

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

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LIQUID AND GAS PIPELINE ADVISORY COMMITTEE
JOINT MEETING

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THURSDAY, OCTOBER 21, 2021

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The Advisory Committee met via
Videoconference, at 10:30 a.m. EDT, Diane Burman,
Chair, presiding.

GAS PIPELINE ADVISORY COMMITTEE MEMBERS PRESENT
HON. DIANE BURMAN, New York State Public Service
Commission

HON. DAVID W. DANNER, Washington Utilities and
Transportation Commission

W. JONATHAN AIREY, Vorys, Sater, Seymour, and
Pease, LLP

RONALD A. BRADLEY, PECO

PETER A. CHACE, Public Utilities Commission of
Ohio

J. ANDREW DRAKE, PE, Enbridge Gas and
Transmission and Midstream

ROBERT W. HILL, Brookings County Zoning and
Drainage

SARA W. LONGAN, Alaska Department of Natural
Resources

SARA ROLLET GOSMAN, Pipeline Safety Trust;
University of Arkansas School of Law

TERRY L. TURPIN, Federal Energy Regulatory
Commission

RICHARD H. WORSINGER, Wilson Energy

CHAD J. ZAMARIN, The Williams Companies, Inc.

LIQUID PIPELINE ADVISORY COMMITTEE MEMBERS
PRESENT

HON. DIANE BURMAN, New York State Public Service
Commission

GRAHAM BACON, Enterprise Products Partners, L.P.

DAVID BARNETT, United Association of Plumbers
and Pipefitters

JERRY BARNHILL, DCP Midstream

BILL CARAM, Pipeline Safety Trust

TODD DENTON, Phillips 66 Pipeline LLC

ANGELA KOLAR, Colonial Pipeline Company

SHAWN LYON, Marathon Pipe Line, LLC

SARA MAGRUDER LYLE, Common Ground Alliance

JON WOLFGRAM, Minnesota Department of Public
Safety

PHMSA STAFF PRESENT

ALAN MAYBERRY, Associate Administrator for
Pipeline Safety; Designated Federal
Official

AMY ALLEN, Technical Writer

GREG PUTH, Pipeline Inspector, Eastern Region

JOSHUA JOHNSON, Materials Engineer, Engineering
and Research Division

JOHN GALE, Director, Office of Standards and
Rulemaking

ZAID OBEIDI, General Engineer, Engineering and
Research Division

GERY BAUMAN, Inspector, Accident Investigation
Division

ROB BURROUGH, Director, Pipeline Eastern Region

CAMERON SATTERTHWAITE, Office of Standards and
Rulemaking

MAX KIEBA, Supervisor, Engineering and Research
Division

MASSOUD TAHAMTANI, Deputy Assistant Administrator

TODD DELVECCHIO, General Engineer, Operations and
Standards Review Division

JEFFREY GILLIAM, Sr. General Engineer, Pipeline
Western Region

STEVE NANNEY, Senior Technical Advisor,
Engineering and Research Division

JAMES URISKO, Director, Pipeline Southern Region

KAREN BUTLER, Operations Supervisor, Pipeline
Central Region

ALSO PRESENT

ROBERT BENEDICT, AFPM

ERIN MURPHY, Environmental Defense Fund

DAVID MURK, American Petroleum Institute

CHRISTIE MURRAY, Ph.D., ROSEN Group

ALTON PAYNE, BSEE

JORGE SALAZAR, SoCalGas

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

2 (10:35 a.m.)

3 MR. MAYBERRY: Okay, good morning.

4 For those of you who joined us yesterday, welcome
5 back. We appreciate your participation. And for
6 those of you who are new, welcome and thank you
7 for attending this joint meeting of the Gas and
8 Liquid Advisory Committees. I'm Allen Mayberry,
9 Associate Administrator for Pipeline Safety and
10 the designated federal official for the Gas
11 Pipeline Advisory Committee and the Liquid
12 Pipeline Advisory Committee. And I'll be serving
13 as the presiding official for this meeting. I'd
14 like to introduce our chairperson for this
15 meeting, the honorable Diane Burman who is a
16 Commissioner for the New York State Public
17 Service Commission.

18 As is customary, we'll start this
19 meeting with a brief safety moment. And those of
20 you who were here yesterday, you heard this. But
21 it is a reminder that October is National Fire
22 Safety month. And it's in recognition of, you

1 know, the need to be prepared and to prevent the
2 loss of life. I didn't mention this yesterday,
3 but actually it's notable they occur in October
4 because that's when the great Fire of Chicago
5 occurred way back in 1871.

6 There is a presidential proclamation
7 by Presidential Biden naming October National
8 Fire Safety Month. And in particular, Fire
9 Prevention Week October 3 through 9. It's a good
10 time of the year as many people do or maintain
11 the practice of changing their batteries in their
12 smoke detectors. Usually it's customary for that
13 to occur when the time change, changes for many
14 of us. And I know that's coming up here in early
15 November.

16 And also of note -- and I only learned
17 this recently, but very important is smoke
18 detectors tend to only last ten years -- they're
19 only guaranteed for ten years. So it's important
20 to change those out after ten years. So a
21 reminder for that as well.

22 With that, that includes the safety

1 minute. Before we get started, I'll go through a
2 couple of housekeeping items. You know, this is
3 a virtual meeting and not all participants will
4 have full access or controls for providing
5 comments. While committee members have full
6 participation access, public participants will be
7 provided the opportunity to comment and ask
8 questions at allotted times. If you're not
9 presenting or speaking, please mute your
10 microphone to minimize disruptions. And if
11 necessary, take a moment now to check that you're
12 muted.

13 We ask that you hold any comments
14 until we open the floor for discussion. For
15 member of the public, when you're acknowledged,
16 please limit your comments to two minutes or
17 less. And if necessary, the Chairperson may ask
18 you to cut your comment short to keep the agenda
19 moving. You can also submit comments under the
20 meeting docket in writing. And the doc number is
21 PHMSA -- that's PHMSA-2021-0069. So PHMSA-2021-
22 0069.

1 A transcript of the meeting will be
2 available to the public in the public docket.
3 The PHMSA meeting page as well two or three weeks
4 after the meeting. In an effort to maintain
5 order and decorum in the schedule throughout the
6 meeting, we ask that both committee members and
7 the public adhere to these basic rules. Please
8 do not delay or disrupt the meeting, whether by
9 conversing separately during proceedings or by
10 causing other disruptions. Do not interrupt
11 speakers or presenters. Please follow the
12 instructions of the Chairperson and the presiding
13 officer. And please know that anyone who
14 disrupts the meeting will be disconnected.

