address  
3 these incidents, because I'm not always convinced  
4 that it's a straight line that they go away.  
5 Actually, when you -- a lot of times, when you  
6 put these types of processes in place, you get a  
7 spike, because everyone know over reporting more  
8 than they did in the past.

9 But I think it's important that we  
10 show that the industry is putting together a  
11 system to identify some issues and address them  
12 and let that be -- and hopefully that line will  
13 look like a downward line just showing that we're  
14 getting to zero. But we're going to get close to  
15 zero and then pop up, and, you know, that's just  
16 how life is. So I wouldn't tie it to some trend  
17 line to zero.

18 MR. JENSEN: The one other piece I'd  
19 like to touch on before we go to number six, if  
20 you could scroll up towards where number five  
21 actually is. Ad hoc or customized sharing, in  
22 terms of the best practice perspective. I think

1 we touched on this a little bit this morning.

2 Hypothetically speaking, you get a  
3 bunch of information that's coming into the hub,  
4 and the hub looks at some reports, and they  
5 realize that even under their confidentiality  
6 umbrella, that operator A and operator B have  
7 submitted very similar situations.

8 But in the spirit of confidentiality  
9 and how we convey this information out, if we're  
10 going to protect that confidentiality, we can't  
11 disclose that. And I think we heard some similar  
12 scenarios from the FAA when they talked about  
13 Hobby Airport, for example, those of you familiar  
14 with Hobby at Houston. The predominant carrier  
15 is Southwest.

16 So if they were to actually identify  
17 a Hobby-specific incident, more than likely it's  
18 a Southwest Air carrier that was part of that.  
19 So that's the parallel I'm trying to draw here.  
20 We want to have that flexibility where the people  
21 within the hub, be they the manager or the boss  
22 or they go to the executive board, have the



1 ability to go to each of their respective  
2 operators and say, you have a common issue with  
3 another operator.

4 Are you willing to give your contact  
5 information so that the two of you can start  
6 talking? That practice exists today if people  
7 hear about it, if operators hear about it, but  
8 it's not as robust. And maybe if we had this  
9 mechanism in place, we could help facilitate  
10 better correspondence in that regard.

11 MR. COTE: And that is something we  
12 would want to build into a governance model if  
13 that's the intent of the committee. We didn't  
14 have any real discussion around that, because we  
15 were obviously focused on the confidentiality  
16 piece. But that's fair. And if you intend to  
17 include that as a recommendation, we can  
18 certainly build the governance piece that  
19 supports it.

20 MR. JENSEN: Any comments, feedback,  
21 perspective?

22 MR. WARNER: I think we all still

1       affirm that. I think we felt that was important,  
2       so we should put that in the governance. There  
3       is the ability for VIS to go to one operator and  
4       the other independently, so they don't know who  
5       each other is and get permission to share the  
6       name so they can interact.

7                   MR. COTE: And that absolutely  
8       supports pipeline safety, and we should encourage  
9       that. So in my mind, that makes -- that's a good  
10      recommendation.

11                   DR. MURRAY: There's a question.

12                   MR. JENSEN: Oh, I'm sorry.

13                   DR. PERRY: Simona Perry.

14                   MR. JENSEN: Yes?

15                   DR. PERRY: I wonder how that could be  
16      documented? So just something to think about for  
17      the governance committee. If there are, because  
18      I think that's a great idea, and it already goes  
19      on, but maybe by encouraging it more to have  
20      operator-operator conversations of this type, and  
21      when we talk about building this culture of  
22      safety and all of that, that if there was a way

1 the governance subcommittee could think about how  
2 that looks, and how it's documented in a way  
3 that's secure, but that there's a record of it  
4 within this world of the VIS so that lessons are  
5 also learned about better communication, right?

6 MR. COTE: Well, just thinking about  
7 it, I absolutely agree with you, and I think  
8 obviously VIS, as the agent of that  
9 collaboration, would have access to what was  
10 going on, at least in terms of you two need to  
11 talk, and here is the issue.

12 And in my mind, after that, what's  
13 important is the collaboration, not necessarily  
14 the technical product of it. I don't expect the  
15 two of them to publish any sort of -- I mean, one  
16 of out 100 times they might decide to publish  
17 something, but 99 they won't. But for us, it's  
18 really keeping score on look how many  
19 collaborations we've facilitated between  
20 individuals that had similar issues.

21 DR. PERRY: Sure. Exactly.

22 MR. COTE: That's what's important.

1 And in my mind, that should reassure, I mean, the  
2 public in terms of the PHMSA process working as  
3 well.

4 DR. PERRY: Exactly.

5 MR. COTE: So, agreed.

6 DR. PERRY: Yeah.

7 MR. JENSEN: So number six might be  
8 more suitable for an introductory -- or, the  
9 introduction portion of the report, or even the  
10 executive summary. But the VIS should allow for  
11 delivery -- I just talked on that. Peer to peer.  
12 Well, this is kind of describing the  
13 expectations, I think. Maybe I'm getting into  
14 number seven. Scroll down a little bit?

15 Yeah, this is kind of the  
16 expectations. And so we believe that this  
17 content belongs in the introduction or a summary  
18 at the beginning of the report, because our  
19 expectations, those who participate in the  
20 sharing process, that want to come in and go  
21 after high-value opportunity learnings, who want  
22 to deliberate, participate, and actively engage

1 in sharing of information, that pitch-catch  
2 relationship.

3 Any results that come up should be  
4 actionable, right? Shouldn't be hypothetical,  
5 but they should be actionable results, and then  
6 we should be able to measure them. So we think -  
7 - and it was the subcommittee's recommendation  
8 yesterday, that we divorce this from the actual  
9 recommendation language and embody this into the  
10 introduction aspect of the report.

11 DR. MURRAY: Would it be more  
12 appropriate to embody this as an introduction to  
13 your section of the report, you know, in the best  
14 practices area?

15 Because I'm thinking about the core  
16 introduction being more of the, just kind of  
17 laying the foundation for what was done, the  
18 mandate, overview of the effort, why this is  
19 critical, need for an information sharing system,  
20 aligning with SMS --

21 MR. JENSEN: Yes.

22 DR. MURRAY: -- strategic mission.

1 So, really at a higher, higher level.

2 MR. JENSEN: Yes. Understood.

3 DR. MURRAY: And then each one of the  
4 subcommittee sections will have its own intro.

5 MR. JENSEN: Yes.

6 DR. MURRAY: Okay.

7 MR. JENSEN: Yes. Thank you for that  
8 perspective. Okay. Number 7. So, the  
9 engagement generates action by one or more  
10 parties. And processes and practices change  
11 within that entity. Consider ways to make it  
12 measurable.

13 It's kind of redundant. But  
14 essentially what we're getting to when you scroll  
15 down a little bit, when we get into these details  
16 about identifying the different technologies for  
17 the specific threat to add a specific analyses or  
18 analytics for each threat.

19 The technologies that are appropriate  
20 for each threat. Integration. Direct assessment  
21 decision making process, and so forth. When you  
22 look at all of these my take on this is what we

1 author is a work flow process. Is, how does the  
2 data get channeled from the operator or ILI  
3 provider into the hub, out of the hub?

4 And the basis of me making that  
5 statement is, when we submit this report to the  
6 Secretary, and ultimately all of the operators  
7 out there within the nation, and they read this,  
8 they're going to want to know what's happening to  
9 their data, right.

10 If we submit this, if we voluntarily  
11 participate, how is this data going to be  
12 managed? And I think it behooves us to actually  
13 have some type of process flow diagram, or work  
14 flow, or work process diagram that explains it.  
15 Comments? Let's scroll to the table.

16 Well, here we included the table, the  
17 contact staff information. Who could  
18 participate, and the value of that outcome in the  
19 measures.

20 So, and then basically repeated here  
21 is the bolster, deployment of best practices.  
22 The second one is perfect existing technology and

1 analytical techniques. Improve the state of the  
2 art.

3 Identify transparency and false  
4 negatives. Low probability on high consequence  
5 threats. Staple the communications. And then  
6 there were various benefits identified for each  
7 one of those columns.

8 Number 8 was previously part of the  
9 first one. But we thought it probably deserves  
10 to stand out on its own. And in the spirit of  
11 improving transparency and communication of our  
12 capacity, and capabilities, and our confidence  
13 level with the existing technologies, and  
14 pursuits of filling the gaps in the technologies.

15 And the whole spirit of the  
16 conversation we had yesterday, you know, was more  
17 around stakeholder engagement, and really public  
18 awareness of what we're doing today.

19 And, you know, one of the members  
20 said, you know, 99 percent of the time we're  
21 doing things perfect, or excellently. Product is  
22 getting from Point A to Point B. And it's not



1 getting outside the pipe.

2 But on rare occasion the commodity  
3 does get outside of the pipe. And that seems to  
4 get all the attention. We're not doing a good  
5 enough job as a industry, or as a community of  
6 stakeholders of conveying all the good things  
7 that we're doing.

8 And it might be a good opportunity to  
9 leverage portions of VIS to better advertise and  
10 publicize what we're doing right. Maybe out of  
11 scope a little bit with the VIS. But I think at  
12 some point the VIS needs to convey a positive  
13 aspect of what we're doing. Dan.

14 MR. COTE: Yes. I'm going to  
15 conveying my vast ignorance of this process. I  
16 love the work you've done, and the  
17 recommendations you've made. I'm just trying to  
18 figure out exactly how they fit into this model.

19 So, for example, the Governance group  
20 is essentially saying to the Board of Directors  
21 in the organization, this is how you should  
22 operate. And those recommendations are very

1 specific to a number of activities.

2 When I think about best practices  
3 they're a little more amorphous. They are, these  
4 are good ideas that someone needs to work on.  
5 How does that get translated?

6 Will you have in your introduction, it  
7 is our recommendation to the VIS Board that they  
8 pursue these following things? In other words,  
9 how does, because, you know, we have four groups.

10 When I think about the organization  
11 that we talked about earlier during the  
12 Governance presentation. And each one of those  
13 have a number of roles.

14 We didn't say anywhere in our  
15 presentation, as a duty, as an assignment you  
16 need to pursue the best practice recommendations.  
17 You know what I mean? Along with, for that  
18 matter, the information sharing practices.

19 But somehow that's got to translate  
20 into this document. Because you've both done  
21 very good work in my mind, that's very valuable.  
22 But I'm not sure how we tie it together right

1 now.

2 Now, if that means Governance needs to  
3 tie it together, then that, maybe that's one of  
4 our assignments. But have I defined the question  
5 clearly?

6 MR. JENSEN: I think your perspective  
7 is astute, and right on. I'll speak for myself,  
8 and then let other members of the working group  
9 opine.

10 I think it will be beneficial for us  
11 to see all of the recommendations in one  
12 document, and see how they tie together, as well  
13 as the introduction, not only to the entire  
14 report, but each respective subcommittee's  
15 introduction.

16 I know we have all that data today.  
17 We received it this morning in preparation for  
18 today's meeting. But it's in a variety of  
19 different formats, right. Some in Word  
20 documents, some in PowerPoints, some summaries.  
21 And we're working on it.

22 So, my humble opinion is, once we get

1 all of this combined into a draft first version  
2 report we will further be able to identify gaps,  
3 and look at areas where we need to envelope more  
4 specific protocol --

5 MR. COTE: Understand.

6 MR. JENSEN: -- on how to develop  
7 this.

8 MR. COTE: That's fair. Thank you.

9 MR. JENSEN: That's my perspective.  
10 And I open it up to others.

11 DR. MURRAY: We will certainly work to  
12 consolidate, to make that happen.

13 MR. COTE: Well, at the same time my  
14 recommendation is, at a tactical level these need  
15 to be handed off to someone in VIS once its  
16 formed to execute. And that component is still  
17 hanging out there.

18 MR. KIEBA: Yes. And I'll decide, the  
19 nature of this one too is, somehow we have to  
20 figure out, whoever it is, what exactly do we  
21 share, and how often do we share it?

22 So, maybe it is data information after

1 analysis that's shared. Sometimes it might just  
2 be an update on here's what we looked at for, you  
3 know. For instance, if we don't update anything  
4 for a year people are going to wonder, what the  
5 heck is this group doing?

6 If you at least provide something,  
7 that will be helpful. And then, yes, ideally if  
8 you provide more information that will be more  
9 helpful. I think that's the nature of this. But  
10 yes, we haven't figured out yet what exactly to  
11 share. But somehow collectively we have to  
12 figure that out.

13 MR. JENSEN: Okay. So number nine.  
14 The last one really in my mind talks about future  
15 refinement, and the maturity of the pipeline VIS,  
16 with the increased value beyond the previous  
17 eight mentioned.

18 And to me it really talks about  
19 leaving the door open for future maturation and  
20 evolution as the VIS matures.

21 The first one talks about the  
22 enhancement of PHMSA data to be utilized for

1 analysis, evaluation, inspection prioritization,  
2 and the Pipeline Mapping System.

3 And then, you know, sharing of lessons  
4 learned from those accidents and incidents. And  
5 even improving consistent scanning points.  
6 There's still a little bit of commentary on that.

7 There are obviously incidents and  
8 accidents that happen in our industry. And often  
9 times they're investigated by PHMSA. And what  
10 ultimately may come out of that is a corrective  
11 action order.

12 That corrective action order is issued  
13 to the operator. The operator then in turn would  
14 author a remedial work plan, and how are they  
15 going to affect any corrective action with  
16 respect to that issue.

17 Often times that information and  
18 exchange between the regulator, and it's not just  
19 PHMSA, it could be a State agency, and the  
20 operator is between only those two parties.

21 And there may be an opportunity, by  
22 capitalizing on this, to enhance the knowledge

1 that one operator did to correct that situation,  
2 across the entire industry.

3 To some extent that happens today.  
4 But it's not formalized. And there may be an  
5 opportunity, if not Phase 1, but down the road,  
6 to better envelop some of those remedial work  
7 plans, and get them out there to the rest of the  
8 industry, which might be a subgroup.

9 And then, the last piece of that is on  
10 consistency and enforcement. If indeed we did  
11 have that cascaded across the entire nation, then  
12 when you look at the Northeast division relative  
13 to Southeast, and Southwest, Central, and Western  
14 divisions of PHMSA, it might help unify them with  
15 respect to how do we go about best enforcing  
16 issues upon operators to get the biggest bang for  
17 that enforcement?

18 MR. COTE: Just to comment. That  
19 multiplies at the State level. Because the  
20 states tend to be much less consolidated in  
21 reaction as a group than PHMSA is.

22 And so, even though there are

1 different regions that may have tweaks, in states  
2 there are major variations of 192 interpretation  
3 that are sometimes fundamental.

