

PHMSA Office of Pipeline Safety



OQ, Cost Recovery, Accident/Incident Notifications, and Other Pipeline Safety

NPRM Noticed: 7/10/15

**Pipeline Technical Advisory Committees
August 26, 2015**

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Overview of Updates

- **Section 13, 2011 Act** - allows recovery of costs for design/construction reviews and inspections
- **Section 9, 2011 Act** - requires a time limit for telephonic/electronic reporting of pipeline accidents/incidents
- **Referenced Standards Updates**
- **Integrity Management**
- **Operator Qualification**
 - **NTSB recommendation (P-12-8)** – extend OQ to control center staff involved in operational decisions
- **Definitions**
- **Drug Testing**

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§ 190.341 – Special Permits

- **Proposed rule changes and additions:**
 - Apply for renewal 180 days before the permit expires
 - Permit renewal procedures
 - Operational, integrity or environmental assessment information for renewal
 - Associate Administrator may grant the application, for a **period of time** from the date the request is granted.
- **Existing special permit will remain in effect until PHMSA takes action on the application for renewal.**
- **§ 190.343** – Request for Confidential Treatment of Special Permit or Renewal Information



§ 190.401-.411 – Cost Recovery for Design Reviews

- **Background** - **Section 13 of the 2011 Act** allows PHMSA to prescribe a fee structure and assessment methodology to recover costs associated with design reviews for:
 - design and construction costs totaling at **least \$2,500,000,000**,
 - new or novel technologies or design, as determined by the Secretary
- **Subpart D - Cost Recovery for Design Reviews:**
 - 190.401 Scope.
 - 190.403 Applicability.
 - 190.405 Notification.
 - 190.407 Master Agreement.
 - 190.409 Fee Structure.
 - 190.411 Procedures for Billing and Payment of Fee.

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§ 190.409/411 – Fee Structure and Billing and Payment Fee

- **Fee charges will be based on:**
 - direct costs for the facility design safety review (including construction review and inspections).
- Costs for billing purposes are determined from the best available PHMSA records.



§ 190.3/191.3 – Definitions

- **§ 190.3** –
 - ***New and novel technologies*** means any products, designs, materials, testing, construction, inspection, or operational procedures that are not addressed in Title 49 CFR Parts 192, 193, or 195, due to technology or design advances and innovation.
- **§ 191.3** –
 - **Confirmed discovery** means there is sufficient information to determine that a reportable event may have occurred even if an evaluation has not been completed.



§ 191.5 / 195.52 – Immediate Notice of Certain Incidents

- **Reporting as follows:**
 - Earliest practicable moment following discovery, **but no later than one hour after confirmed discovery**
 - Amount of product loss
 - **Within 48 hours after the confirmed discovery of an incident, revise or confirm the initial telephonic notice**
 - revised estimate of the amount of product released,
 - estimate of the number of fatalities and injuries, and
 - all other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages.
 - If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report.

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§ 191.22 / 195.64 - National Registry of Pipeline and LNG Operators

- **Notification to PHMSA by Operator 60-days before these events occur:**
 - Construction of 10 or more miles of a new or **replacement pipeline**
 - **Reversal of product flow direction** when the reversal is expected to last more than 30 days. This notification is not required for pipeline systems already designed for bi-directional flow
 - **A pipeline converted for service** under § 192.14/195.5, or a change in commodity as reported on the annual report.

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§ 192.9 What requirements apply to gathering lines?

- **Type A lines - Onshore Gathering must:**
 - An operator must establish and implement **an operator qualification program** in accordance with Subpart N of this part.
- **Type B lines - Onshore Gathering must:**
 - Establish and implement an **operator qualification program** in accordance with Subpart N of this part.
- Establish an operator qualification program within **one year after publication of a final rule** for Type A & B lines



§ 192.14/ § 195.5 Conversion to Service

- Operator converting a pipeline from service not previously covered by this part must **notify PHMSA 60 days before the conversion occurs** as required by § 191.22 / 195.64

§ 192.175 Pipe-type & bottle-type holders

- Each pipe-type or bottle-type holder must have minimum clearance from other holders in accordance with the following **formula update for metrics (error)**



§ 192.225/195.214 Welding Procedures

- Welding must be performed by a qualified welder or welding operator in accordance with welding procedures qualified under section 5, section 12, Appendix A or **Appendix B** of API Standard 1104.

§ 192.227 /195.222 Welders

-each welder or welding operator must be qualified in accordance with section 6, section 12, Appendix A or **Appendix B** of API Standard 1104.