15 Now that covers our housekeeping and
16 I thank you for your attention and adherence.
17 Before I turn it over to the Chairperson, I'd
18 like to address the matter of the standards we
19 incorporate by reference, which is the topic of
20 today's meeting and vote on the number of
21 standards that you'll hear about in a bit from
22 the staff. (Telephonic interference) when to

1 address a concern is often raised about the
2 availability of standards. And I wanted to just
3 go over a couple of items of interest related to
4 that.

5 Most notably a number of years ago, we
6 had elevated the stature of this process within
7 the Office of Pipeline Safety. And we currently
8 have a senior level person who administers the
9 process of keeping track of standards and that's
10 Mr. Rod Seeley who works with us out of Houston,
11 Texas. And so it's very important to us because
12 as you may know, incorporating by reference of
13 standards is sort of Plan A of rulemaking. It's,
14 you know, why we invent the wheel. Let's
15 incorporate by reference standards. And it's a
16 function that we take seriously and so we have a
17 senior level person handling it.

18 But I wanted to highlight a couple of
19 points of note related to this. First, in the
20 Pipeline Safety Act of 2011, there was a Section
21 24 provision that required PHMSA to not adopt any
22 standard that was not made available to the

1 public free of charge on an internet website.

2 And that was a requirement that came out of the
3 2011 Act.

4 A little bit later -- a couple years
5 later in 2013 under another law, that language
6 was revised slightly. And it was changed to say
7 that we may not issue a regulation pursuant to
8 this chapter that incorporates by reference, any
9 documents or portions thereof unless the
10 documents or portions there were made available
11 to the public free of charge. You see the nuance
12 there? You know, the initial statute said "on
13 the internet". This one took that wording out.

14 But to that end and to the changed
15 wording, we did work with -- you know, regardless
16 of the 2013 change, we did work with Standards
17 Developing Organization or SDOs to make available
18 the standards for the public. And there are
19 numerous examples. As you know, we incorporate
20 by reference a number of standards by different
21 organizations including American Petroleum
22 Institute, American Gas Association, ASTM

1 International, The American Society for
2 Nondestructive Testing, the Gas Technology
3 Institute, The Manufacturer Standardization
4 Society of the Valve and Fittings Industry, Mace
5 International, The National Fire Protection
6 Association, and the Plastic Pipe Institute.

7 We worked with all those
8 organizations. And today we've been unable to
9 obtain an agreement with one major SDO and that's
10 ASME. However, ASME does make standards
11 associated with proposed rules available to the
12 public during open comment periods. And also to
13 address Section 24, PHMSA does provide physical
14 copies to the public upon request using a library
15 style format. For access to standards, including
16 those from ASME, we can email PHMSA at email
17 address: Phmsaphstandards@dot.gov. That's
18 Phmsaphstandards@dot.gov to request a copy.

19 PHMSA will not adopt standards that we
20 are unable to provide to the public for free.
21 And we're very serious about complying with that.
22 And believe that, you know, making these

1 available obviously is following through on our
2 commitment to be transparent with the process of
3 adopting rules. And in this case, adopting
4 standards.

5 I'd be glad to talk further as we go.
6 I know as Cameron gets into the presentation, we
7 can talk a bit further about that if you have any
8 questions. But at this point, I'll give the
9 microphone over to our Chairperson, Commissioner
10 Burman, so Diane.

11 CHAIR BURMAN: Hello. Thank you so
12 much. Thank you, everyone for being here
13 virtually. My name is Diane Burman. I'm the
14 Commissioner of the New York State Public Service
15 Commission. I've been serving on the commission
16 since 2013. And I'm also a member of both GPAC
17 and LPAC. And I will serve as chairperson for
18 this meeting.

19 I hereby call this meeting of the
20 Joint Gas and Liquid Pipeline Advisory Committees
21 to order. This is the second day of a two-day
22 joint meeting. Yesterday we had a full day of

1 substantive discussions on numerous issues of
2 importance to the committees work related to
3 advancing pipeline safety and the protection of
4 our environment. No votes were taken on any item
5 that we discussed yesterday. We will likely be
6 taking votes today.

7 We were honored to have yesterday,
8 Acting PHMSA Administrator, Tristan Brown with us
9 to kick off the meeting. We focused on a lot of
10 core issues throughout the day. It boiled down
11 to one, how do we incorporate the new statutory
12 obligations to compliment the other aspects of
13 PHMSA's jurisdiction? Two, how do we collaborate
14 and engage to ensure more productive action of an
15 alignment with other ongoing efforts, not only
16 with PHMSA and GPAC and LPAC, but other entities.
17 Three, how do we ensure the public is benefitted
18 from all of this collective -- these collective
19 efforts?

20 Next, we need to be cognizant of
21 thoughtful, regulatory, oversight and not decide
22 things within a vacuum and look to how to best

1 engage on that. And then a focus on a reminder
2 of the past work that's been done by both
3 committees. And looking back, especially at some
4 of the transcripts, but also those who are
5 engaged in the details at the time of coming up
6 with helpful recommendations. And then the
7 actions and directives that were taken as we move
8 forward in looking to implement, we should not
9 forget that hard work. And also we should not
10 forget that, that collaboration can be even more
11 important as we seek to implement.

12 This meeting is being recorded and a
13 transcript will be produced for the record.
14 Dylan is our Court Reporter. And Dylan, if you
15 are not able to hear us, please don't hesitate to
16 speak up and interrupt. The transcript and the
17 presentations will be available on the Meetings
18 page of the PHMSA website, primis.phmsa.dot.gov.
19 And on the eGov docket on regulations.gov. The
20 docket number for this meeting is PHMSA-2021-
21 0069.

22 Before we get started, I have a few

1 reminders for members, presenters, and the
2 public. Remember to introduce yourselves,
3 stating your name, your title, or your
4 organization, as well as whether you sit on GPAC
5 or on LPAC each time you speak so that your
6 comments are properly recorded in the transcript
7 for this meeting. Additionally, members should
8 hit "raise hand" on Microsoft Team to alert us
9 that they wish to make a comment, have a
10 question, or if they need our attention.