4 And by consolidating, particularly  
5 with consent agreements, the remedial measures  
6 and networking map, you know, give operators so  
7 many more ideas than they have today.

8 Because you're right. I mean, most of  
9 that is public data. But on a practical level it  
10 never really gets shared. I think it's a great  
11 idea.

12 MR. JENSEN: So, there are a lot of  
13 issues that would have to be worked through. How  
14 do you protect confidentiality? Not to mention,  
15 there's usually a lot of litigation that comes  
16 out after some of the stuff.

17 So, how do you separate all the  
18 litigation actions that's taking place, and still  
19 be able to cascade out the corrective action?  
20 So, I don't know that we'll be able to skin that  
21 cat in Phase 1. But I think it's an opportunity  
22 for improvement.



1 MR. COTE: I agree.

2 MR. JENSEN: The other notion of  
3 shared engineering standards, facts procedures,  
4 welding procedures, building procedures, you  
5 know. One specific example is, you know, should  
6 we have a standardized methodology for NDE inside  
7 the bench ditch?

8 You could have a variety of different  
9 vendors out there that are performing in the  
10 ditch, non-destructive examination. And the  
11 running joke, well, it's not really a joke  
12 yesterday is, you could have three different NDE  
13 technicians go in under the same pipe, with the  
14 same feature, and come up with three as found  
15 condition reports.

16 So, maybe it's time that we  
17 standardized the protocol. And have the same  
18 expectations for all NDE technicians throughout  
19 the nation, regardless of who they work for, or  
20 what pipeline they're working. So, that's part  
21 of this recommendation.

22 I think we've already talked about

1           them. We could combine that with --

2                       MR. KIEBA: It should be the second  
3           bullet, not the third.

4                       MR. JENSEN: Sorry?

5                       MR. KIEBA: It should be the second  
6           bullet above, not the third. We only have four  
7           bullets, so --

8                       MR. JENSEN: Oh, okay.

9                       MR. KIEBA: Yes. Those last two could  
10          be combined.

11                      MR. JENSEN: All right. I think  
12          that's the last point. How did that sound, best  
13          practices? Okay. Thank you. That's it then.

14                      (Off-record comments.)

15                      CHAIR BURMAN: So, does anyone have  
16          any questions or comments?

17                      DR. MURRAY: I'm not hearing any,  
18          Diane.

19                      CHAIR BURMAN: None from me. Any from  
20          the audience? Okay.

21                      DR. MURRAY: No.

22                      CHAIR BURMAN: I think this is real,

1       been very helpful. I do want to just take a  
2       check to see, Dan, I think it might be helpful if  
3       we all do down to technology, and then do  
4       mission. Because I think both process sharing  
5       and best practices you raised some comments that  
6       were helpful.

7               And I think it relates back to the  
8       mission and the Governance. So, if we do  
9       technology, especially since it was in your list  
10      of these recommendations, from aspects that touch  
11      upon technology and data, I think it might be  
12      helpful. And then we can regroup.

13              MR. COTE: Diane, just one additional  
14      group that we should hear from before we go back  
15      to missions. Because it will clear up a number  
16      of discussions that we had.

17              And that is the legal and regulatory  
18      group. Because everyone understanding their  
19      recommendations on legislation will sort of help  
20      align the discussion we had in missions.

21              CHAIR BURMAN: Okay. Sounds good.  
22      Just keeping in mind, regulatory does have seven

1 recommendations. We also may want to talk about  
2 voting when we also do missions and objectives  
3 too, if it makes sense. So, that sounds like a  
4 great idea.

5 And then, don't forget we have  
6 competency, awareness, and we should also have a  
7 series for votes as well. All right. So, let's  
8 talk, let's have Bryce report out on technology.  
9 thank you.

10 MR. COTE: Very good.

11 MR. BROWN: Excuse me. Bryce Brown,  
12 sharing for Technology and R&D Subcommittee. We,  
13 as introduced actually by Mark, and touched on by  
14 Leif, we've had a lot of good discussions in our  
15 subcommittee.

16 We have developed quite a bit of text  
17 that will be definitely considered for content of  
18 the report. And then we've touched on subject  
19 areas of recommendations, based on our efforts to  
20 date.

21 Just high level, who is here with us  
22 this meeting from the committee, members of the

1 subcommittee membership. Michael Keller is on  
2 the phone. But Chris McLaren is my ADFO for  
3 subcommittee, and is working diligently with us  
4 to keep us on track.

5 Some of the things, just as a  
6 reminder, is our task statement. You can refer  
7 to it as needed. We've looked at it before. But  
8 it's in line, and a result of the review of the  
9 document here around the content of the VIS, or  
10 the proposed content of the VIS, where we've  
11 actually taken this task statement.

12 And we split ourselves into three work  
13 groups. And these work groups are looking at  
14 what we referred to as assumptions. And  
15 specifically around what is coming from process  
16 sharing best practice, specifically in the  
17 subcommittees, that help us in the technology R&D  
18 side around functional specifications generally  
19 speaking.

20 So, what type of data, be it  
21 qualitative or quantitative type data, discreet  
22 data, is coming out of best practice process

1 share, and that we need to consider in this, not  
2 a database, but a system. I'm a database guy  
3 too. Sorry. But --- or an excel spreadsheet  
4 guy.

5 PARTICIPANT: You too?

6 MR. BROWN: But the system approach,  
7 I've been corrected on by our two experts. So,  
8 that's the assumption side. And I must say that  
9 what we've heard out of Mark's team and today,  
10 represented by Leif and Eric Edmunson's team,  
11 best practices, there's a lot of integration  
12 subjects and commonalities, I must say.

13 But again, I refer back to, what are  
14 we tasked with? And we'll kind of see that come  
15 to the surface here shortly.

16 Architecture IT is a big part of this  
17 whole effort. And we know that. We've heard all  
18 the good examples of the ASIAs, the CAST effort,  
19 which is, you know, how to oversee such an  
20 approach from an industry perspective.

21 But architecture IT is a big part of  
22 what we're trying to accomplish here. And

1 actually, that's one area that we got a lot of  
2 nimbleness and agility to work within certain  
3 bounds.

4 And then of course continuous  
5 improvement in R&D. We've taken that to heart to  
6 say, is there a best practice out there, for  
7 example, or process share that we might want to  
8 consider already to continually improve now, as a  
9 foundational approach, to get us to the point  
10 that we actually share this data more  
11 effectively, and more specifically, and more  
12 efficiently?

13 So, we're going to talk about these  
14 three subjects with the help of, with our CAST  
15 here this afternoon.

16 On the assumption side we definitely  
17 looked at this idea of overlap between the other  
18 two main subcommittees, thinking about the work  
19 product, per se, process share best practice.

20 We saw the information this morning  
21 from Mark, and now here this afternoon from best  
22 practice in their draft recommendations. And of

1 course, we've worked on and reviewed the,  
2 developed this text from an effort that went to  
3 best practice around ILI as a best practice, as  
4 an example.

5 More specifically, again, a standard  
6 that we're banking on here, which we feel is a  
7 good one, is API 1163 as a best practice for ILI.

8 And I appreciate what Leif brought  
9 yesterday to the whiteboard there, is the fact  
10 that this, there's three big pieces of that  
11 puzzle. Mark's pointed that out again this  
12 afternoon. And that's meaningful. And we need  
13 to think about that as we move forward.

14 So, API 1163 is a big focus coming out  
15 of best practice. We know the original mandate  
16 language. And we can go back and reflect on  
17 that.

18 But if we look at some of the things  
19 that, out of the assumption side coming at us out  
20 of best practice, we had a stronger focus maybe  
21 on the ILI piece. But we can also consider these  
22 comments here as we go through them, around other



1 types of standards, or other types of  
2 assessments, or other types of data types.

3 So, that being said, you know, we talk  
4 about these draft recommendations as high level,  
5 where we need to refine these, and add to these.  
6 And as we move forward over the next weeks, up  
7 until I guess early September.

8 But just realized the, what we  
9 referred to at the time as a proper utilization  
10 of API 1163, where in 1163 it talks about sharing  
11 already, all the field verification measurements  
12 from in the ditch.

13 Proper utilization is maybe  
14 misleading, and not the right term. Mark uses  
15 the term formalize. And I think that's a good  
16 utilization.

17 API 1163 first publish was 2005. We  
18 need to keep that in mind that, as and Leif has  
19 pointed out, we have come a long way already with  
20 some good best practice in this arena.

21 So, 1163 covers an ILI process  
22 standard from ASNT SPO 102. There's personnel

1 qualification competency is covered under 1163,  
2 which is ASNT ILI-PQ.

3 And then, we need to refer back to  
4 things in our industry that we've been abreast of  
5 for many years. It's like pipeline operator  
6 form, reporting specifications. If you think  
7 about data standards, and the way that data  
8 flows, there are some things in good practice  
9 already that we can lean on.

10 Other things that we ought to consider  
11 in the same statement are, what do we do with  
12 other recommended practice? For example, 1176 on  
13 the management of tracking of pipelines, or in  
14 pipelines. There's going to be some relevant  
15 information there that we need to consider into a  
16 VIS.

17 Other things that are coming, right,  
18 1183, the assessment of dents, and dents with  
19 stress risers. So, there's a number of  
20 standards, recommended practices that we could --  
21 we could take into our thought process around  
22 such recommendations.

1           Another one is this idea of defining  
2           the data standards for data delivery validation.  
3           Validation you might also consider quality, you  
4           know. Do we have good quality data? Do we have  
5           an alignment of a protocol of data, or standard  
6           in the way that's its sped toward the VIS?

7           And the very next bullet is defining  
8           inputs needed for meaningful analysis comparison.  
9           Those inputs might also require that we  
10          understand certain essential variables, you know.

11          If you have a certain speed of an ILI  
12          tool, as an example, associated with a point  
13          measured on a piece of pipe, it is an essential  
14          variable that needs to be understood when you're  
15          comparing to an in the ditch technique, or  
16          related measure.

17          So, and then these two points, Dan,  
18          you pointed out, how does some of this data go  
19          toward, and I think that's a key is, how do we  
20          find these data standards and these necessary  
21          inputs that are going to be handed toward the  
22          teams and the VIS, to ensure that they get

1 implemented correctly?

2 At a certain point do you also  
3 consider the identifying already then some of the  
4 data? That's something to think about.

5 Another area, subject area is  
6 defining, developing in the ditch standards. We  
7 talked about in the ditch or NDE standards for  
8 pipe. There is discussion in the industry  
9 around, you know, flat plate steel NDE, versus  
10 something that's formed into a tube with a long  
11 seam in it, for example.

12 You know, the tools that we use to  
13 assess and develop the truth data against that  
14 type of assessment technique, you know, those are  
15 areas that we need to consider

16 Do we have good confidence in that  
17 truth data in the way it's raised up to the point  
18 to be shared and compared back to another data  
19 point, such that we can get some good learnings  
20 from the comparison of those points?

21 The procedures that are associated  
22 with that of course are crucial. It has been

1 brought up already in the last day and a half is,  
2 you know, are we really assessing things the  
3 right way?

4 And when we look at it on the asset  
5 itself versus comparing that back to the way the  
6 data was collected from the assessment method?  
7 That becomes very critical.

8 And of course personnel. You know, we  
9 think about all of us here, and that we're  
10 subject matter experts to a certain extent in  
11 what we do. Do we also depend on that to make  
12 sure that we got the right people collecting the  
13 right data, whatever type of data that is, that  
14 we're bringing forth?

15 And this last bullet, ensure potential  
16 outputs represent apples to apples comparison.  
17 That really goes back probably similar to  
18 defining the inputs needed for meaningful  
19 analysis comparison.

20 But those are some of the high level  
21 subject areas that we've landed on. And I must  
22 say, in this day and a half so far we've learned

1 probably a lot more in where we need to take some  
2 of these ideas, around our subcommittee, and  
3 coming up with some meaningful refined  
4 recommendations.

5 I'm going to hand it over to Jason and  
6 Mark. And they're going to speak more eloquently  
7 about architecture IT. Jason, Mark.

8 MR. ZUNIGA: Yes. So, our job, Mark  
9 and I's job has been to take what we heard from  
10 Mark Hereth's group on what data, and Leif's  
11 group about how it's going to be used, I guess  
12 would be how we think about it. And develop the  
13 hub, as it were. And what are the technology  
14 components to support the hub, the VIS hub?

15 And Governance as well is an important  
16 impact to how we might think about designing  
17 this, and further securing it from a cyber-  
18 security information security perspective.

19 So, this is a high level overview. I  
20 think you should probably talk to this, Mark.

21 MR. ZUNIGA: Sure. So, this is a non-  
22 technical depiction of sort of how we wanted to

1 visualize what the hub needed to do. And we  
2 thought about it in breaking it into three common  
3 parts.

4 And those parts being, it needs to be  
5 able to connect to disparate data sources. It  
6 needs to be able to combine that data and relate  
7 it. So, basically create related views of that  
8 data.

9 And so, that could be done via  
10 processes of analytics, or whatnot. But  
11 basically we want to leverage the data that we  
12 are ingesting, and turn around and make it  
13 meaningful or actionable.

14 And so, the next phase is really the  
15 data consumption itself. And that's where we go  
16 back to this notion of potentially tiered  
17 offerings of the data in that, you know, some  
18 groups may want different aspects of those  
19 datasets and/or reports, and/or analytics that  
20 came out of it.

21 And they may have different mechanisms  
22 to catch that data. In other words, they may

1 want to turn around and do something wholly  
2 different than say the general public, who simply  
3 wants a quantified report that's easy to read,  
4 and whatnot.

5           So, it really was about connecting,  
6 combining, and then consuming these data sets.  
7 And so, if you walk through that, if we look at  
8 the connection piece we understood that we would  
9 need to be able to address structured data, as  
10 well as unstructured data.

11           We believe that we could accommodate  
12 that in any number of forms, and to be able to  
13 read and write, and grab data out of existing  
14 databases, or data warehouses, all the way  
15 through to Excel, or Word or, you know, PDF.

16           And again, once you get into that area  
17 you are really talking about unstructured data  
18 that you have to do a lot more to in order to  
19 make it, have it to come out the other side more  
20 meaningful or information worthy.

21           And so, the next area is really the  
22 layer of data abstraction. And I think that's



1 the piece where we are looking at, if I were to  
2 take a guess that's going to be a big part of --

3 This whole thing is going to involve  
4 the third party that did, that you mentioned.  
5 But a lot of their heavy lifting is going to  
6 occur in this data abstraction layer. And that's  
7 really the management, the governance, the  
8 cataloguing metadata, security, D identification.

9 And again, we believe that there's  
10 potential within that abstraction layer to  
11 leverage machine learning or other tools that  
12 basically allow a correlation to occur that might  
13 not be readily there for, you know, readily  
14 apparent.