§ 192.631/195.446

Control Room Management

- **(b) Roles and Responsibilities: Operator must define: (new)**
 - (5) The roles, responsibilities and qualifications of others with the **authority to direct or supersede** the specific technical actions of a controller.
- **(h) Training**
 - (6) **Control room team training and exercises** that include both controllers and other individuals who would reasonably be expected to interact with controllers (control room personnel) during normal, abnormal or emergency situations.



§ 192.740 Pressure regulating, limiting, and overpressure protection for individual service lines originating on production, gathering, or transmission pipelines

- For an individual service line that originates from a transmission, gathering, or production pipeline (i.e., a **farm tap**), and to revise § 192.1003 to **exclude farm taps from the requirements of the Distribution Integrity Management Program (DIMP)**.
- **§ 192.740**
 - Each pressure regulating/limiting device, relief device, automatic shutoff device, and associated equipment must be **inspected and tested at least once every 3 calendar years**, not exceeding 39 months



§ 192.801/.803/195.503 Operator Qualification

- **Defined :**

- Adversely affects; Direct and observe; Emergency response tasks; Knowledge, skills, and abilities; Qualified; Safety or integrity; Significant changes; Span of control
- **Covered task** - activity identified by the operator that affects the safety or integrity of the pipeline facility. A covered task includes, but is not limited to, the performance of any operations, maintenance, **construction** or emergency response

- **New or updates:**

- **§ 192.805/195.505 – Qualification Program**
- **§ 192.807/195.507 – Program Effectiveness (new)**
- **§ 192.809/195.509 - Recordkeeping**

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OQ - Major Proposed Changes Parts 192 and 195

1. Change OQ rule in §192.801 and §195.501 from “4-part test” to any activity identified by the operator that affects the safety or integrity of the pipeline facility.
 - Includes performance of operations, maintenance, construction or emergency response tasks.
2. Added “Program effectiveness” to ensure that operators review effectiveness of their OQ program.
3. Added record requirements to support thorough inspections of OQ programs.



OQ - Proposed Changes

4. Add a new subparagraph addressing **management of change and the communication of those changes**.
5. Modify Sections 192.9 and 195.11 to require operators to establish and administer an **OQ program covering personnel** who perform work on regulated Type B onshore **gas gathering lines**, Type A gas gathering lines in Class 2 locations, and regulated hazardous liquids gathering lines in rural locations.



Reason for Proposed OQ Changes

- Address gaps in ASME B31Q-2010
- Ensure covered tasks include **all tasks that can affect pipeline safety or integrity and personnel performing these tasks are qualified**
- Address issues being discovered on new pipeline construction
- Operators' management of change consider OQ
- Add clarity to existing regulations

Improve OQ, Eliminate Job Performance Errors, and Reduce Incidents/Accidents

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§ 199.105/.117/.119/.225/.227/.229

Drug and Alcohol Tests

- **Required in Part 199**

- Operator but must be based on **specific information** that the covered employee's performance had no role in the cause of the accident (NTSB P-11-12)
- retention of samples and additional testing in Part 199
- electronic reporting of drug and alcohol testing results in Part 199
- **keep for at least 3 years a record** of the reason why post-accident drug and alcohol test was not conducted and making other minor and administrative changes



§ 195.452(c) and (j)– Integrity Management

- **(c) Baseline assessment plan and**
- **(j) (5)(i) Assessment Methods**
 - In-Line Inspection tool or tools capable of detecting corrosion, cracks, and deformation anomalies including dents, gouges and grooves. **When performing an assessment using an In-Line Inspection Tool, an operator must comply with § 195.591 (API 1163; ANSI/ASNT ILI-PQ; NACE SP0102)**



§ 195.588 – What standards apply to direct assessment?

- **Requires stress corrosion cracking (SCC) direct assessment plan**
 - Data gathering and integration
 - Indirect inspection requirements
 - Direct examination
 - Remediation and mitigation
 - Non-significant SCC - defined
 - Significant SCC - defined
 - Post assessment requirements



Other Proposed Part 195 Rules

1. § 195.2 – Definitions:

- Confirmed discovery; ILI; ILI Tool; Significant SCC

2. § 195.3 - Incorporating consensus standards by reference in Part 195 for:

- API 1163-2005; ANSI/ASNT ILI-PQ-2010; NACE SP0102-2010; NACE SP0204-2008

3. § 195.11 – required: establish and implement an operator qualification program for rural gathering lines

4. § 195.120 – Passage of In-Line Inspection Tools

- Added: NACE SP0102-2010-Section 10

5. § 195.591 – When conducting ILI comply with

- API 1163; ANSI/ASNT ILI-PQ; and NACE SP0102





Thank you

US DOT / PHMSA