11 I'd like to take this opportunity to
12 conduct roll call. And I call upon Amy Allen if
13 she would be willing to do that.

14 MS. ALLEN: Thank you. I will now
15 take the roll call for GPAC. If you are present,
16 please say "here". Diane Burman.

17 CHAIR BURMAN: Here.

18 MS. ALLEN: Peter A. Chase.

19 MR. CHACE: Here.

20 MS. ALLEN: David Danner.

21 MR. DANNER: Here.

22 MS. ALLEN: Sara Longan.

1 DR. LONGAN: Good morning, here.

2 MS. ALLEN: Terry Turpin.

3 MR. TURPIN: Here.

4 MS. ALLEN: Ronald Bradley.

5 MR. BRADLEY: I'm here.

6 MS. ALLEN: Andrew Drake.

7 MR. DRAKE: Here.

8 MS. ALLEN: Richard Worsinger. Chad

9 Zamarin.

10 MR. ZAMARIN: Here.

11 MS. ALLEN: Jonathan Airey. Michael

12 Balboni. Mark Brownstein. Sara Rollet Gosman.

13 Robert Hill.

14 MR. R. HILL: Here.

15 MS. ALLEN: All right. We have nine

16 total attendees for GPAC. It looks like we have

17 a quorum. I will now take the roll call for

18 LPAC. If you are present, please say "here".

19 Jeffrey Lantz. Jon Wolfgram.

20 MR. WOLFGRAM: Here.

21 MS. ALLEN: Diane Burman.

22 CHAIR BURMAN: Here.

1 MS. ALLEN: Graham Bacon.

2 MR. BACON: Here.

3 MS. ALLEN: Jerry Barnhill.

4 MR. BLANC: Here.

5 MS. ALLEN: Angela Kolar.

6 MS. KOLAR: Here.

7 MS. ALLEN: Todd Denton.

8 MR. DENTON: I'm here.

9 MS. ALLEN: Oh, okay. Thank you.

10 Shawn Lyon.

11 MR. LYON: Here.

12 MS. ALLEN: Lanny Armstrong. David

13 Barnett.

14 MR. BARNETT: Here.

15 MS. ALLEN: Chuck Lesniak. Sara

16 Magruder Lyle.

17 MS. MAGRUDER: Good morning, here.

18 MS. ALLEN: Bill Caram.

19 MR. CARAM: Here.

20 MS. ALLEN: We have ten people here

21 for the LPAC. It looks like we have a quorum.

22 CHAIR BURMAN: Great. Thank you so

1 much. I do want to -- I think I see a hand
2 raised, John. John Gale, I think you had your
3 hand raised.

4 MR. GALE: Yes. Thank you, Madam
5 Chair. I think I see two members' names
6 virtually. I just want to give them a second
7 chance to say that they're here. Sara Gosman,
8 are you there, ma'am?

9 MS. GOSMAN: I am. Can you hear me?

10 MR. GALE: Yes, thank you.

11 MS. GOSMAN: Okay. Sorry.

12 MR. GALE: Thank you very much. And
13 John Airey, are you there, sir? If we don't hear
14 you, could you maybe at least raise your hand?

15 MR. AIREY: I'm here. I'm here.

16 MR. GALE: All right, very good.
17 Thank you very much.

18 CHAIR BURMAN: Great. And I see
19 Ronald Bradley also has his hand raised. Ronald.

20 MR. BRADLEY: I just wanted to be sure
21 I was heard. I had some trouble with my mute
22 button.

1 CHAIR BURMAN: Okay, great.

2 (Simultaneous speaking.)

3 CHAIR BURMAN: All right, excellent.

4 So I think we got everyone and now we have quorum
5 for both GPAC and LPAC. And we're going to
6 proceed now to the agenda review. I wonder if
7 John if you would be so kind as to give a summary
8 of our agenda.

9 MR. GALE: Sure, Madam Chair. Good
10 morning, everyone. It's a very straightforward
11 agenda today. Basically it's the statutory work
12 of the committees is what we're focusing on
13 today, which is one of our notices of proposed
14 rulemaking, which is our periodic updates of
15 regulatory references to technical standards or
16 the material we incorporate by reference. We
17 have Cameron Satterthwaite that will be leading
18 our discussion today. He is supported by
19 multiple subject matter experts in the different
20 areas. If matters come up that require their
21 attention, we'll be leaning on them if need be.
22 But we're optimistic that we'll be able to move

1 through the committee's work fairly efficiently
2 here today.

3 We have approximately seven votes, but
4 that's mainly due to the fact that each -- the
5 GPAC and LPAC have to vote separately on matters.
6 So sometimes it's duplicative in the votes, but
7 the discussions will all be held at one time. So
8 I'm looking forward to a good meeting, Madam
9 Chair. Thank you.

10 CHAIR BURMAN: Great, thank you so
11 much. Before we get now into the meat of the
12 meeting, does anyone have any questions or
13 comments before we start? I'll give just a few
14 seconds to see if anyone raises their hand.
15 Seeing none from GPAC or LPAC, I'll also move to
16 see if any of the attendees have any comments
17 before we begin. I will state we are -- we are
18 trying to be done no later than 3:00 p.m. I
19 don't believe we have lunch in here. Is that
20 correct?

21 MR. GALE: That is correct, ma'am.
22 We're trying to move forward without a lunch

1 break today. Obviously if things get hung up, if
2 matters require additional time, then we'll
3 reconsider that. But we're optimistic that we
4 can just move through this straight through.

5 CHAIR BURMAN: Great. So just people
6 keep that in mind. We'll be going straight
7 through. If for some reason, it becomes an
8 issue, we can also discuss that as well when we
9 have open for Q and A. Now I'm going to turn it
10 over to Cameron, I believe, for the agenda
11 briefing -- excuse me -- for the briefing on the
12 first item.

13 MR. SATTERTHWAITTE: Yeah, no worries.
14 All right, so we will go ahead and get right into
15 the presentation. And of course this is to
16 discuss the periodic standards update rule. And
17 that rule was published on January the 15th of
18 this year. We affectionately refer to it as
19 "Standards Update One." And that's primarily
20 because we have two rules that are in play. And
21 I'll get into that a little bit later. But you
22 know, this is just a one-off type thing. It's

1 not like we're going to start numbering our
2 standards update rules from here on out.