15 So again, that goes back to you've got  
16 to have mechanisms to then allow that data to be  
17 discoverable, searchable, and really be able to  
18 start to think about publishing, you know, data  
19 services. And really, that leads you into the  
20 next, you know, layer of data consumption. And  
21 so, again going back through, we were trying to  
22 cover all of our bases.

1           So, you know, we figured the usage  
2 would be everywhere from analytical, you know,  
3 those probably being more served up for R&Ds, the  
4 universities, the industry groups that are going  
5 to do a lot more with that data, all the way to  
6 the other end, to operational, where maybe that  
7 is just a bulletin, or a notice, or something  
8 that goes out to the public as a already pre-  
9 packaged report of some format.

10           And the other thing being, you know,  
11 on that consumption layer we could expose, you  
12 know, enterprise applications, portals, web  
13 applications, you know, you name it.

14           It's kind of, we've built, I guess  
15 we've designed to try and accommodate what we've  
16 been hearing throughout this 18, 16 to 18 months.  
17 And we've kept a pretty wide track, to be able to  
18 either expand, scale, or narrow down that focus.

19           And so, that's sort of, this is really  
20 kind of what, you know -- We approached Microsoft  
21 to go, if this is what we wanted, you know, how  
22 would you architect that? How would you

1 recommend us going about it?

2           And so, we do have the diagrams that  
3 then are translated from this more or less being  
4 the needs, or the wants, or the requirements.  
5 And on the other end we've got the technical  
6 diagrams that really start to go down to the  
7 level of, well, what specifically types of tools  
8 would you use?

9           And I just say Microsoft, just because  
10 they happened to work with us on this, there are  
11 a number of platforms. You know, this  
12 recommendation is going to be maintained. We're  
13 going to be technology agnostic.

14           There are a number of platforms that  
15 you could create this in. But I do think I speak  
16 for Jason and I, in that, you know, one of our  
17 recommendations will be this thing is born in the  
18 Cloud. It lives in the Cloud.

19           And that's really the place where  
20 you're going to be able to have the technology to  
21 do what I think this committee's going to want,  
22 as well as the flexibility to say, start small,

1 grow it bigger, scale up, scale down.

2 So, it just, it affords you a wealth  
3 of options that I don't think you get in any  
4 other platform today. So, just putting it out  
5 there as, while we don't have that as a formal  
6 recommendation in writing here, I think the heads  
7 up is that this is more than likely where we  
8 would wind up as the IT architecture group.

9 MR. PARKER: So, I take it that it's  
10 highly scalable? In other words, you can start  
11 it out with a modest system, build it up as you  
12 need it, right?

13 MR. CRADIT: That's right. And then  
14 also, the cost would follow that same measure,  
15 right? That's right.

16 MR. PARKER: Great.

17 MR. CRADIT: I would also add, some of  
18 the that didn't make it into the presentation.  
19 The cyber security considerations we're looking  
20 into.

21 Understanding the need for  
22 confidentiality, but also the need to allow

1 access when it's needed from the analysis teams,  
2 and so forth.

3 So, we are broadly looking to suggest  
4 or recommend the NIST 800 cyber security, or  
5 security platform protocol, architecture,  
6 whatever you call it, so secure our environment,  
7 or secure this environment.

8 From there we are looking to take out  
9 things like role based authentication to meet the  
10 needs that the Governance Committee has brought  
11 up. So, we would take those and very clearly  
12 define how you might implement those practices,  
13 based on you guys' recommendations.

14 As well as privacy concerns, and  
15 things like that. So, NIST 800 is likely to be  
16 our recommendation, as well as Cloud, and some  
17 others. But we're not at a point to recommend  
18 those today.

19 MR. BROWN: And just as an example, so  
20 we did take away the whole, well, what if we  
21 wanted to build something, you know, what if we  
22 didn't go for the big bang? What if we wanted

1 something smaller?

2 And we wanted to start off with  
3 potentially some low hanging fruit, some quick  
4 wins. And so, we looked at, okay, what if you  
5 wanted to develop a simple pipeline safety action  
6 program?

7 And we took it from the FAA. And that  
8 system has a similar, they called it ASAP, I  
9 believe. And so, we used ASAP as a model to go,  
10 well, what if we had just simple forms that --  
11 Again, we wanted it to be basically platform  
12 agnostic.

13 So, whether it's Windows, Apple,  
14 Android, you name it, we want to be able for all  
15 the end users to be able to populate, no matter  
16 what their device is on the other end.

17 How would we ingest that? What would  
18 that simple data processing look like? And then,  
19 what would the consumption look like on the other  
20 end?

21 So, we've also done some models  
22 around, what if we started very small? And so,

1 this was just one of the examples that we used  
2 from the FAA to go, all right, we're going to --  
3 And we did go through, and we architected that as  
4 well.

5           Again, just to illustrate, here's  
6 something you could start with that's very small,  
7 that served a very explicit purpose, and was very  
8 simple in terms of being able to spin that up,  
9 and actually capture data.

10           This would be more on the qualified  
11 data end, because this would be a control form.  
12 So again, a lot of those things simplified. And  
13 so, you've got qualified data already coming in.  
14 And then to be able to process it and really just  
15 report it.

16           And so, that's just a, again, one of  
17 the examples that we've been putting together to  
18 go. You can start very small. And it can be  
19 very simple. And I think you can get quick wins.

20           And so, I've heard, you know, lessons  
21 learned being another maybe opportunity for that  
22 sort of a start. And again, I think for Jason

1 and I that would be simple to diagram and  
2 architect, and go, well, here's an option of what  
3 that could look like.

4 And then this you could build upon,  
5 again, you know, to go back to that other larger  
6 system that maybe had a lot more data ingestion,  
7 and whatnot.

8 So again, we're trying to be flexible,  
9 and make sure we can accommodate all the ideas  
10 that we've been hearing. And I think we're both  
11 comfortable right now that we can do that.

12 And I think from the document that  
13 we've put together we intend to then drop out --  
14 So, we took an opposite approach. We kind of  
15 drafted a whole bunch of stuff, just to get  
16 everything out of our head, and onto some paper.

17 And I think we'll turn around, and  
18 then drop the recommendations out of that. So, I  
19 think we started with the context. And then  
20 we're going to try and drop out our  
21 recommendations from there. Mark.

22 MR. BROWN: Questions? Sure.



1 MR. HERETH: Mark Hereth. This is  
2 really great work. All the work you've done on  
3 this subcommittee. And I really, really like the  
4 simple depictions that you have to help us  
5 visualize this. It's very powerful. Thank you.

6 MR. PARKER: I agree. Very well done.

7 MR. JENSEN: I just had a very simple  
8 question regarding the BYOD app.

9 MR. ZUNIGA: Yes.

10 MR. JENSEN: What does that acronym  
11 stand for?

12 MR. ZUNIGA: Bring your own device.

13 MR. JENSEN: Okay. I thought it was  
14 bring your own data. But it's bring your own  
15 device.

16 MR. ZUNIGA: Well, I guess --

17 (Simultaneous speaking.)

18 MR. ZUNIGA: You are bringing your own  
19 data. You're submitting the forms. So, you  
20 would be populating the data, yes.

21 MR. JENSEN: Okay.

22 MR. ZUNIGA: Yes. But it actually is,

1 it's bring your own device.

2 PARTICIPANT: We can spell it out.

3 MR. ZUNIGA: Yes.

4 (Off-record comments.)

5 MR. JONES: -- has come up here. And  
6 I think you even brought it up a couple of times,  
7 this idea of tiered access, tiered sharing. So,  
8 tiered --

9 So, are there protocols set up that  
10 you've already had that you can share with  
11 members of our committee that -- Because it seems  
12 like our default position is all or nothing, you  
13 know. Like --

14 MR. CRADIT: Correct.

15 MR. JONES: Once you get outside of  
16 the third party analysis group, you know, that's  
17 it. Everything else is the identified. And  
18 then, all of it is cobbled together in this  
19 process as shares. Well, it's done.

20 But there seems to be folks on the  
21 committee that are concerned about that, and  
22 thinking that we should also have an option for a

1 tiered process. Can you provide some --

2 MR. CRADIT: Do you have the -- Can  
3 you go back one?

4 PARTICIPANT: No, I can't.

5 MR. CRADIT: There you go. So, and  
6 that's fine, Mike. Thanks.

7 PARTICIPANT: Okay.

8 MR. CRADIT: In the bottom right you  
9 see request, reply, event driven, and secure  
10 delivery. The point that is being made there is  
11 that it is not an all or none proposition.

12 That you could, for instance, say that  
13 this type of role, like an operator, could only  
14 see these certain elements of the system, right.  
15 So, you can define the security at a much  
16 granular level.

17 And the NIST 800 standard that I'm  
18 speaking of, I believe in the authentication  
19 control, family of controls, that they outline --  
20 There's AC-2 I believe is the one. And I can  
21 certainly circulate that to the team somehow.

22 It does talk about how you would

1 define roles and subsequent permissions of those  
2 roles. Therefore, what they can see. So, there  
3 is middle ground, in my view, that you would be  
4 able to say that operators can only, can see  
5 their own data, as well as these certain aspects  
6 of the rest.

7 And then you could define in the  
8 governance model how you might consider  
9 identifiable information. It may be very  
10 obvious. And I think Chris McLaran had brought  
11 this up, right, and the gentleman from INGAA.

12 That it might be very obvious that if  
13 you have a 22 inch pipeline, I think was the  
14 example. And it's a natural gas one. There  
15 might be only so many of those in the world,  
16 right. And if you do know that, and you had a  
17 basic geographic context, you would absolutely be  
18 able to identify indirectly who that is, right.

19 So, the rules that you can write for  
20 secure delivery would say, never show that unless  
21 there are ten of those in the world. Something  
22 like that. Does it make sense?

1 MR. ZUNIGA: Yes.

2 MR. CRADIT: So, you can define those  
3 rules. And then we could implement those rules.  
4 We would need help defining them. Is that a fair  
5 --

6 MR. ZUNIGA: Yes. Absolutely.

7 MR. CRADIT: Does that make sense?

8 MR. JONES: No, that's good. That  
9 lets me know I'm in over my head. But yes.

10 MR. JENSEN: Everything's possible in  
11 hell basically.

12 MR. JONES: Oh, thank you, Leif.

13 MR. JENSEN: When you have time and  
14 money.

15 (Off-record comments.)

16 MR. BELLAMY: All right. So, the last  
17 piece of technology group is really looking at  
18 this mechanism for how do you get from data to  
19 improved technology?

20 How does the data that we're proposing  
21 to gather result in R&D efforts, part of  
22 development efforts, process improvement efforts,

1 to result in a better safety outcome?

2 So, Chris Warner and I, with some help  
3 from others, guests if you like, that we've co-  
4 opted at various times, have come up with a  
5 mechanism. We have a text around that, a  
6 document around that.

7 We've also worked on three, worked up  
8 three case studies of how this mechanism might  
9 work in the case of in-line inspection. But also  
10 in the case of how it might work for in the ditch  
11 NDE, and how it might work for a process such as  
12 ECDA.

13 We recognize that given the interest  
14 of the group in near miss reporting, incident  
15 reporting, that we should also work a case study  
16 of how it could be applied, the mechanism could  
17 be applied in the case of near miss reports.

18 So, the intent here is a generic  
19 approach to moving from data to improved  
20 outcomes, which is applicable, we believe, to any  
21 kind of technology that you might, that might be  
22 relevant in the world of pipeline integrity.

1           So, the model pictorially looks like  
2 this. Clearly we're not trying to compete with  
3 Jason and Mark for the prize of who's got the  
4 best ClipArt. They won hands down, respect.

5           (Off-record comments.)

6           MR. BELLAMY: Ours is a little more  
7 Kindergarten in approach. But okay. Hopefully  
8 it works. But it really, in essence what we're  
9 saying is that if you want to improve something,  
10 you've got to measure it. And then you have to  
11 have the mechanism for acting upon it.

12           So, there's a desired state, and there  
13 is the actual state. And the gap, measuring the  
14 gap between the actual state and the desired  
15 state is, having knowledge of that gap is where  
16 the opportunity for innovation comes from;

17           And that is true regardless of  
18 technology. So, you start with some form of an  
19 assessment, an integrity assessment. You gather  
20 that data together, whether you gather it on an  
21 individual operator level, or on a regional  
22 level, or on a nationwide level.

1           Clearly, the more data you've got, the  
2 more likely you are to be able to pick out  
3 trends. And the greater confidence you are  
4 likely to have in the trends that you're  
5 identifying.

6           But, so you perform the inspection.  
7 You gather the data. You compare that  
8 effectiveness to your ideal state. So, in the  
9 case of in-line inspection you have, you're  
10 looking at the differences between what the in-  
11 line inspection tool set would be, and what the  
12 in ditch measurement turned out to be.

13           And even better, if you have some kind  
14 of destructive testing, you cut open a defect.  
15 And now you have a real world measure. And you  
16 can see all three. And you've got a real truth  
17 to measure back to.

18           But it's in that comparison between  
19 assessment and the reality that you learn where  
20 the, you identify where the improvement  
21 opportunities might be, which is Point number 4.

22           That then leads you into R&D. Now, of



1 course you might or might not spend money on R&D,  
2 depending on the scale of the problem. So again,  
3 large amounts of data give people like me and  
4 others who develop technology for the industry a  
5 sense of confidence.

6 So, if we see something that's  
7 happened once, and I might not be motivated to go  
8 and address it. If I know that that once  
9 actually is more than once. It's ten, it's 100,  
10 it's 1,000 times.

11 Now all of a sudden my eyes light up,  
12 and my competitors, my colleagues in the industry  
13 eyes light up, because they see a profit  
14 opportunity. And they might be motivated to  
15 spend their own dollars to go and help fix that.

16 So again, the notion of large volumes  
17 of data create and fuel this virtuous cycle of  
18 improvement. The more we know about the gaps in  
19 the industry, the more qualitatively,  
20 quantitatively we can describe that, the more  
21 powerful will be our motives to, whatever those  
22 motives might be, avoiding, whatever those

1 motives might be, the more powerful those will  
2 be, and the more confidence we will have in  
3 investing to help solve it.

4 So, that gets you into the improvement  
5 group. And the notion of that other hokey  
6 diagram is that you're moving around this cycle.  
7 The more you know, the more you act, the more you  
8 gather, the more you know, the more you act, the  
9 more you gather. And things ideally continue.  
10 All boats float is the general idea.

11 So, that's the concept that we've  
12 worked up. As I said, we've got three case  
13 studies of how we believe it would apply in real  
14 life. And the three different technologies. And  
15 we're going to work on the near miss case study  
16 as well.