3 The comment period closed in March --
4 on March 16th. We proposed about 20 updates to
5 standards that are currently incorporated by
6 reference in our regulations. We also propose
7 some miscellaneous nonsubstantive edits as well.

8 Here is just a little bit of a layout
9 of a potential vote path forward. The first two
10 votes are going to be like on -- could be on the
11 proposed rule with the exception of some of the
12 items listed between vote items three through
13 five. But of course, it is at the discretion of
14 the committee to make any changes that you all
15 would like to make as far as the vote -- the vote
16 is concerned. This is just a recommended path
17 forward.

18 A little bit of a background and you
19 kind of heard some from Allen today and also from
20 John yesterday. I mean of course voluntary
21 standards are technical standards that are
22 developed or adopted by domestic and

1 international standard development organizations.
2 Every two to five years, these organizations use
3 agreed upon procedures to revise and update their
4 standards to reflect modern technology and
5 technology practices. New and updated standards
6 often incorporate new technologies and other
7 innovations that improve the safety and
8 operations of pipelines and pipelines facilities.
9 And of course, I am preaching to the choir as
10 many of you all are familiar with the process.

11 We incorporated about a little over 80
12 standards in our regulations, between Parts 192
13 and 195 and 193. We try to review newer
14 standards. Adopting the most recent standards of
15 course can improve regulatory certainty. And
16 particularly operators and other folks already
17 voluntarily comply with some of these standards.
18 The most recent update was published in January -
19 - on January 5th of 2015, so it has been a while.
20 There has been work that has gone on and I'll
21 leave it at that.

22 A little bit of additional background.

1 The National Technology Transfer and Advancement
2 Act of 1995 -- and this was a provision that
3 directed federal agencies to when practical and
4 consistent with applicable laws to try and use
5 technical standards that are developed by
6 voluntary consent standard bodies, instead of
7 government developed technical standards. I'm
8 just trying to give a little bit of a broad
9 impact as far as the use and development of
10 technical standards.

11 We have OMB Circular A-119 that talks
12 about federal participation in the development
13 and use of voluntary standards. And we see OMB
14 setting the policy for federal use and
15 development of voluntary consensus standards in
16 this circular.

17 And we get into Section 24 and this
18 gets into the language that Alan was sharing
19 earlier today. And you look at what was said in
20 the PIPES Act of 2000 -- Pipeline and Safety so
21 forth Act of 2011, which has that language
22 beginning "One year after the date of enactment

1 of this subsection, the Secretary may not issue
2 guidance or regulation pursuant to this chapter
3 that incorporates by reference any documents or
4 portions thereof unless the documents or portions
5 thereof are made available to the public free of
6 charge on an internet website." And this was
7 placed in our statute in Section 49 USC 601.02,
8 Paragraph P.

9 And like Alan mentioned, a couple
10 years later, the "one year" was removed and
11 "three years" was inserted and the guidance "or"
12 was removed and the "on an internet website" was
13 removed, which left us with basically that
14 "Beginning three years after the date of
15 enactment, the Secretary may not issue a
16 regulation pursuant to this chapter that
17 incorporates by reference any documents or
18 portions thereof unless the documents or portions
19 thereof are made available to the public free of
20 charge."

21 So just a note that, you know, this is
22 from that path forward. So at the time that this

1 was issued, you know, three years later if we
2 were to do any new rulemaking and try to
3 incorporate a standard, we needed to make sure
4 that, that standard was made available to the
5 public free of charge.

6 So in order to make that happen as
7 efficiently as possible, we negotiated agreements
8 with a number of standard development
9 organizations to provide viewable copies of
10 standards available to the public at no cost. So
11 we have quite a few that we have agreements with.
12 And a lot of them have set up like reading rooms
13 so that you can go to their reading room and you
14 can look at the standards that are incorporated
15 by reference. And you can see materials there.
16 A lot of times you're not allowed to print things
17 or you may not be able to download it, but you
18 can at least view it a lot of times there.

19 And in situations where, you know, we
20 weren't able to obtain certain agreements -- and
21 as Alan mentioned earlier with ASME -- However,
22 we have worked with ASME to allow -- you know,

1 they do post their -- the standards that we are
2 proposing that are associated with proposed
3 rules. So when we did the standards update rule,
4 we reached out to ASME and they made available
5 the standards that we were proposing in the
6 standards update rule. And thankfully, you know,
7 a lot of times they even make it available even
8 around the Advisory Committee meetings just to
9 make sure that -- just to help out there with
10 making sure the public and everyone are aware of
11 the materials that are being proposed.

12 In situations where, you know, we
13 don't have agreements in other areas, we try to -
14 - not try, we have established a system where
15 folks can give us a phone call or they can, you
16 know, send an email to the link that Alan
17 mentioned, which is specified here at
18 phmsaphstandards@dot.gov. And we will get -- if
19 you were to send an email there, we will get back
20 to you and give you a copy for a certain period
21 of time. And after you're done, you can send
22 that back. We have definitely made a commitment

1 as was specified earlier to not adopt standards
2 that we are unable to provide to the public for
3 free.

4 A little side note here, we
5 participate -- PHMSA participates in meetings
6 held by approximately 25 national standard
7 development organizations that run the gamut of
8 design, construction, maintenance, inspection,
9 operation, and repair. We attend meetings with
10 these standard development organizations to
11 ensure that the Agency's safety priorities are
12 considered. And to avoid the need to develop
13 separate government-unique standards. Our
14 participation on these standard development
15 organization meetings, does not imply that the
16 Agency agrees with or endorses all the decisions
17 reached by such organizations, which is a good
18 thing to keep in mind.

19 As I mentioned before, we are working
20 on another standards update rule. And you should
21 be seeing that coming out hopefully in the near
22 future. We're currently reviewing 20 standards

1 that will be in that -- a little over 20
2 standards that will be in that -- that should be
3 in that rule. And they will be similar to this
4 rule where we will try to address any other minor
5 or clarifying editorial changes in that
6 rulemaking.

7 And like John said, the process is
8 normally one in which this would be considered a
9 non-significant rule, which means that it would
10 not take the length of time that a standard-
11 significant rule would take, which would include
12 review not only by OST, but the Office of
13 Management and Budget as well. So a lot of times
14 when you have a non-significant rule, you don't
15 have to go through the process. And it saves a
16 lot of time and allows the information to get out
17 sooner.

18 Now we're going to go into the basic
19 proposed updates that were in the proposed rules.
20 In relation to Part 192, we proposed for
21 incorporation about 16 standards and pretty much,
22 these aren't new standards. Like I said, these

1 are updates. So a lot of these standards older
2 versions were in the regulations. And these are
3 basically updates to the standards that are
4 currently in the regulations. And so we have
5 things from API, ASME, manufacturers MFF, ASTM,
6 and NFPA.

7 In addition to that, there were some
8 editorial changes in Part 192 that were edited.
9 One change just clarified that operators of
10 liquefied petroleum gas facilities must only meet
11 the requirements of the NFPA standard that is
12 applicable to the type of facility they operate
13 based on the scope and applicability statement in
14 the standards. AGA suggested that we incorporate
15 the most recent by reference of suggested edits
16 to 192.11 to clarify the scope. And we followed
17 through with that.

18 Another revision modifies the minimal
19 wall thickness tables that are in Section 192.121
20 for plastic pipe that are made of polyethylene,
21 polyamide 11, and polyamide 12 to include
22 specifications for pipe with a copper tubing size

1 of 1-1/4 inch. And basically, you know, this was
2 in response to a request from stakeholders. We
3 did not have those sizes in there, but it was not
4 our intention to exclude them. And so therefore
5 we went ahead and added those in as an editorial
6 revision.

7 Also we updated some website
8 references in our regulations. We added a
9 definition for master meter systems that is
10 currently in Part 191. And we proposed to
11 include that in Part 192. There was some changes
12 to inactive numbers -- phone numbers, so we fixed
13 that, as well as fixed a couple of address
14 changes as well.

15 Moving onto Part 195. Here are the
16 standards that we propose for incorporation by
17 reference as far as updates to the standards that
18 are currently incorporated by a reference in Part
19 195. There's about 18 standards. Some of them
20 miscellaneous edits in Part 195 are similar to
21 what you just saw in Part 192. There were
22 website changes, phones -- you know, taking care

1 of inactive phone numbers, correcting certain
2 references and removing. Some phantom sections
3 or references that were in there that no longer
4 exist, so we just had to take care of that as
5 well.

6 So let's get into some of the comments
7 that we received. And overall, we got about 11
8 individuals and organizations that submitted
9 about eight comments. Of the eight comments, one
10 was anonymous. We had one from an individual.
11 We had a joint comment. And we had some other
12 organizations that filled out the remaining five.

13 We received a number of comments in
14 support of the rule. We had some concerns as far
15 as retroactivity. There was a no from -- comment
16 that we received from Alyeska who had some
17 concerns about Specification 6D and the use of
18 flange valves with intermediate pressure ratings
19 and some of the things that weren't being done.
20 They were concerned that there would be a need to
21 allow for legacy designs. Our basic response to
22 that is that the revisions or the updates will

1 apply to new construction and not to existing
2 pipelines.

3 We also received some general comments
4 and concerns about delayed applicability. There
5 was a request on the joint comments to delay the
6 implementation until after January 1st, 2022 of
7 certain standards, MSS SP-44. And our response
8 to that is basically at this point in time, it is
9 very unlikely that the rule will publish prior to
10 January 1, 2022. So we don't believe that will
11 be a -- be an issue as far as moving forward.

12 There were some -- There were some
13 comments about standards that were not proposed.
14 There was some requests to incorporate the second
15 edition of API RP-80, API RP-1181. Also updates
16 to API Standard 620, 650, and 653. Since we did
17 not propose those in the initial proposed rule,
18 we definitely will take note of those and a lot
19 of us, we've already -- you know, our subject
20 matter experts have already been reviewing
21 certain things. And we'll be looking to address
22 those standards sometime in the near future in

1 future rulemaking.

2 Another comment we received was one
3 from the joint comment that recommended that
4 PHMSA issue a standards update rule at least
5 every two years. And our note to that would be
6 yes, I mean we would love to, you know, try to
7 get it out as soon as we possibly can. We will
8 try to issue standards update rules as
9 efficiently as possible. I mean in our history,
10 you know, the past year notwithstanding, you
11 know, regardless of that, we try to do that every
12 like three to five years. Sometimes it can be
13 difficult getting rules through the process every
14 two years, but we'll definitely try to do it as
15 efficiently as we possibly can.

16 There was a joint comment that
17 recommended a correction that noted that one of
18 our currently incorporated by references was
19 inaccurate. That it was referenced as a third
20 edition in the list of IBR material, but it's
21 really still the first edition. And so we will
22 look to address that as an editorial change as

1 well moving forward.

2 We also received a comment in support
3 of an edit that we made to specify that either as
4 need be, ASME B16.5 or MSS SP-44 that complies
5 with 49 CFR 192.147(a). This is like a provision
6 where it says that you can use either/or. There
7 was a little bit of a confusion as far as this is
8 an "and" or, "or". In the proposed rule, we
9 specified that it was "or" and the joint comment
10 was in support of that. We wanted to make it
11 clear that, that should be an "or".

12 So that's pretty much it as far as the
13 first items that we are going to discuss. The
14 other items that we will discuss separately will
15 be 2350, B31.8S, and API RP 651. So we'll
16 discuss those coming up shortly. So we recommend
17 that a vote would occur to approve the proposed
18 rule including all the following standards that
19 are specified below.

20 And at this point, I'll turn it back
21 over to our Chair as we are at the point for the
22 public comments -- to receive any input from the

1 public before we move into the GPAC, LPAC
2 discussions. So with that said, I will mute
3 myself and I'll turn it over to the Chair.

4 CHAIR BURMAN: Great. Thank you so
5 much. I do see a hand raised from Rich. Rich,
6 did you have a comment or are you just letting us
7 know you're here?

8 MR. WORSINGER: Just letting you know,
9 Rich Worsinger, City of Wilson, GPAC member that
10 I have joined the call. Thanks, Diane.

11 CHAIR BURMAN: Okay, great. I will
12 open it up now if anyone from the public has any
13 comments before we move into the GPAC/LPAC
14 discussion. I see we have at least -- There was
15 one person. I don't know -- I don't see it
16 anymore. Okay, Jorge Salazar.

17 MR. SALAZAR: Hello. Hi, everyone.

18 CHAIR BURMAN: Hi.

19 MR. SALAZAR: I'm Jorge Salazar from
20 SoCalGas. I just wanted to make sure -- So API
21 RP-80, the version from 2020 is not going to make
22 it. It's going to be reviewed at a future time.