17 So, in terms of potential areas for  
18 recommendation there are really only two. The  
19 continuous improvement bullet kind of snuck in  
20 there and surprised me. So, I'm not sure quite  
21 what that means. The whole thing is about  
22 continuous improvement.

1           But one is, without transparency, you  
2 know, the idea of being kind of open architecture  
3 about the final results should create the  
4 opportunity for multiple people to weigh in on  
5 future solutions.

6           Because one might be, might not be  
7 attracted to me, might be attracted to somebody  
8 else to solve it. But if they don't know about  
9 it, they wouldn't even know there's a problem  
10 there to be solved.

11           So again, this notion of transparency,  
12 we're going to have to find a way to put that out  
13 into the world, respecting people's need to  
14 protect their own, what's confidential to them  
15 and their particular enterprise. And we talked a  
16 lot about that today.

17           The other piece then is individual  
18 participants. There is a benefit to individual  
19 participants, whether you're an operator, or  
20 whether you're a service provider, in being able  
21 to see where you rank against the universe of  
22 other like, people like you.

1           There is a benefit to that because,  
2           you know, everybody, you know, the notion of  
3           competition is, can be useful. Competition  
4           between operators. Nobody wants to be bottom  
5           quartile. They're much happier if they're top  
6           quartile.

7           You know, that's something you can  
8           tell your shareholders. There's lots of benefits  
9           to being at the top end of the practice. And  
10          likewise, if you're a provider of technology, you  
11          want to know where you stand relative to others.

12          So, we do believe that there is some  
13          benefits there to having some kind of, within the  
14          reals, with respecting confidentiality again. But  
15          at least allowing people to know where they stand  
16          in their respective universe of similar people.

17          So, that's as far as we got so far.  
18          Not, nowhere close to being loadable. But we  
19          think that we're going to have recommendations  
20          emerging in those areas. Any questions?

21                 MR. BROWN: Any questions so far?

22                 DR. MURRAY: Dan, you --

1           MR. COTE:  Yes.  Michael, I,  
2           specifically on the kind of comparative data  
3           you're looking for, some of, particularly the  
4           high end technologies are very, very specific in  
5           terms of application and an endless variety of  
6           detailed metrics.

7           So, how, I mean, I think one of the  
8           things we would ask of your committee is, to the  
9           extent that that benchmarking promotes the  
10          technology, or informs the operators, I think  
11          that's valuable.

12          Simply gathering competitive data for  
13          Boards of Directors, as attractive as that is to  
14          the individuals, I'm not sure it benefits VIS.  
15          But, and so --

16          MR. BELLAMY:  Well, I --

17          MR. COTE:  So, I guess, and let me  
18          just finish the thought.

19          MR. BELLAMY:  Okay.

20          MR. COTE:  So, on that basis I think  
21          if you could identify some of the metrics that  
22          you would see, that would really support that,

1       benefitting the industry and pipeline safety  
2       mission, that would be helpful.

3                   MR. BELLAMY:  So, the issue of  
4       benchmarking.  So, there are many best practices  
5       being used today in nondestructive, in ditch  
6       nondestructive evaluations.  Some, many of them  
7       have nothing to do with the technology being  
8       deployed at all.

9                   They're everything to do with  
10      training.  They're everything to do with quality  
11      control.  They're everything to do with setting,  
12      sharing and setting common expectations between  
13      the supplier and the purchaser.

14                  Now, we see that.  Because we see the  
15      quality of information that's shared with us.  We  
16      see some people do it very well, and some people  
17      don't do it quite so well.

18                  Now, if you know where your, where you  
19      sat in terms of your practice, compared to  
20      others, if you know where the vendors you use sit  
21      in terms of practice compared to others, then  
22      there is a certain I think advantage to that.

1 Because you know, your motive, you know there's  
2 something better out there, and you're motivated  
3 to do something about it.

4 Now, in terms of the specifics of  
5 data, the best practice that's been identified  
6 already for API 1163 has been mentioned many,  
7 many times. There are a lot of standards  
8 associated with that. API 1163 itself is being  
9 updated.

10 So, there are already a number of  
11 existing standards, which facilitate the  
12 gathering of data. And they even specific what  
13 data, they specify that should, is best done.

14 Now, there are also gaps in standards.  
15 So, there are other areas like, there is no  
16 common standard for a nondestructive evaluation  
17 in this. Now, there are training, there is  
18 training. There are certification standards.

19 But, as Leif has already pointed out  
20 today, you could take three different Level 2  
21 techs, put them on the same defect, and you could  
22 get three different interpretations.

1 MR. COTE: I've had that happen.

2 MR. BELLAMY: Right. So, you know,  
3 there are standards. There are gaps in  
4 standards. So, I think many of these things are  
5 known.

6 There is also a best practice which is  
7 being, I think picked up in the best practice  
8 group, which is the PRCI work. The code name for  
9 it is NBE4E, which is a crack evaluation, where  
10 again, many of these issues -- And what do you  
11 collect, and how do you compare apples to apples?

12 MR. COTE: Exactly.

13 MR. BELLAMY: Many of those challenges  
14 have been codified, defined. And there are  
15 examples of popular practice already out there  
16 you think are leverageable. And those are, those  
17 are being written up in --

18 Well we, Chris and I have them in our  
19 text. They've been appropriated I think in the  
20 best practice text. I don't care where it ends  
21 up --

22 MR. COTE: Right.



1 MR. BELLAMY: -- you know, as long, it  
2 will be in the document somewhere. That's for  
3 sure.

4 MR. COTE: But that was the level of  
5 detail that I was --

6 MR. BELLAMY: It is in there. And it  
7 will be in, somewhere in the detail. Whether  
8 it's in the piece that Chris and I end up  
9 authoring, or somebody else is welcome to take it  
10 if it's better placed there.

11 MR. COTE: Understand. Thank you.

12 MR. PARKER: Hey, Michael.

13 MR. BELLAMY: Hi, Randy.

14 MR. PARKER: This is Randy Parker,  
15 Henry Morgan. Could you give us kind of a  
16 preview, or a sense of how you're looking at  
17 developing the near miss case study?

18 MR. BELLAMY: No.

19 MR. PARKER: Okay.

20 MR. BELLAMY: Because it was agreed  
21 upon only yesterday.

22 (Laughter.)

1 MR. PARKER: Okay.

2 MR. BELLAMY: And it will be done.

3 But, yes, there were some ideas kicked around in  
4 the meeting yesterday. And it will be made  
5 available for sure.

6 MR. PARKER: Okay. Thank you.

7 MR. BROWN: Good. So, with regard to  
8 the path forward of our subcommittee, again,  
9 we've heard this morning from Dr. Murray about  
10 the schedule for the, the new schedule, which is  
11 great to see.

12 We are, implemented already bi-weekly  
13 conference calls. So, we did that a few months  
14 ago, which is nice. We had a meeting a couple of  
15 weeks ago in person. We plan to do that again in  
16 September 20th.

17 But we may need to rethink generally.  
18 But I think we'll be on track for another in  
19 person meeting, if not two, prior to the next  
20 November meeting.

21 That said, we got a lot of good draft  
22 text. And we do have some recommendations that

1 are going to be refined in the near term, to then  
2 again be approved by our subcommittee.

3 And then from there, turned into the  
4 Reporting Subcommittee as instructed this  
5 morning. And according to the email addresses,  
6 and things like that as well, Dr. Murray. So,  
7 that is on track.

8 And this next possible meeting,  
9 October, maybe the 2nd or 3rd, we will be ready  
10 to talk about these recommendations at a greater  
11 length, to the point of if we can vote those as  
12 well.

13 So, that's the current status of  
14 Technology R&D. Any last comments,  
15 clarifications, observations, questions? Yes,  
16 ma'am.

17 DR. PERRY: Simona Perry. I just want  
18 to thank you for following this.

19 MR. BROWN: Okay.

20 DR. PERRY: So, and that it's, I think  
21 it's really important to remind folks that if  
22 there are sections in this that are no longer

1 relevant, to let us on the Reporting Subcommittee  
2 know, so that we're not expecting content related  
3 to it.

4 I've been trying to keep track. But  
5 I think it would be helpful if the subcommittees  
6 themselves, since they're so immersed in each  
7 one, to point those out.

8 DR. MURRAY: And it will affect how  
9 you fare in my contest.

10 DR. PERRY: There you go. That's all  
11 my inspiration.

12 MR. BROWN: Okay. Thank you. Chris,  
13 you have a comment?

14 MR. MCLAREN: I just, and I had a  
15 question about the schedule, and whatnot.  
16 September 20th is really the first date that  
17 worked for us, that we figured out would be  
18 enough time for our work groups to finish their  
19 work. And everybody was sort of available then.  
20 And having that month, was there a comment that  
21 we needed to move that forward a week or two?

22 DR. MURRAY: I don't think so. I

1 think by the 7th is the first date that we're  
2 looking for initial input for the report. So,  
3 you can provide what you have at that point.

4 What you provide after the 20th, when  
5 you meet, will go into the next version. If we  
6 have enough time to sneak that in before the  
7 October meeting we'll try to do that.

8 MR. MCLAREN: Okay. Because I do  
9 think that between the work, between especially  
10 Work Group 2 and 3, moving a little bit of extra  
11 work, and then moving forward, it looked to me  
12 that it was going to be a four week lift.

13 DR. MURRAY: Okay.

14 MR. MCLAREN: Thanks for fitting us in  
15 on that, working with us.

16 DR. MURRAY: Okay. No problem. Any  
17 other questions from the audience? Okay. Diane,  
18 I think we are, I think that concludes  
19 technology's report.

20 CHAIR BURMAN: Okay, great. Before,  
21 one of the things I know we, I tried to time  
22 track, we have a hard stop at 4:30 p.m. today.

1 We still have to get through the regulatory,  
2 legal, as well as competency, and then regroup on  
3 mission.

4 I do want to just, people, quickly  
5 mention about the times, in terms of next steps  
6 afterwards. We are looking at a October virtual  
7 session, virtual reading for the full committee  
8 in October, the beginning of October.

9 In September I would expect the  
10 subcommittees to be having meetings, whether  
11 virtually or in person, as well as possibly an  
12 administrative planning meeting if necessary.

13 And we also have to look shortly after  
14 this meeting about any timeline changes that  
15 would slow down their report. Because that's a  
16 firm deadline for changes, in terms of what else  
17 we need to do to facilitate the substantive  
18 discussions and the substantive inputs for the  
19 reporting. So, that's something that I'm high  
20 listing on.

21 To the extent that looking at all of  
22 this in September, also what we need from others

1 as part of the group, which may include also  
2 sharing with some of the speakers that have come  
3 in your past meetings with where we are.

4 I think their feedback on a lot of the  
5 drafts may be helpful as well. So, if folks want  
6 to invite them in their subcommittee meetings in  
7 some fashion, we should think about that as well.

8 So, with that we'll move to our  
9 regulatory and legal. And then, I'm wondering if  
10 since then we just have competency, if competency  
11 also wants to report. Because that may also help  
12 facilitate the mission discussion.

13 MR. PARKER: Okay.

14 CHAIR BURMAN: Okay. So, we're ready  
15 now I think for regulatory, legal and funding.

16 PARTICIPANT: They switched.

17 PARTICIPANT: Can we blow that up to  
18 make it easier to read? There it is.

19 (Off-record comments.)

20 DR. MURRAY: Hey, Hung. There you go.

21 MR. PARKER: Yes. Make it as big as  
22 you can. Okay. That's good. Unfortunately I

1 don't have any fancy diagrams or pictures.  
2 Because lawyers can't draw. And they can't do  
3 the math. So --

4 (Laughter.)

5 MR. HERETH: It's a good thing you  
6 don't have the financial part of this.

7 (Laughter.)

8 MR. PARKER: So what we're going to  
9 present here today is a little bit of context for  
10 what our subcommittee is trying to accomplish  
11 which is to identify barriers and propose  
12 recommendations to eliminate those barriers.

13 Hold on a second. Okay. Thank you.

14 So I thought we'd start out with a  
15 little preamble to what our subcommittee is  
16 doing. We all recognize the need to establish a  
17 voluntary information sharing system that  
18 encourages the exchange of pipeline safety  
19 information and enhances risk analysis as a  
20 critical element of safety management systems  
21 that are now being implemented by pipeline  
22 operators.



1                   The RFL Subcommittee further  
2 recognizes the need to protect the safety  
3 related, security related, proprietary, and other  
4 sensitive information in order to encourage and  
5 allow pipeline operators, employees, and vendors  
6 to share this information with the industry  
7 regulators and others.

8                   Building upon lessons learned from  
9 voluntary information sharing systems established  
10 in the aviation and other industries, the RFL  
11 Subcommittee believes that protecting voluntarily  
12 shared information from use in regulatory  
13 enforcement actions, litigation, and employee  
14 disciplinary actions is a prerequisite to a  
15 successful VIS program consistent with a safety  
16 management system philosophy.

17                   The RFL Subcommittee also believes  
18 that those fundamental protections that we've  
19 been talking about for a couple of days here are  
20 fundamental protections for voluntarily shared  
21 information and that they're best secured through  
22 self-executing statutory provisions, especially

1 in the clear intent of Congress, to protect that  
2 information for the ultimate purpose of improving  
3 pipeline safety in the United States.

4 Such self-executing statutory  
5 protections would be binding on all persons, all  
6 entities, as the law of the land, with no further  
7 action declared, such as lengthy rule-making  
8 proceedings. So that is a very important element  
9 of all this.

10 Because as we've all seen, and  
11 learned, and enjoyed the success that the FAA and  
12 the aviation industry has had, it's been a real  
13 eye-opening experience for us up there. And to  
14 the extent to which they've reduced accidents and  
15 incidents in the airlines industries is  
16 phenomenal. But it's taken them a long time to  
17 get there.

18 And why aren't pipelines rushing out  
19 and, you know, sharing information voluntarily?  
20 Well, because they have real fears and justified  
21 worries about litigation, about enforcement,  
22 about proprietary information, or competitive use

1 of the information, reputational damage, those  
2 kinds of things.

3 So we looked at the aviation industry  
4 and all of their voluntary information sharing  
5 programs. And what you see is, over a period of  
6 10 or 15 years, an evolution of those programs.  
7 But it's real patchy. It started out with an  
8 advisory bulletin that's totally discretionary  
9 and could be jerked at any moment. And it kept  
10 going.

11 And then the airlines also started  
12 creating their own programs when they saw the  
13 value of it. Other programs that were developed  
14 had different rules. And you ended up with kind  
15 of a quilt-work of different programs with  
16 different rules, different exceptions, and  
17 different waivers, and exemptions.

18 And even though the end result is a  
19 very successful SMS improvement for the aviation  
20 industry, there's a lot of ambiguity, a lot of  
21 conflict, and there's a lot of uncertainty for  
22 individual operators when they decide whether or

1 not they're going to actually volunteer  
2 information for certain programs.

3 So we're looking at all that. We  
4 spoke with our colleagues at FAA and also just  
5 thought through the process. And we believe that  
6 you've got to leapfrog past all of the evolution  
7 if you can.

8 And the way to do it is to go straight  
9 to Congress. And I know it's a very scary  
10 proposition, you know, going over there. But if  
11 we go straight to Congress and say this is very  
12 important to pipeline safety in the United  
13 States, it's PHMSA's mission, then Congress can  
14 provide tools that will support the VIS program  
15 to improve pipeline safety.

16 And if Congress will do that, then we  
17 will spare ourselves the trouble of trying to put  
18 together piece by piece a voluntary information  
19 sharing program that will have the legal  
20 protections that we need.

21 And if we try to do it by rulemaking,  
22 it'll take, you know, three to five years. So in

1 order to get this jump-started, we take the bold  
2 approach of going to Congress or asking the  
3 Secretary to go to Congress. I don't know if  
4 she's going to appreciate that, but I hope she  
5 will.

6 So the first recommendation we have is  
7 that, "Congress should enact legislation during  
8 the re-authorization period in 2019, authorizing  
9 PHMSA to establish a secure, confidential,  
10 voluntary information sharing system for the  
11 purpose of encouraging the voluntary sharing of  
12 pipeline safety information by pipelines and  
13 distribution companies, and their employees,  
14 labor unions, contractors, ILI vendors, and non-  
15 destructive evaluation experts with PHMSA  
16 representatives, with state pipeline safety  
17 agencies, non-governmental organizations, and  
18 other pipeline stakeholders, for the purpose of  
19 improving pipeline safety for transmission and  
20 distribution in hazardous local pipelines."

21 And a lot of the contents of this  
22 Recommendation Number 1, they were built based on

1 our discussions in June and through comments that  
2 people had, concerns that people had that we  
3 clearly state what is the intent of Congress with  
4 respect to this VIS program.

5 So the proposed legislation should  
6 state very clearly the intent of Congress with  
7 respect to these elements. First, that VIS is  
8 intended to be an entirely new paradigm and  
9 program for analyzing pipeline safety issues that  
10 is separate and apart from the complementary and  
11 additive existing PHMSA pipeline safety programs,  
12 in particular, SMS.

13 The VIS should be established and  
14 implemented to the maximum extent possible under  
15 existing PHMSA authority. In other words, use  
16 the toolbox that PHMSA has, that DOT has right  
17 now, to the maximum extent possible to get this  
18 thing established and moving with the goal of  
19 avoiding unnecessary and time consuming  
20 rulemaking.

21 The VIS is not intended to change  
22 current PHMSA enforcement, regulatory programs,

1 or other PHMSA initiatives. The VIS is intended  
2 to develop its own governance structure and to  
3 create as many VIS programs as it deems necessary  
4 to address various areas of pipeline safety.

5 The VIS is intended to allow PHMSA,  
6 all pipeline distribution companies, and all  
7 pipeline stakeholders, to draw upon safety  
8 related information that is currently kept  
9 confidential and utilized by individual operators  
10 to include pipeline safety but which information  
11 is not otherwise shared due to confidentiality  
12 concerns.

13 The VIS system is intended to enable  
14 all industry participants to share the rich  
15 source of safety information often held only by  
16 an individual operator, which information will  
17 enhance SMS across the industry.

18 The VIS system analysis of de-  
19 identified voluntarily shared information is  
20 intended to deliver tangible, measurable safety  
21 benefits to industry participants, PHMSA, and  
22 other pipeline safety stakeholders.

1                   The VIS system's collaborative  
2                   approach to collecting and analyzing safety  
3                   related information is intended to enhance  
4                   pipeline SMS delivering benefits to the public,  
5                   including a reduction in pipeline releases and  
6                   related personal injury and damage to the  
7                   environment.

8                   The VIS system is intended to be based  
9                   solely on voluntary participation. The VIS  
10                  system shall not be transformed into a mandatory  
11                  program in whole or in part.

12                  VIS is intended to encourage the  
13                  widest possible participation by industry. Such  
14                  participation will only be achieved by providing  
15                  confidentiality protection for all information  
16                  submitted to the VIS.

17                  It is the intent of Congress to ensure  
18                  that those protections are in place. Without  
19                  such assurance, operators will not voluntarily  
20                  share information whereby depriving the nation of  
21                  associated improvements in pipeline safety and  
22                  safety management systems.



1           So Recommendation 1 is essentially a  
2 recommendation to the Secretary or the Congress  
3 and asks for these special authorities.

4           Recommendation 2 is one of the  
5 statutory provisions that is self-implementing,  
6 that Congress should enact legislation providing  
7 for the protection of safety, security related,  
8 proprietary, and other sensitive pipeline  
9 information provided to the VIS system for the  
10 purpose of encouraging and allowing voluntary  
11 safety information sharing by industry.

12           The proposed legislation should  
13 clearly state the intent of Congress with respect  
14 to the following. "It is intended that neither  
15 PHMSA nor any federal, state, local, internal  
16 agency, nor any person having or obtaining access  
17 to the information voluntarily submitted to the  
18 VIS, shall release or communicate that  
19 information to any person outside the VIS  
20 governing body, with the sole exception being the  
21 publication of reports prior to VIS or PHMSA,  
22 based on analysis of de-identified information

1 and safety related findings that the VIS  
2 governing body, in its sole discretion,  
3 determines to publish or authorize PHMSA to  
4 publish.

5 "The intent of Congress is to  
6 encourage wide-scale industry participation in a  
7 VIS system, by entities and individuals, in order  
8 to further the goal of improving pipeline safety  
9 in the United States. And that goal can only be  
10 accomplished by creating strong confidentiality  
11 projections for information voluntarily submitted  
12 by those entities and individuals to the VIS  
13 system."

14 So that Recommendation Number 2 is  
15 with respect to anyone who has possession of or  
16 contact with VIS information that was submitted  
17 voluntarily, but it's against the law to  
18 disseminate it. And you would try to memorialize  
19 that in MOUs, non-disclosure agreements,  
20 confidentiality agreements, and all the governing  
21 documents of the VIS to make sure that that law  
22 is complied with.

1                    Recommendation Number 3 is  
2 specifically related to FOIA. And it reads,  
3 "Congress shall enact legislation providing that  
4 PHMSA should be exempt from releasing, under the  
5 provisions of the Freedom of Information Act, any  
6 information that was voluntarily disclosed by any  
7 company, organization, or person to VIS."

8                    Here, we're trying to stop other  
9 actors from coming in and forcing PHMSA to  
10 release information that the volunteers felt was  
11 confidential. We probably want to find out a  
12 little bit and include not only PHMSA but other  
13 federal agencies that may, for some reason, you  
14 know, be coming into possession of VIS  
15 information.

16                   Recommendation Number 4 is related to  
17 enforcement and punitive actions. "Congress  
18 shall enact legislation providing that neither  
19 PHMSA nor any other federal, state, local, or  
20 tribal agency, nor any entity or person, shall"  
21 institute, I'm sorry, "initiate enforcement  
22 action, punitive action, or litigation against a

1 pipeline operator on the basis of information  
2 voluntarily provided to VIS."

3 Recommendation Number 5 is a  
4 prohibition against use of information provided  
5 to the VIS in litigation. "Congress should enact  
6 legislation providing that any information  
7 voluntarily submitted to VIS shall not be subject  
8 to discovery or admitted into evidence in any  
9 federal, state, local, tribal, or private  
10 litigation or their proceedings."

11 Recommendation Number 6 and 7 relate  
12 to funding. Recommendation Number 6 is very  
13 similar to what we discussed in June. "Congress  
14 should authorize and appropriate funding  
15 beginning in 2019 and possible for establishing  
16 and sustaining the VIS at levels adequate to  
17 achieve goals of the VIS system with the  
18 intention of getting the VIS system established  
19 and operating as soon as possible for the purpose  
20 of continuing pipeline safety in the United  
21 States."

22 Recommendation Number 7 is, in the

1 event that the Secretary would be unable to get,  
2 Congress would not appropriate funds for ---  
3 authorize or appropriate funds for the VIS in  
4 2019. So in that case, the recommendation reads  
5 as follows. "In the absence of a specific  
6 appropriation, the Secretary should redirect  
7 funding from within the operations program,  
8 project, and activity sufficient for  
9 implementation of the initial phases of the VIS."

10 That would be a recommendation  
11 directly to the Secretary that she take action,  
12 which is within her power, to use money already  
13 appropriated to DOT, to PHMSA, that she could  
14 direct towards the initiation of VIS activities  
15 and programs next year.

16 So there you have it. Pretty strong  
17 recommendations for statutory protections and  
18 urgency to the Congress to help us get this VIS  
19 program established.

20 Any questions? It's a lot to take in  
21 at once. But you can certainly see how it  
22 dovetails with the various issues we've been

1 talking about. We're trying to go straight to  
2 the source and get something that's self-  
3 executing that we don't have to worry about. And  
4 that's a regulation for a follow-on political  
5 activity. Once it's passed, it's the law of the  
6 land.

7 DR. MURRAY: Max?

8 MR. PARKER: Oh, sorry, Max?

9 MR. KIEBA: Max Kieba. It certainly  
10 is bold.

11 (Laughter.)

12 MR. KIEBA: My question is do we  
13 anticipate any regulations needed on top of this.  
14 I remember that came up with the FAA. Even  
15 though they got some stuff in the law, there  
16 still had to be regulations on top of it.

17 MR. PARKER: In some cases, there may  
18 have to be regulations. But each of the statutes  
19 that relate to protection of information can  
20 stand on their own out from the regulations.

21 But it's really --- Congress' ability  
22 under the commerce laws of the Constitution is to

1 regulate commerce for the benefit of the public,  
2 specifically protecting pipelines and enhancing  
3 pipeline safety.

4 And by tying it to PHMSA, Congress is  
5 saying we have the power to do this, and it's  
6 binding on states, it's binding on courts, it's  
7 binding on people, it's binding on everybody.  
8 And we're going to put these protections into  
9 place, because it furthers our goals of pipeline  
10 safety actions that we've already given to PHMSA,  
11 that this is an extra support for those  
12 activities.

13 And that kind of action by Congress  
14 has been, you know, supported. And this  
15 challenge is all over in the Supreme Court. So I  
16 have no doubt that if Congress decides to take  
17 this up and pass those laws, that they're very  
18 difficult to challenge.

19 MR. KIEBA: Mr. Parker, that's a big  
20 if though. So is there a Plan B if, for whatever  
21 reason, this doesn't fly?

22 MR. PARKER: I think all of our

1 committee believe that we should have a Plan B in  
2 the sense that we should be prepared to move  
3 forward with all the other elements that we've  
4 been talking about from the various committees to  
5 try to get those into place.

6 If the Congress does not want to do  
7 any of this, it's going to be a long road, and  
8 it's going to be very difficult because we're  
9 going to have to get enabling legislation for  
10 different pieces of it. We're going to have to  
11 get rulemaking instituted. And you know how that  
12 is, Chris. And it's going to take a long time.

13 And the point, the kind of protections  
14 that we're seeking to encourage operators to  
15 voluntarily participate in won't be there in the  
16 beginning. It'll take forever to get those  
17 passed and implemented. So we're talking about a  
18 difference between maybe getting this up and  
19 running next year and getting it up and running  
20 in five-plus years.

21 MR. KIEBA: And that might, sorry,  
22 that might be just something to put in the



1 report, the alternative action. Or in lieu of  
2 this, here's what we're looking at. Because  
3 we're kind of in a de-regulatory world right now.  
4 So in absence of this, here's what we're looking  
5 at for time, funding, doing anything.

6 MR. PARKER: I think that's a great  
7 idea. And we've been talking about that today.  
8 We will definitely write that up. If our efforts  
9 fail, our recommendations are not accepted or not  
10 implemented, then what do intend to do? And it  
11 may have to be more of industry self-help than  
12 anything else, you know.

13 MR. KIEBA: Thank you.

14 MR. JENSEN: Yes, I'm Leif Jensen, and  
15 I just transferred in. And just to carry on that  
16 thought, if indeed we don't succeed in getting  
17 Congress to act, then I think we need to go back  
18 to the governance, 1.2, and explore a notion that  
19 we discussed yesterday and today and identify  
20 those willing participants in industry and the  
21 vendors and go up completely separate paths, as  
22 it relates to Plan B, and identify an entity

1 outside of the umbrella of DOT to help manage  
2 this program.

3 So I only offer that for the working  
4 group to consider before we actually get into a  
5 mode of voting.

6 MR. PARKER: No, I agree with you. I  
7 think that's a very prudent thing that we should  
8 do in terms of having Plan B.

9 Chris?

10 MR. MCLAREN: I had a couple of  
11 comments on the top of Page 3 and 2A. The use of  
12 "de-identify before information and safety  
13 related findings," I really think it should be  
14 earlier in that sentence. Because we want to be  
15 able to analyze information whether it's  
16 identified or de-identified. So maybe if the  
17 sentence read, "With the sole exception being the  
18 publication of reports containing de-identified  
19 information" --

20 MR. PARKER: Yes.

21 MR. MCLAREN: -- "by VIS or PHMSA  
22 based on analysis of information."

1 MR. PARKER: Right.

2 MR. MCLAREN: So thanks for  
3 considering that change.

4 And then on the recommendations  
5 regarding prohibition against enforcement, as a  
6 regulator, if I'm on a failure investigation or  
7 inspection and I find an issue, I would think  
8 that that would be a reasonable evidence to  
9 gather to proceed with a possible or probable  
10 violation case.

11 I think we had this discussion a  
12 couple of months ago, but it's now -- you've got  
13 it well defined. And maybe now is the time to  
14 discuss that again, that somehow to craft these  
15 such that it's based on the information that's in  
16 the VIS, if you want to propose that it'd be  
17 safe. But if I find it over here ---

18 MR. PARKER: If you find it  
19 independently, there is no change in their  
20 enforcement options at that point.

21 MR. MCLAREN: So I don't see that  
22 discreetly disseminated here. And whether or not

1 you intend to move forward with the whole deal,  
2 that's fine. But I would prefer some  
3 differentiation of the two cases where evidence  
4 might be gathered.

5 MR. PARKER: Right. I think we can --  
6 - on Recommendation 4 we can work on the language  
7 to make that clear. Because one, we're not  
8 trying to change PHMSA's enforcement program or  
9 their options. But if it's been submitted to  
10 VIS, you can't enforce based solely on that.