1 Correct?

2 CHAIR BURMAN: John, I see your hand
3 is up as well. John Gale.

4 MR. GALE: Yeah, this is John Gale
5 with PHMSA. That is correct, Jorge. In
6 actuality, a document like RP-80, right, dealing
7 with such a complex issue, that wouldn't be
8 appropriate for a standards update rule. That is
9 something that requires an initiation of
10 rulemaking dealing with gas gathering obviously.
11 Just like we've been dealing with gas gathering
12 in REN3 for, you know, almost ten years. So are
13 we going to be looking at RP-80 in the revisions?
14 For sure. Is it appropriate for a standards
15 update rule in the types of standards we look at
16 in that rulemaking? Not exactly, no.

17 MR. SALAZAR: Okay, thank you so much.

18 MR. GALE: Yes, Jorge. Bye bye.

19 CHAIR BURMAN: And if you can take
20 down your hand now, Jorge, that would be great.
21 Thank you, Mr. Salazar. I don't see -- Let me
22 just make sure. I don't see any other comments

1 from the public. I'm just making sure no one
2 else has any other comments. Okay, we're done at
3 this point for these public comments right now.

4 And I'll turn it now back over -- if
5 there are any questions or comments from the
6 Committee, GPAC or LPAC. Terry. Terry and then
7 Sara.

8 MR. TURPIN: Good morning. Can you
9 all hear me?

10 CHAIR BURMAN: Yes. And just a
11 reminder, say your name, your organization, and
12 whether you sit on GPAC or LPAC. Thank you.

13 MR. TURPIN: Sure. Terry Turpin with
14 FERC and I'm on the GPAC. So I have a question
15 or something that's sort of bothered me for years
16 trying to sort out in looking at these adopted
17 standards. It's not specific to any of these. I
18 think it's more of an overarching thing. I'd be
19 interested in hearing what the resolution is or
20 if it's something that could get looked into.

21 But one thing that I've come up
22 against is in looking at secondary references out

1 of these references -- so it's really clear when
2 PHMSA adopts a certain standard that it means
3 that standard. But I've yet to see an example
4 where the adopted standard doesn't itself
5 reference and adopt other standards. So how far
6 deep into that chain does the regulatory
7 structure go? And how are folks to know which of
8 the secondary references are actually also being
9 adopted by PHMSA and which aren't? Thanks.

10 CHAIR BURMAN: Okay. John, I think
11 you're going to answer that.

12 MR. GALE: Yes. Thank you, Madam
13 Chair. Yeah, John Gale, PHMSA. Thank you,
14 Terry. You know, Terry, that's an issue that the
15 Federal Register has tried to tackle themselves,
16 other federal agencies have tried to tackle. I
17 think it's an issue we have to continue to work
18 on. I agree 100 percent. As being federal, you
19 know, regulators, to try to adopt it here or try
20 to answer it here is something that's been
21 probably debated for a good 15 to 20 years. It
22 would be a bit of a challenge.

1 CHAIR BURMAN: Terry, do you have any
2 comments or further follow-up to the answer you
3 received?

4 MR. TURPIN: Terry Turpin for GPAC.
5 No, I mean I get that it's been worked on for a
6 long time. But I think we're all in the same
7 boat of still it's hard to leave it unresolved
8 when we do come up against those circumstances.
9 So I mean I guess it will have to be looked at on
10 case by cases. It's unfortunate that we have to
11 get to potentially -- that irregular entity has
12 to get to something -- you know, that level
13 equates to an enforcement action before finding
14 out whether or not they'd be subject to a
15 provision. That's all I've got. Thanks.

16 CHAIR BURMAN: I see Alan Mayberry,
17 you have your hand raised. And Alan and John, I
18 don't know if you have any follow-up for that.

19 MR. MAYBERRY: No. I was just going
20 to say -- Well first of all, Terry, good to see
21 you. I know why you brought that up. It's a
22 matter that we've dealt with together related to

1 (telephonic interference). But yeah, I think,
2 you know, currently it's really case by case.
3 But it is a larger matter for the federal
4 government to deal with that, you know, we'll
5 have to work on. Thanks.

6 CHAIR BURMAN: Great, thank you. And
7 now I'm going to go to Sara. Terry, your hand is
8 still up. You can put it down, same with Alan.
9 I'm going to go to Sara. I do recognize also
10 that there are some in the public that also may
11 have questions or comments too. So we'll monitor
12 that as well. Sara.

13 MS. GOSMAN: Can you hear me okay?

14 CHAIR BURMAN: Yes, perfect.

15 MS. GOSMAN: Good. All right. So I'm
16 Sara Gosman with the Pipeline Safety Trust and
17 the University of Arkansas School of Law. And
18 I'm on GPAC. So I want to start by thanking
19 Associate Administrator, Alan Mayberry for his
20 comments this morning about the availability of
21 the standards for codes for incorporation. And I
22 also want to just recognize the difficulty here

1 in a world of private standards and concerns
2 about availability. But to be frank, I remain
3 concerned about the availability, specifically at
4 the ASME standards.

5 So the Pipeline Safety Act requires
6 PHMSA to make incorporated standards available to
7 the public free of charge. The Office of the
8 Federal Register also requires agencies such as
9 PHMSA to discuss in the preamble of the proposed
10 rule the way that the material that proposes to
11 incorporate by reference are reasonably available
12 to interested parties or how it works to make
13 those materials reasonably available to
14 interested parties.

15 I have no doubt that PHMSA works to
16 make these materials reasonably available to
17 interested parties. I'm not sure they are
18 reasonably available to interested parties. So
19 in the preamble to the proposed rule we're
20 considering today, PHMSA stated that it had come
21 to an agreement with all the standard setting
22 organizations except ASME to make the standards

1 viewable online. As I understand it, the only
2 way that a member of the public can access the
3 incorporated ASME standards is to email PHMSA
4 with a request, provide a phone number and
5 physical address. And then PHMSA has to send a
6 copy of the standard by mail. The person then
7 has to return the standard within 30 days, but to
8 request an extension.

9 In this day and age, this is a very
10 parsimonious version of what it means to make
11 standards available to the public. I don't think
12 it should be PHMSA's responsibility to act as a
13 lending library for private standards that have
14 been incorporated by reference into public law.
15 I recognize that the law does not require
16 standards to be made available online, but the
17 reality is that public laws and regulations are
18 all available online and this is how the public
19 accesses them. A purely democratic and
20 transparent regulatory process makes it possible
21 for members of the public to understand what the
22 law is.