11 MR. MCLAREN: You can't go drive it  
12 there.

13 MR. PARKER: Right.

14 MR. MCLAREN: Thank you for that  
15 consideration.

16 MR. PARKER: Okay. I'll draft some  
17 language and circulate to everyone.

18 CHAIR BURMAN: Ahuva?

19 DR. MURRAY: This is Ahuva Battams  
20 from the Office of Chief Counsel. Along those  
21 same lines, you know, the language as written  
22 doesn't have that if you find it independent.

1           But the other thing that I don't see  
2 here, but I would recommend considering -- and  
3 this might be in different recommendation number  
4 -- but certain exclusions such as criminal  
5 activity or willful, you know, willful violations  
6 of the regulations where, you know, we're not  
7 talking about a nice, normal operator who's being  
8 diligent. We're talking about, you know, some  
9 nefarious conduct.

10           You know, we're not going to be able  
11 to say, sorry, no criminal action if you  
12 voluntarily share. Because, you know, that's  
13 beyond what PHMSA has the authority. Even in a  
14 statute, I would think it would be unlikely that  
15 criminal authority could just be blanketly  
16 waived.

17           So I would just, you know, suggest  
18 thinking about --- and I think the FAA statute  
19 has some of this language in it, the carve-outs  
20 for certain situations where, even if you  
21 voluntarily share it, you know, sometimes it's  
22 not going to ---

1 MR. PARKER: Yes. We asked our  
2 external member of our RFL Subcommittee, Dane  
3 Jaques, who's a pipeline TSB owner and also in  
4 aviation reporter. And he's been familiar with  
5 an Albany's aviation program for many years.  
6 He's a former commercial pilot.

7 And Dane has put together a memo which  
8 I put on Weebly. And you can all look at it.  
9 And it outlines all the programs and what the  
10 exceptions are for activity and those kinds of  
11 exceptions. But it's a real patchwork, you know,  
12 each program's different, and they have different  
13 exceptions and conditions.

14 We chose not to get into that in terms  
15 of what we're doing with respect to these  
16 recommendations. Because we could spend months  
17 trying to figure out what is not acceptable and  
18 what is acceptable.

19 We don't think we've changed anything  
20 or limited anything that PHMSA can do, or the  
21 Department of Justice, or anyone else with  
22 respect to criminal action. All we're saying is

1 that, if this information goes into the VIS, it  
2 can't be used for those purposes.

3 MS. BATTAMS: And I ---

4 MR. PARKER: It can't be used for  
5 enforcement or any type of litigation.

6 MS. BATTAMS: And that's, I think that  
7 ---

8 MR. PARKER: You could still establish  
9 that someone has a criminal intent or engaged in  
10 criminal activity, you know, outside VIS.

11 MS. BATTAMS: So I'm aware, so I'm  
12 always thinking, like, maybe I can't. You know,  
13 this might be the evidence I have of the criminal  
14 activity. And because it's been voluntarily  
15 shared as written, not, you know, as intended,  
16 but as written, but that's the only evidence I  
17 have, the statute could bar me from bringing  
18 action.

19 And I would just, you know, like I  
20 said, I would be sensitive to that kind of  
21 implication. Because that's, I think, more far  
22 reaching than anyone intends. You know, because

1 I've heard many times people say this is not  
2 supposed to be a get out of jail free card. You  
3 know, it's supposed to be enhancing safety.

4 But also you want to promote people  
5 participating, you know, operators participating.  
6 But remember that whenever you've got statutory  
7 language, you know, you've got to look at the  
8 four corners of the document if it's clearly  
9 written.

10 And so if there's nothing in there  
11 that even hints that there could be an exclusion,  
12 then a court is going to say, oh, this said you  
13 absolutely can't use this information. And you,  
14 you know, you're trying to use it.

15 And so those are just the things to,  
16 you know, be thinking about. Because right now,  
17 it's written very clearly. And it's so clear  
18 that you're, I think, excluding without intending  
19 to.

20 MR. PARKER: Well, we would certainly  
21 entertain ideas for dealing with that issue, for  
22 saying, well, it doesn't include this, and it



1 doesn't include that. I think that that would  
2 likely come up in Congress anyway, you know, when  
3 they start looking at this. So it's probably  
4 good for us to try to define it somewhat.

5 But if we end up with a statute that  
6 has a long list of all these criminal activities  
7 that people, if they do it, it just doesn't  
8 count, it's going to chill participation.  
9 Because the operator's going to say, wait a  
10 minute, this is a trap. There's five different  
11 ways they can indict me or take me to --- you  
12 know.

13 And they don't analyze it like a  
14 lawyer, like you and I would, but they would  
15 sense a problem here. So we chose not to get  
16 into that assertively, but if the committee wants  
17 us to, we can certainly draft some reasonable  
18 exceptions.

19 CHAIR BURMAN: Max, did I see your  
20 card after me? No, maybe not. Just kidding.

21 MR. KIEBA: Oh, I'm sorry. Go ahead  
22 and --

1 MR. COTE: Oh, no. Go ahead.

2 (Simultaneous speaking.)

3 MR. COTE: I'm sorry. It's on this  
4 thread, I mean, let's carry it out.

5 MR. KIEBA: Oh, yes. I was just  
6 thinking along the lines of the independent  
7 verification. I hope there's not --- whoever is  
8 part of this effort from FEMS, I hope there's not  
9 someone in there saying, hey, no, we saw  
10 something in this data. I can't do anything  
11 here. The next thing you know, hey, let's try to  
12 hunt for it outside. So I hope that's not what  
13 we're talking about here with the independent ---  
14 if we find the data independently. So I hope it  
15 is truly independently outside the VIS to find  
16 issues. You see what I'm saying?

17 MR. MCLAREN: The identification would  
18 be very important.

19 MR. KIEBA: It would be, yes.

20 MR. MCLAREN: And at a high level to  
21 be able to stop ---

22 (Simultaneous speaking.)

1 MR. MCLAREN: -- specific clearance.

2 MR. KIEBA: Right.

3 MR. PARKER: One of things, Cindy  
4 Dominik couldn't be here today. She's also on  
5 our committee, and she's the enforcement lawyer  
6 attache for the last 25, 30 years. And she's  
7 been totally involved in the voluntary  
8 information systems at the FAA.

9 And her strong statements on this in  
10 our first meeting was, look, trust is how this  
11 works. And not once did we ever get information  
12 that was voluntarily submitted and go after  
13 people for enforcement.

14 Because the first time we did it, we  
15 would ruin all the trust, and they would never  
16 volunteer again. So even though they have the  
17 power to do it, unless I'm missing something  
18 Cynthia was saying, the trust is more important  
19 to us and benefits the program. It's more  
20 important to us than to use this information to  
21 go get somebody for enforcement.

22 So it's kind of a tough call, but if

1 it's de-identified properly, and treat it like a  
2 bank vault that nobody can get into, PHMSA won't  
3 see it, right. I'm not saying that you'd be  
4 hiding something. Because communications are  
5 free. But we should be treating it that way if  
6 we're honest about, you know, the protections.

7 MR. KIEBA: Well, PHMSA will see it if  
8 we're part of the VIS, but again, whoever those  
9 individuals are, that individual, they -- by the  
10 NDA or whatever we set up, they can't undo  
11 anything.

12 MR. PARKER: Right.

13 MR. KIEBA: So we've got to be clear  
14 on that. So I think we are, but ---

15 CHAIR BURMAN: Remember we had one  
16 speaker that came and spoke. I believe he was  
17 from the FAA. He came with four other people,  
18 and they talked about how their information, what  
19 they collect, it was in the staff dues.

20 They could not use it. That means  
21 they can't even testify unless there are other  
22 avenues to that information outside of how they

1 collected it. It's not something that they are  
2 allowed to use in any fashion. So it has to be  
3 independently gotten from other avenues.

4 MR. PARKER: I recall that too. We  
5 have some other people. John?

6 MR. MACNEILL: Yes, John MacNeill.

7 CHAIR BURMAN: I want to also comment  
8 on the time. And we still have one more  
9 committee that we need to get through and go back  
10 to the mission objectives subcommittee. And we  
11 do have a hard stop at 4:30, Friday night for  
12 folks.

13 MR. PARKER: Okay. I'm willing to  
14 stay here all night if you guys are.

15 (Laughter.)

16 MR. PARKER: Yes, John.

17 MR. MCLAREN: Yes, I've just got  
18 something real quick. I mean, I do remember when  
19 the FAA came in, and they spoke about if  
20 something is a blatant -- if something is an  
21 egregious and blatant violation, they don't allow  
22 it to go into their voluntary information system.

1 So there's a ---

2 MR. PARKER: They can reject it.

3 MR. MCLAREN: They can reject it. So  
4 I think we've got to look at that too. We're  
5 missing that part of it.

6 MR. PARKER: Well, that's one of the  
7 reasons we decided to go to Congress and get  
8 these self-executing statutes. Because there are  
9 times that -- I don't know if Dane Jaques is here  
10 or on the phone -- but there are companies today,  
11 airline companies, that will not voluntarily  
12 submit information.

13 If they make the calculation that this  
14 is going to be rejected by the FAA, and then we  
15 had just told them what we did, they reject it,  
16 and then enforce it against us. So that's not a  
17 very good system, in my mind. Because they don't  
18 have statutory protections.

19 MR. MCLAREN: Yes. I mean, I can  
20 speak on, as far as with the lessons learned and  
21 the best practices from an employee putting into  
22 the system. I mean, we're always treated as if

1       you're putting it in there to get a get out of  
2       jail free card, you know, that's not accepted.  
3       It has to be something that the definition would  
4       be that if it's a close call, it's something that  
5       could have caused an injury or damage to  
6       property. It didn't.

7                   MR. PARKER: Yes.

8                   CHAIR BURMAN: So these are things  
9       that we had talked about with the other speaker  
10       who came in also about, you know, you can't use  
11       it as a way of getting out of jail free and for  
12       the work criteria. It is something that there  
13       is, you know, it's just in language and other  
14       rules to that.

15                   MR. COTE: Just a --- this is Dan  
16       Cote, just a comment. And this has been  
17       excellent discussion. But it's also absolutely a  
18       threshold issue. Because on the one hand, we  
19       have the option of saying that everything  
20       submitted will be included and thus protected.

21                   Now, it's not a get out of jail free  
22       card. And I would disagree with characterizing

1 it that way. All that means is that the VIS  
2 can't be the source of the prosecution. Because  
3 they shouldn't have access to it in the first  
4 place.

5 If they can develop that through any  
6 other means, then that's an option, which is much  
7 different than the FAA model where they can  
8 reject data. We haven't even considered that.

9 And if that's the direction we want to  
10 go, it's different than the one that we  
11 envisioned for this. And so that's a threshold  
12 committee issue. I don't know if we'll resolve  
13 it this afternoon. To your point, Diane, we  
14 don't have much time left.

15 That is a threshold issue that clearly  
16 has to be considered by the full committee. But  
17 the recommendation from the legal group, and the  
18 governance model that's been developed by  
19 governance, do not reflect that view. So that'll  
20 need some ---

21 CHAIR BURMAN: Good point.

22 MR. COTE: That'll need to be



1 resolved.

2 CHAIR BURMAN: That's a good point,  
3 and something to clarify when we have our virtual  
4 meeting as well.

5 MR. PARKER: Anyone else? So I would  
6 like to get a sense from the committee if these  
7 preliminary recommendations are moving in the  
8 right direction. Because these are some very  
9 serious proposals.

10 And if we know that one or more of  
11 these recommendations were moving in the right  
12 direction, we'll start drafting really tight  
13 statutory language that we can put in our  
14 proposal that would be surrounded by context, but  
15 it would say we ask Congress to say this, you  
16 know, and write it as you would a statutory  
17 provision.

18 So let's give a show of hands. Do you  
19 guys want to vote preliminarily on this,  
20 contingent upon revisiting it at our next  
21 meeting, supporting that we're going in the right  
22 direction? Or do you want to take some more

1 time?

2 MR. HERETH: Could I just ask a  
3 question?

4 MR. PARKER: Yes, sir.

5 MR. HERETH: Do we have to write this  
6 at this point in the context of specific  
7 statutory language? Or can we write the language  
8 so that could go in either direction, either into  
9 a --- because I'm going to go back to the older  
10 discussion in 2.1, not to get --- or 1.2, I guess  
11 it is --- not to get into the detail.

12 But I think it's premature to presume  
13 an outcome. And we're better off having the  
14 flexibility in our writing to go in either a  
15 PHMSA statutory-driven, authorized appropriated  
16 and also recognize there may be another route  
17 that we have to go.

18 MR. PARKER: Right, Mark. I  
19 understand what you're saying, so to preserve  
20 options. Now as Yogi Berra said ---

21 MR. HERETH: Yes, thank you.

22 MR. PARKER: -- if you find a fork in

1 the road, take it.

2 (Laughter.)

3 MR. PARKER: So we could write it that  
4 way to say if Congress --- if the Secretary  
5 doesn't accept our recommendations to do it this  
6 way, or Congress doesn't accept it, then we  
7 propose to do it this other way.

8 MR. HERETH: That's just a suggestion.

9 MR. PARKER: Sure.

10 MR. PARKER: Any other thoughts on  
11 that?

12 MR. COTE: Well, I support that fully.  
13 I think both in the legal and in the governance  
14 model, we need to recognize here's our  
15 recommendation, but if it doesn't work very  
16 clearly, even though this other option is still  
17 operable, here's how else we may think about  
18 doing it. And that's exactly the way I would see  
19 us characterizing it.

20 MR. PARKER: Sounds very reasonable.  
21 So I don't think we need a vote necessarily until  
22 we draft the fork in the road.

1 (Laughter.)

2 MR. PARKER: Yes, sir?

3 MR. HERETH: I apologize, one final  
4 comment. I think you guys have done great work.  
5 It's really foundational and sets a solid  
6 foundation regardless of which path we would go.  
7 And I think it's ---

8 MR. PARKER: Thank you.

9 MR. HERETH: -- really good.

10 MR. PARKER: It's been a lot of fun.

11 MR. HERETH: Well thought out.

12 MR. PARKER: Thank you.

13 DR. MURRAY: Madam Chair, I think  
14 we're concluding the Regulatory, Federal, and  
15 Legal.

16 CHAIR BURMAN: Okay. That sounds  
17 great. Thank you. That was really helpful, and  
18 I really appreciate it. And we do have some  
19 threshold issues for us to get through going  
20 forward. And I like the idea of the flexibility  
21 in the writing.

22 So now we're going to go to training,

1 pop in to see awareness and training tasks.

2 MR. JENSEN: Okay, thank you, Diane.  
3 Leif Jensen, once again, and it's a transfer. In  
4 the interest of time, I will go through this very  
5 quickly, only from the standpoint that the  
6 working group has seen this content before.

7 From the last meeting, what we did is  
8 we actually structured it into a recommendation  
9 report. And most of them, if not all, actually  
10 are calling for a vote today.

11 But the spirit of that request was  
12 such that the committee or the subcommittee could  
13 submit the recommendation report to reporting and  
14 actually start the process of getting the report  
15 rendered.

16 Hearing today that we could actually  
17 submit this information without a vote, I think  
18 it's in our best interest not to take a vote on  
19 this today and rather wait until we get all the  
20 recommendations together.

21 With that said, I'll go through this  
22 relatively quickly. Four sections to the report,

1 competency, awareness, training, and then some  
2 funding applications or issues.

3 So the first one under competency,  
4 there's three competencies. "Recommend that job  
5 descriptions be offered that define the  
6 education, knowledge, skills and abilities, and  
7 experience necessary for those working with  
8 confidential data and information. This will  
9 foster hiring criteria for the third party data  
10 administrator."

11 Second one, scroll a little bit,  
12 "Recommend that a process be established to pair  
13 VIS analytical staff with pipeline operator and  
14 other industry SMEs, including inline inspection  
15 companies and in-the-ditch NDE assessment  
16 companies. Collaboration is intended to ensure  
17 those analyzing the data understand industry lore  
18 and discuss meaningful data that would be in the  
19 confidentiality umbrella."

20 Number 3 was a comment, "Recommend  
21 that an evaluation and certification process be  
22 developed for employees working within the hub to

1 ensure that they will protect data security and  
2 preserve member anonymity and confidentiality."

3 So those were competency aspects.

4 Moving into awareness, this is a  
5 rather lengthy one. But the bulk of it is in the  
6 very beginning that, "We recommend that  
7 educational materials, call them talking points  
8 based on the tenets of trust and leadership" --  
9 those were fundamental foundation elements that  
10 we heard from the aviation group --- "be  
11 developed to market the VIS which will motivate  
12 and compel stakeholders to join."

13 And then further down here, we talk  
14 about the institutions and stakeholders that were  
15 formed or that will benefit from the utilization  
16 of these materials. And they include all the  
17 stakeholders that, frankly, are identified in the  
18 statute. And then what's written afterwards is  
19 the recommended mechanisms by which they can  
20 communicate those talking points.

21 And in the context of considering the  
22 awareness aspects, you include the benefits and

1 participation and emphasize the non-punitive  
2 environment that fosters the collaboration. And  
3 then we go ahead and give various examples for  
4 all those stakeholders.

5 The working group has seen this  
6 before. You have it in the email that Christie  
7 sent out earlier today. So I'm not going to read  
8 this verbatim. But it's talking points that  
9 could be built in to help woo participants into  
10 the program.

11 Am I hearing myself echo, or was  
12 someone talking?

13 (Off-record comments.)

14 MR. COTE: A stage whisper side bar,  
15 sorry.

16 MR. JENSEN: Oh, I'm sorry.

17 In the process of developing this  
18 awareness material, seek opportunities to  
19 leverage what's happened in the FAA. The 1163  
20 we're already talked about.

21 Leveraging the success of the Common  
22 Ground Alliance in marketing their 811 program,



1 it's been a phenomenal program that they put  
2 together in damage prevention. And we ought to  
3 leverage what they've done.

4 Offering an FAQ document that  
5 identifies the barriers and how it would be best  
6 to overcome them, I think that's going to be  
7 critical as we cascade this program out to the  
8 rest of the operators and industry within the  
9 nation.

10 If an operator is not privy to the  
11 conversations that we've had over the past year,  
12 they're going to be looking at this with a big  
13 shadow of doubt. And an FAQ document that  
14 explains how we're going to overcome their  
15 concerns, I think is going to be critical as we  
16 market this.

17 And on the training, there's several  
18 recommendations. "Recommend that initial  
19 training be developed to enable the development  
20 and implementation." There's distinct audiences.  
21 So if you can scroll down, those that provide  
22 data, the companies, those that work within the

1 hub, those who are working with the identified  
2 data, and those who receive the output.

3 And if you recall, we've been talking  
4 about two different audiences. One is the real  
5 data rich audience, and then the information  
6 rich, such as unwanted events, continuous  
7 improvement, lessons learned, and so forth.  
8 Types of training, in person, hands-on, CBTs,  
9 train the trainer.

10 Recommendation Number 6 is that the  
11 training modules be developed and instruct  
12 participants using a SAT or systematic approach  
13 to training, teaching the right things at the  
14 right time to the right people in the right way.

15 Once again, we can use trainers from  
16 the industry or regulatory agencies. Train  
17 participants in methodologies for data  
18 submission, and specifically in creative form or  
19 a template for data submission, train  
20 specifically to the form.

21 Apply a code of conduct recommended by  
22 the Governance Subcommittee for handling

1 identified and de-identified data, excuse me, the  
2 robust rules, the degrees of separation, we've  
3 talked about that quite a bit today, and then  
4 ultimately, providing certificates of completion  
5 before allowing people to work within the data  
6 room. We want them to be authenticated and  
7 approved to go ahead and work with this  
8 identified data.

9 And then confidentiality reports, how  
10 do you de-identify data, and then methods to  
11 validate that integrity with a rigorous QA/QC  
12 program. And we we've talked a lot about it  
13 today, is where do we define that line separating  
14 those working with identified data and those  
15 without.

16 And then lastly, we have some funding  
17 recommendations. Can you scroll down a little  
18 bit further?

19 We're looking at funding the  
20 authorized and appropriated for the following,  
21 that we develop, and document, and define job  
22 criteria for those working within the hub. And

1 it should include the process by which staff are  
2 hired. We want to fund curriculum development  
3 and have that development by qualified  
4 instructional designers, implementation costs for  
5 web-based or instructor led training, and then  
6 ultimately administering the whole training  
7 program.

8 So some considerations, cost sharing  
9 mechanisms between industry and government, from  
10 stand alone with industry. And faithful to what  
11 we heard from the FAA is that they literally have  
12 four components within their funding mechanisms.  
13 And so maybe we start slow, build an R and D  
14 aspect, and appropriate funding support.

15 So that's it for the competency,  
16 awareness, and training. We were going to call  
17 for a vote, because it's really not that  
18 complicated. And calling for a vote, we were  
19 going to recognize that, as the other  
20 subcommittees produce more material, that these  
21 needed to be tweaked. We would tweak them  
22 accordingly to fit the expectation of the other

1 subcommittees.

2 So I know I went through that at warp  
3 speed, but that's the product from the GAT team.

4 Any questions? Yes?

5 DR. PERRY: Simona Perry. I am  
6 looking at the outline, and I just want to make  
7 sure I didn't --- I might have missed it, because  
8 I'm fading, honestly. But one of the things that  
9 was brought out in the outline we had originally,  
10 and it might be irrelevant now, is expanding  
11 knowledge of inspection technologies and  
12 methodologies. Is that included? I might have  
13 missed it.

14 MR. JENSEN: Yes. I looked at the  
15 outline too. And I think the content for the  
16 outline came back from several meetings ago when  
17 we were the training and qualification group.

18 DR. PERRY: Right.

19 MR. JENSEN: And what you just  
20 identified, I think, is great overlap with the  
21 technology group.

22 DR. PERRY: That's right.

1 MR. JENSEN: And so I have it as an  
2 action item on my notes --

3 DR. PERRY: Okay.

4 MR. JENSEN: -- when we convey this to  
5 the Reporting Committee to give them the new  
6 structure --

7 DR. PERRY: Thank you.

8 MR. JENSEN: -- in conjunction with  
9 what you just saw.

10 DR. PERRY: Fantastic.

11 DR. MURRAY: I just want to make sure  
12 that we retain this is in some way because ---  
13 and can identify it clearly. Because that was a  
14 mandate requirement. Anything with a M next to  
15 it is not discretionary to dig out.

16 MR. JENSEN: Okay, good point. Thank  
17 you for reminding us.

18 MR. JONES: I just have one quick  
19 question.

20 MR. JENSEN: Yes, Walter.

21 MR. JONES: The audience, when you say  
22 competency and training, who are we ---

1 MR. JENSEN: The way we offer this  
2 today, for competency and training, were the  
3 people who are submitting data, working with the  
4 data, and to some extent those people who are  
5 receiving the reports out of VIS. So that's the  
6 competency and training.

7 MR. JONES: I think we should capture  
8 exactly that. Because when I did training, I'm  
9 all over the place.

10 MR. JENSEN: Yes, that's a good point.

11 MR. JONES: Who are we trying to  
12 educate?

13 MR. JENSEN: We're not ---

14 MR. JONES: And why do we want to  
15 teach Jason how to do his job?

16 MR. JENSEN: That's right, exactly  
17 right. Ignores this, and one of the reasons we  
18 changed the name, we don't want to get into the  
19 arena of operator qualification where ---

20 (Simultaneous speaking.)

21 MR. JENSEN: -- training people.

22 MR. JONES: So I think we should say

1       somewhere that what this --- who's our audience.

2                   MR. JENSEN: That's a good point. So  
3 catch that, Amy.

4                   And then secondly to that point on the  
5 awareness piece, that's all marketing. How are  
6 we going to woo participants into this voluntary  
7 program ---

8                   (Simultaneous speaking.)

9                   MR. JENSEN: Okay, good point. And I  
10 think that's great material for the introduction  
11 into our sub-groups. So thank you for that.  
12 Anything else? Yes?

13                   MR. CRADIT: Just real quick. I  
14 think, to Walter's point actually, and I was  
15 trying to look it up, there is a best practice in  
16 DSS, I think, under the DOD, that would specify  
17 that second group you mentioned. Like the  
18 administrators and people -- the data analytics  
19 people require certain training and/or  
20 certification to touch the data or see it. I'll  
21 find that for you, because I think that could be  
22 something to comment, that this could be a



1 requirement.

2 MR. JENSEN: Yes. Or something for us  
3 to leverage and look at.

4 MR. CRADIT: Yes. And on top of that,  
5 when you start talking certification, now you've  
6 got to have a certifying body.

7 MR. JENSEN: Right.

8 MR. CRADIT: And that opens up a whole  
9 new can of worms. I'm not so sure we want to  
10 deal with it. But once you start using that word  
11 certified, well, who's going to actually certify  
12 them.

13 MR. JENSEN: Who has the authority and  
14 the capacity ---

15 MR. CRADIT: Yes. Like, are we doing  
16 it? You know, and then is it a real  
17 certification or just somebody with a print-out  
18 and a good signature.

19 (Telephonic interference.)

20 MR. CRADIT: It's standard, but I  
21 have, from DSS, it references commercial web-  
22 security training requirements. So I think it

1 addresses that concern.

2 MR. JENSEN: I think it's a great  
3 point though. Because the context that our  
4 subcommittee worked on, having heard from all the  
5 other subcommittees and the other presenters, my  
6 perspective, and I believe the subcommittee's  
7 perspective, was that the certifying entity would  
8 be the Executive Committee or the members that we  
9 hire to actually run the VIS hub.

10 MR. JONES: Yes, then I would not use  
11 certified, because the word --

12 MR. JENSEN: Authorized might be  
13 better?

14 MR. JONES: Yes, something.

15 MR. JENSEN: Okay, all right. Thank  
16 you for that.

17 MR. MACNEILL: But we did feel that  
18 everybody should be trained in the same  
19 methodology to input the data. That was very  
20 important that everybody is doing it the same  
21 way, and they've all been trained so that we're  
22 getting the same information ---

1 MR. JENSEN: I think that's helpful.

2 MR. MCLAREN: So I think what Bryce  
3 and I just heard loud and clear, but I'd like to  
4 confirm with Christie, is that if we are going to  
5 recommend any improvements to the ASNT ILI-PQ  
6 and/or the development of an ASNT NDE-PQ to  
7 support the measurement and analysis of all this  
8 data to make sure it's apples to apples, that  
9 that's on us?

10 DR. MURRAY: I think it is, due to the  
11 entirety ---

12 (Simultaneous speaking.)

13 MR. JENSEN: I followed most of it.

14 (Simultaneous speaking.)

15 MR. MCLAREN: With all the dashes.

16 MR. JENSEN: My answer to that  
17 question wasn't necessarily to that level of  
18 detail. I'll take that into perspective. I need  
19 to go re-read the mandate.

20 MR. MCLAREN: Part of our discussion  
21 has been if the ILI data is coming in, and it's  
22 the NDE description of that anomaly that's the

1 gold standard, then we need to better define the  
2 gold standard.

3 MR. JENSEN: Yes.

4 MR. MCLAREN: And they may do some  
5 talk. There was an ASNT standard, American  
6 Society for Nondestructive Testing, to develop  
7 that for the nondestructive evaluation person  
8 specific to pipelines, ground pipe, not flat pipe  
9 type of thing. And it seems like that's what  
10 needs to be a big push and recommendation piece.

11 And does that have an M on it,  
12 Christie? What was the --

13 DR. MURRAY: The one that has the  
14 inspection technology?

15 MR. MCLAREN: Yes, the one that ---

16 DR. MURRAY: Yes.

17 MR. MCLAREN: That one's on us now, is  
18 what I heard.

19 DR. MURRAY: It's straight out of the  
20 mandate.

21 MR. MCLAREN: Okay.

22 MR. KIEBA: So a D5 company is the

1 one that's training? I mean, this one, D5 --

2 (Off-record comments.)

3 MR. JENSEN: I mean, to be honest, we  
4 were not thinking enhancing protocols as defined  
5 by ASME or ASNT in the context of training. We  
6 need to take a step back and reconsider that.  
7 And I think we need to work with the Technology  
8 and Best Practice Committee and determine where  
9 is the best place to make the recommendation --

10 MR. MCLAREN: It maybe within house,  
11 Chris Warner and I, in our face-to-face in  
12 Houston was the one that brought it up as a big  
13 talking point that we all discussed, being that  
14 that's his business.

15 MR. JENSEN: Yes.

16 MR. MCLAREN: And maybe we can write  
17 about it, the best.

18 MR. JENSEN: Yes, it's a gap. Yes?

19 MS. FREEMAN: Hi, Michelle Freeman,  
20 PHMSA. I just wanted to make one point on your  
21 last bullet there about the funding. You talked  
22 about phasing the funding in the way that FAA has

1       theirs structured. Their funds are structured  
2       very different from ours.

3                 And so we probably want to work on  
4       some of the wording on that. Because if you get  
5       into moving money for grants and R and D, then  
6       you'd have to get re-programming requests through  
7       Congress and within certain limitations.