1 I'd also note that the consensus of
2 the industry appears to be to make standards
3 viewable online. In fact, the American National
4 Standards Institute lists 28 standard-setting
5 organizations that make their standards viewable
6 online. These include organizations of
7 engineers. So I'm troubled by the fact that a
8 standard-setting organization such as ASME is not
9 abiding by this standard-setting consensus,
10 right, of these other organizations.

11 So I'd like to propose some vote
12 language to address this concern. I want to note
13 at the beginning here that I am not saying that
14 we should not vote -- I certainly am not prepared
15 to vote against a corporation just full-stop
16 based on these concerns. But I think we need to
17 move forward to try to address this problem. So
18 the vote language that I am proposing is what --
19 is what I think is a good compromise here.

20 So the language is this: "The
21 committee requests that PHMSA work with the
22 Pipeline Advisory Committees and other pipeline

1 Safety representatives to establish an agreement
2 with ASME similar to the ones that have concluded
3 with the other standard-setting organizations to
4 provide viewable copies of the standards that are
5 incorporated by reference in the Federal Pipeline
6 Safety Regulations available on the internet for
7 free to the general public." And thank you for
8 letting me say my piece.

9 CHAIR BURMAN: Thank you so much,
10 Sara. John, I see your hand is up.

11 MR. GALE: Yes. Thank you, Madam
12 Chair. Sara, if you could do me a big favor and
13 email me that language and we'll be working
14 behind the scenes when it's time to look at a
15 vote.

16 MS. GOSMAN: Great. I will.

17 MR. GALE: Thank you.

18 CHAIR BURMAN: Okay, great. And Sara,
19 if you can just put your hand down unless you
20 have any other comments. Okay, great. Anyone
21 else in GPAC or LPAC? Chad.

22 MR. ZAMARIN: Thanks. Chad Zamarin,

1 GPAC with William Companies. I just want to
2 support Sara's comments. I do have a question.
3 I'm curious, can PHMSA provide any insight into
4 the conversations that have been had with ASME
5 and what -- Is there a clear concern that's been
6 raised on why they can't come up with a way to
7 allow access to the standards via the internet
8 even in an more muted fashion that just -- you
9 know. I think many of the standards
10 organizations have figured out ways to limit the
11 broad distribution of their standards, but also
12 allow internet access. Any additional color on
13 why ASME has not been willing to do that so far?

14 CHAIR BURMAN: Any comments from PHMSA
15 in response to Chad's question?

16 MR. SATTERTHWAITE: Cameron
17 Satterthwaite, PHMSA. Sorry, should I raise my
18 hand? Sorry about that, Madam Chair. Can I
19 speak?

20 CHAIR BURMAN: Yeah, sure. Just say
21 your name for the record.

22 MR. SATTERTHWAITE: No worries. All

1 right, Cameron Satterthwaite, PHMSA. I really
2 just want to make a note that in working with
3 ASME that during the proposed rule, they make it
4 available online. And that when we get requests
5 during the proposed periods, we will -- you know,
6 as people contact us, we can forward the links
7 out that they provide to us during the proposed
8 aspect of it. As far as why they don't allow it
9 once the documents are incorporated by a
10 reference, I don't have a direct answer on that.
11 I just wanted to make a note of the availability
12 that they provide while it's out for comment. If
13 anybody else wants to add onto to that from
14 PHMSA.

15 CHAIR BURMAN: Alan Mayberry, I see
16 your hand is up.

17 MR. MAYBERRY: Yeah. I just want to
18 add -- And sorry if I missed it, Cameron, but
19 Chad, some of the -- really the main reason is
20 just the business model of ASME relies heavily
21 on, you know, this revenue center for them --
22 revenue stream related to standards. And that

1 really gets to the crux of the issue with ASME in
2 particular.

3 MR. GALE: And if I might add, Madam
4 Chair. I think one of the things to take into
5 account is, you know, we worked with these SDOs.
6 It's been several years. This is really the
7 first rule in where we're getting close to
8 adoption of an edit in a final rule where we
9 looked at the ASMEs issue. The ASME issue has
10 finally reared its head. But since then, right,
11 like Chad has said, a lot of these other agencies
12 -- API and others have come up with methods to
13 control it. And what we need to do is re-engage
14 with ASME. Then hopefully, you know, there's
15 technologies available now that they will feel
16 comfortable releasing their documents in a manner
17 that they don't think that their copyrights are
18 infringed upon. So I think it's time to re-
19 engage.

20 CHAIR BURMAN: Great. And Chad, I'm
21 going to come back to you. But I'm going to go
22 to Sara first since the question or the comment

1 you raised related to Sara's initial question and
2 comment. So Sara, if you want to -- if this is
3 related to what we're talking about, I just want
4 to give you the opportunity.

5 MS. GOSMAN: Oh, thank you very much.
6 So thank you, Chad. And you know, I think just
7 in response to this issue of making it available
8 during the proposed rulemaking, to me that is
9 very important. I agree. I mean the only way
10 that people can participate in a proposed
11 rulemaking, go through the comments and have
12 meaningful opportunity to engage and comment is
13 to be able to see the standards.

14 I guess, you know, beyond that point,
15 once we incorporate those standards into law, I
16 think that -- you know, that is the place that
17 I'm thinking about right now. And the public
18 still has a very important interest in being able
19 to view these standards and know what the law
20 says. And we've essentially taken, you know, a
21 private product here and we have made it into a
22 public law. And I think because of that, we need

1 to work on making these available to the public
2 and the way that the public accesses the law
3 these days, which is absolutely online.

4 CHAIR BURMAN: Okay, great. Chad, do
5 you have anything else to add that you may wish
6 to at this time related to this?

7 MR. ZAMARIN: No, I'm good. Thank
8 you.

9 CHAIR BURMAN: Okay, great. I do see
10 Alan Mayberry's hand raised and then Rich I will
11 -- and John and then I will get to Rich. Alan.

12 MR. MAYBERRY: Yeah, I just
13 appreciated the discussion there. And Sara, I
14 think -- I know we're open to going back again
15 and working out -- you know, maybe there's
16 something else we can do with -- John had
17 mentioned, you know, maybe the technology
18 changes. So I think we can work with that.
19 Thanks.