8                 So I'm just going to recommend that we  
9       talk more about reallocating the funding from  
10      programs, other safety programs, basically, that  
11      maybe aren't a priority.

12                MR. JENSEN: Thank you, Michelle, for  
13      that perspective. And just from a frame of  
14      context as to why this piece is in here, two or  
15      three meeting ago we heard from the Chair that,  
16      take into consideration what are going to be the  
17      funding requirements for all of your  
18      recommendations and identify them.

19                So that's why we have this fourth part  
20      within this report. It's not to take over what  
21      the RFL Subcommittee is trying to do under the  
22      whole umbrella of how are we going to fund this.

1 It was just --- it was meant for consideration.

2 MS. FREEMAN: Yes. No, I totally get  
3 it. But I just needed to make sure that I think  
4 all the verbage is kind of along the same lines  
5 when we start writing the report.

6 MR. JENSEN: Thank you.

7 DR. MURRAY: Any other comments from  
8 the audience? No more comments. Diane?

9 CHAIR BURMAN: No I think that's great,  
10 thank you. So we don't need to take a vote per  
11 se, right now correct? On tasks?

12 DR. MURRAY: Could you repeat that one  
13 more time?

14 CHAIR BURMAN: You're not taking a  
15 formal vote right now, correct?

16 MR. JENSEN: No. It was my  
17 perspective when we first submitted this  
18 document, or wrote this document, that we would  
19 have to take a vote in order to be able to submit  
20 this report to the Reporting Division, the  
21 Reporting Committee, in order to start the  
22 process.

1           Since we now, you know, are empowered  
2           to submit that information to the Reporting  
3           Committee, we intend to do that but with a status  
4           of not yet approved.

5           CHAIR BURMAN: Okay. That sounds  
6           great. And now before we go to our preparatory  
7           discussion, which will be rather quick, we have  
8           the Mission and Objectives report that I think,  
9           Dan, I think based on Walter's sort of looking at  
10          all the other committees -- and they are kind of  
11          taking, you know, taking comments, and looking at  
12          it, and figuring out what needs to move forward  
13          and get more direction -- do you feel comfortable  
14          in working with the different subcommittees and  
15          not necessarily taking a specific formal vote on  
16          everything within general framework of where we  
17          are?

18          MR. COTE: I do, Christie. I'm good  
19          --- I'm sorry, Diane, I'm good with that. Just  
20          one comment. I mean, there were three or four  
21          areas that were particularly highlighted that I  
22          would like to cull out very, very quickly.



1 CHAIR BURMAN: Perfect.

2 MR. COTE: And so we're going start, I  
3 mean, most of these, there wasn't a lot of  
4 controversy on, honestly. There were only a  
5 handful, about five, where we either specifically  
6 said we'd drop them or modify them extensively.

7 We're going to start our reports on  
8 the basis of the ones that were not particularly  
9 controversial or where, in discussion, we changed  
10 a word or two. So I just want to do those really  
11 quickly.

12 You know, on Chapter 1, we're dropping  
13 one. Two and three, with two there was a minor  
14 comment, "Make it clear in the text if VIS  
15 recommendations are not accepted another  
16 structure will be created." We're going to  
17 include that as a working activity to include  
18 that extra structure. That's pretty much taken  
19 care of.

20 Three, you know, just talked about  
21 that. Four, big department formation that we  
22 talked about with the Board, PHMSA, the Issues

1 Committees, and the third party provider, pretty  
2 clearly that structure was not challenged  
3 significantly, a good deal of discussion when we  
4 got to the detail. But those all flew.

5 Obviously, being under PHMSA was a  
6 recommendation that we wrote and supported that  
7 legal vision of that. So we can certainly work  
8 with that.

9 Joint co-chairs between PHMSA and  
10 industry were not challenged. You know, adding  
11 public advocacy groups, clearly stated public  
12 advocacy groups to the Board along with all those  
13 other members, you know, pretty clearly a  
14 clarification. So most of that was simply  
15 clarification.

16 Executive Board meeting at regular  
17 intervals, again, all of that flew. Issues  
18 analysis teams, certainly we need to tweak those  
19 and tweak the solid lines, and the dotted lines  
20 in the org chart. We got all of that, you know,  
21 including recommendations and lessons learned in  
22 terms of what the issues analysis team is going

1 to recommend to the VIS Board. Again, you know,  
2 just very straight forward.

3 A lot of controversy, a lot of  
4 discussion around the analysis performed by the  
5 issues analysis teams, whether they get scrubbed  
6 or non-scrubbed data.

7 Certainly, we need to work that  
8 further and need to do so with the input of the  
9 information sharing team and the legal team. And  
10 so we'll do that as a separate task. And  
11 clearly, that wasn't quite ready for prime time.  
12 So we'll do a little more on that.

13 You know, the third party data  
14 provider and that interaction between do they  
15 provide scrubbed or non-scrubbed data to the  
16 information sharing teams, to the --- I'm sorry -  
17 -- to the issues analysis teams, clearly we know  
18 that we need to refine that.

19 You know, a third party data provider  
20 will be the only entity that accesses all the  
21 data. I think it continues to exist but may be  
22 tweaked based on exactly what level of other data

1 we want to share.

2           And we're still waiting for  
3 recommendations, honestly, from the information  
4 sharing team on how many gradients of data do we  
5 need to appropriately share with the various  
6 parties and what that looks like. And then we'll  
7 simply formulate governance recommendations to  
8 reflect that.

9           The one big area that we still ---  
10 that's still open for me, and I'd like a little  
11 direction right now, is we went through that  
12 extensive discussion with the legal team. We  
13 know we need a couple of arrows in the quiver in  
14 case the legislation doesn't pass.

15           So my sense of that discussion was  
16 Chapter 6, data confidentiality, we changed  
17 those "may" statements to "would" to, you know,  
18 get that confidentiality piece clearly  
19 established in contracts and with the individuals  
20 as opposed to "may."

21           But my sense of that discussion is now  
22 we need to include these, because we want two

1 options. One is the PHMSA --- one is the  
2 recommendation on PHMSA and federal legislation  
3 flies untouched, in which case this may later be  
4 redundant, but if it doesn't we clearly need to  
5 establish that for a non-governmental  
6 organization who may take this.

7 So, you know, again that went pretty  
8 quickly but I think, succinctly, the documents  
9 where we stand --- is everyone more or less good  
10 in principle with that?

11 Comment, John?

12 MR. MACNEILL: I just said go back on  
13 the issue analysis themes. I'd just like to  
14 recommend that we put somebody from Labor on that  
15 group. I see who you've got on there.

16 MR. COTE: I understand. And we  
17 certainly don't object to that.

18 MR. MACNEILL: Okay.

19 MR. COTE: Or if the committee, or  
20 subcommittee does decide they object, we'll talk  
21 it through and circle back. But we'll have a  
22 reason. I didn't hear anything in the discussion

1 that would suggest we're not comfortable with it.

2 MR. MACNEILL: Okay, thank you.

3 MR. COTE: Mark? What are you doing?

4 (Simultaneous speaking.)

5 MR. HERETH: Really. Well, I, like

6 Randy, am here all night if we need to.

7 MR. COTE: Let me know how it goes for  
8 you guys.

9 (Laughter.)

10 MR. HERETH: Oh, the things we'll do  
11 with governance. I just want to reiterate that  
12 it sounds like the path we're going now, at least  
13 for some foreseeable future, is that we're going  
14 to keep --- we're going to pursue a PHMSA  
15 legislative driven, appropriated funded,  
16 authorized option. But we could also have an  
17 option that would be an alternative route.

18 MR. COTE: Exactly.

19 MR. HERETH: If we're going to go in  
20 that direction.

21 MR. COTE: And we will build those  
22 structures with the governance ---

1           MR. HERETH: The way we're writing it  
2 up will reflect that we could go either way.

3           MR. COTE: We'll have a clear  
4 recommendation, don't misunderstand. But yes, we  
5 would have the flexibility to go either way.

6           MR. HERETH: You were doing really  
7 well ---

8           (Laughter.)

9           MR. LAMONT: It's the fork in the  
10 road.

11          MR. COTE: Yes, the fork in the road.

12          CHAIR BURMAN: So are we good now to  
13 move forward into our quick wrap-up and next step  
14 prep-work?

15          DR. MURRAY: Any heads up?

16          MR. COTE: Please.

17          DR. MURRAY: Yes. If not the ---

18          (Off-record comments.)

19          DR. MURRAY: So I will be brief. One,  
20 a key takeaway for me just from listening today,  
21 there's got to be a lot of voting going on in  
22 October. So these recommendations, it was great

1 having a preview to them and great discussion.

2 And with that being said, Hung, if you  
3 could go to the next slide. So here are some of  
4 the upcoming dates. We still need to decide  
5 where we're going to meet in October. I'll talk  
6 about that in a second. But November 8th and 9th  
7 is locked in and so is December 18th and 19th.  
8 Both openings will be here, probably in this  
9 room.

10 Next slide. So two things, one, Diane  
11 and I recommend an administrative meeting  
12 sometime in September. Those are the dates that  
13 I'm recommending we look at, and I can send out  
14 an email to see if there's any major concerns  
15 with that, or if you have any, email me. That  
16 would be even quicker if you have any conflicts  
17 that you need me to be aware of.

18 The second bullet, possible dates for  
19 the October virtual/face-to-face meeting. Green,  
20 in green I'm highlighting October 2nd or 3rd. If  
21 we wait until --- these dates were based on when  
22 Alan and Diane were available. And I tried to



1 narrow it down.

2 (Off-record comments.)

3 DR. MURRAY: Well, that's the part  
4 about virtual/ -- so if he's unable to make it in  
5 person for constraint reasons, then this still  
6 accommodates that.

7 October 2nd and 3rd would be my  
8 recommendation. Because it gives the committee  
9 time to flush out issues before the November 8th  
10 meeting.

11 We wait until the end of October,  
12 you're talking about one or two weeks in between.  
13 So I don't know if there's any major opposition  
14 to either one of those dates. If it is, please  
15 be ---

16 CHAIR BURMAN: I prefer the earlier  
17 date if possible.

18 DR. MURRAY: No for Walter?

19 MR. JONES: Yes, definitely.

20 MR. MACNEILL: Yes. I'm not available  
21 either for any of those dates.

22 DR. MURRAY: Any of them?

1 MR. MACNEILL: No, not unless you ---

2 MR. JONES: I probably could make the  
3 later one. But the second and third, I can't.

4 DR. MURRAY: Well, keep in mind it's  
5 going to be virtual too. So if you can't make  
6 the whole thing ---

7 MR. JONES: I can't make ---

8 DR. MURRAY: You may be able to make a  
9 subcommittee.

10 MR. JONES: Well ---

11 DR. MURRAY: A smaller session.

12 MR. JONES: We have a conference. And  
13 that means I'll be stuffing bags and, giving out  
14 popcorn, and handing out bags, you know, all  
15 kinds of things.

16 MR. PARKER: Walter, you can just give  
17 me your reports.

18 MR. MACNEILL: All right.

19 DR. MURRAY: And what I would ask is  
20 that if you're unable to make any of the meetings  
21 moving forward, since we're sending out the  
22 recommendation report a week in advance, that you

1 review it and send your committee chair any major  
2 concerns you have prior to the meeting.

3 I doubt that we're going to get 100  
4 percent participation between now and December.  
5 So at best, we're hoping to get majority. And  
6 everybody's input is most certainly valuable, but  
7 it's just in an effort to keep things moving.

8 MR. COTE: Christie, just a heads up  
9 that I cannot do the second because of a state  
10 board in Virginia that I'm on. And there's a  
11 board meeting but the third works.

12 DR. MURRAY: Okay. So there's a few  
13 conflicts, and we'll get back to everybody on  
14 what that looks like.

15 Okay. Next item, I'm sorry, at the  
16 bottom of that slide, I think at our next meeting  
17 it will resemble what we did today with hopefully  
18 more voting.

19 We will take the action to consolidate  
20 the recommendations so that you have it in  
21 advance to be able to come to the meeting and be  
22 able to have a concise conversation around them

1 and deal with any gaps that may still exist, or  
2 clarifications. But we're going to do more  
3 report outs with voting of recommendations and  
4 have the draft report to also get feedback on.

5 Anything else the committee believes  
6 needs to be discussed at the next two meetings,  
7 October and November?

8 (No audible response.)

9 DR. MURRAY: Okay, this is as quiet as  
10 everybody's been all day.

11 CHAIR BURMAN: The only thing I do want  
12 to flag is I am sensitive to the comment that was  
13 made in the beginning of the meeting on the first  
14 question from the audience about getting some,  
15 you know, some ability to have some input from  
16 those folks who will be interested in the draft  
17 report.

18 DR. MURRAY: Understood. And I made a  
19 note of that on the action items to make sure  
20 that we include that as a part of the process.  
21 Thank you for that.

22 Next slide, so these are just action

1 items I've captured, we said we wanted to hold  
2 the October meeting. We'll consolidate the  
3 recommendations from the subcommittees and have  
4 them for the October meeting.

5 To Diane's point, make sure we ensure  
6 the public has an opportunity to review and  
7 comment. We'll take a look at that. At a  
8 minimum, we'll make sure we provide the draft  
9 report when we send it out to the committee, also  
10 put it on the meeting page and maybe even look at  
11 some other ways to disseminate and get comments.  
12 But I'm not clear about how that'll look yet.  
13 And we'll take it for action.

14 And I think -- I don't know if there's  
15 anything else, but maybe another slide, Hung.  
16 Just some key dates for the committee to  
17 remember, dates in which to have your  
18 subcommittee report submitted or listed. I'm not  
19 going to read them all in detail, but they're  
20 here. And then the Recording Subcommittee has  
21 some deadlines to meet once they receive that  
22 information.

1                   And then finally, these are the dates  
2                   at the bottom. Once we have draft reports, that  
3                   the parent committee will provide comments back.  
4                   And I believe that is all I have. Diane, do you  
5                   have any final closing remarks?

6                   CHAIR BURMAN: No, thank you. This  
7                   was very helpful. And I really appreciate  
8                   everybody's time and expertise in this. And  
9                   thank you for letting me chair this virtually and  
10                  we're only five minutes over so I'm happy.

11                  DR. MURRAY: Excellent. And we'll  
12                  make sure all of these presentations are on the  
13                  meeting registration page for those who like to  
14                  reference them.

15                  CHAIR BURMAN: Thank you.

16                  (Whereupon, the above-entitled matter  
17                  went off the record at 4:36 p.m.)  
18  
19  
20  
21  
22

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This is to certify that the foregoing transcript

In the matter of: Voluntary Information-Sharing System  
Working Group Meeting

Before: PHMSA

Date: 08-23-18

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
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Court Reporter

**NEAL R. GROSS**

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