20 CHAIR BURMAN: Okay. And John Gale,
21 do you want to comment before we go to Rich?

22 MR. GALE: Yeah, just a real quick

1 process question. Sara, I'm assuming you'd want
2 that language added to any of the votes that deal
3 with an ASME standard. Is that a fair statement?

4 MS. GOSMAN: Yes, that's correct.

5 MR. GALE: And just to be clear for
6 reference, Sara is with the GPAC. Is there a
7 recommendation to add that language to any LPAC
8 votes that deal with an ASME standard?

9 MS. GOSMAN: Right. So that would
10 have to come from an LPAC member.

11 MR. GALE: Yeah. Mmm hmm.

12 CHAIR BURMAN: Okay, so --

13 MR. GALE: And we can get that after
14 Rich talks though.

15 CHAIR BURMAN: Right. So we'll make
16 sure to address that issue. Thank you, Sara. We
17 do have a number of people. We're going to go to
18 Rich, then David, then Bill. And then we also --
19 I am cognizant that I did see a couple hands go
20 up in the public, so I will circle back after the
21 GPAC and LPAC have discussed. So now it's Rich.

22 MR. WORSINGER: Thank you, Diane. I

1 want to --

2 CHAIR BURMAN: And just remember --

3 MR. WORSINGER: Rich Worsinger --

4 Sorry, Rich Worsinger, city of Wilson, GPAC

5 member. I want to commend Sara for pointing this

6 out. I fully support her. You know, in addition

7 to the public, there are many small operators of

8 gas systems with, you know, less than 1,000

9 customers. So this is a cost burden for them

10 also. And I appreciate Alan and John's response.

11 And I urge them to definitely work with ASME to

12 resolve this issue going forward. Thanks again,

13 Sara.

14 CHAIR BURMAN: Okay, thank you. Does

15 anyone from PHMSA or Sara have any comments for

16 Rich or Chad since it was related to that same

17 question before we go on to David, then Bill?

18 Hearing now -- Oh, Sara.

19 MS. GOSMAN: Oh, just a thank you. I

20 appreciate that. And I hadn't thought about that

21 angle, but I think it's very important.

22 CHAIR BURMAN: Okay, great. Thank

1 you. All right, now we're to go to David and
2 Bill and I am cognizant that there's a number of
3 people in the public as well and we will get to
4 you. David.

5 MR. BARNETT: Yes, thank you very
6 much. And Sara, thank you for bringing that to
7 our attention. That's a very important matter
8 that quite frankly I wasn't completely aware of
9 that it was that kind of a path that had to be
10 taken to get that information. So it's a great
11 item to put on. And I would like to recommend as
12 an LPAC member, David Barnett, LPAC member,
13 United Association, I would recommend that the
14 same language be adopted in all our votes today
15 to include Sara's recommendation and the drafted
16 language that PHMSA is able to draft for our
17 votes. Thank you.

18 CHAIR BURMAN: Great. And I am
19 cognizant of when we put up the votes, we're
20 going to need to have people make votes and
21 seconding the votes before we go. So just to be
22 clear right now, we're not taking any vote, we're

1 just taking recommendations to that. But we will
2 get to the vote taking. Before we move on to
3 Bill, does anyone have any comments that were
4 raised from what David just said from PHMSA --
5 Sara and Chad and I'll also include Rich as a
6 part of the discussion too.

7 Okay. Hearing none, we'll go to Bill.
8 And David if you could put your hand down, that
9 would be great.

10 MR. CARAM: Hi. This is Bill Caram
11 with the Pipeline Safety Trust and a member of
12 LPAC. I was going to do what Dave just did and
13 recommend the language Sara proposed to also be
14 added to any LPAC motion. So thank you, Dave.
15 And yeah, just want to fully support everything
16 that Sara said -- her full argument. We feel
17 very strongly about this.

18 You know, we're talking about adopting
19 something into law that needs to be available in
20 the way that the other standards are. So I would
21 even go as far to say that if PHMSA is not able
22 to come to an agreement with ASME in the future

1 that we wouldn't be able to support those
2 adoptions in the future. So thank you.

3 CHAIR BURMAN: Okay. Thank you so
4 much, Bill. Does anyone on GPAC or LPAC have any
5 comments on this issue before we move to the
6 public? John, I see your hand is up.

7 MR. GALE: Yes. Thank you, Madam
8 Chair. John Gale with PHMSA again. Yeah, just
9 one other comment would be is, you know, this may
10 work for some of the smaller ASME standards but
11 we're currently taking at the look at the boiling
12 pressure vessel codes. And using this lottery
13 type system for those would definitely be a
14 challenge just to let the Committee know that.

15 CHAIR BURMAN: Okay, great. Before we
16 move to the public on this issue, does anyone
17 from GPAC or LPAC have any other comments to add
18 to this part of the discussion? Seeing none, I'm
19 going to move to the public now on this issue.
20 Christie Murray -- Dr. Christie Murray was first
21 there and then we're going to go to Erin Murphy.
22 So Dr. Murray.

1 DR. MURRAY: Hello and thank you. I'm
2 Christie Murray with the Rosen Group. And my
3 question is -- I think this is a relevant
4 conversation on how to make available standards.
5 Is there any news currently or should there be to
6 provide some analytics on the type of views and
7 downloads that are being seen currently with
8 standards or moving forward just to be able to
9 make better decision making in terms of the
10 amount of access that may be needed? Thank you.

11 CHAIR BURMAN: Okay. Does anyone from
12 PHMSA want to address that? And thank you for
13 your comments and questions. John Gale.

14 MR. GALE: Thank you, Madam Chair and
15 Dr. Murray, it's good to see you. You know, Dr.
16 Murray, I think there isn't any, but I think as
17 we work with ASME, I think we also need -- I
18 think it should be incumbent and put on our
19 shoulders -- PHMSAs shoulders to take a look at
20 how the (telephonic interference) is provided.
21 And making sure the access, you know, to the
22 average general public person is reasonable.

1 Right? If something doesn't require digging past
2 ten pages of website addresses to find, that it's
3 readily available. And that an average person
4 can view and see them. And if we don't think
5 it's occurring, we need to work with those SDOs
6 to get them up to par where those SDOs are doing
7 a good job of it. Thank you for that comment.

8 CHAIR BURMAN: Great. Dr. Murray,
9 before we move to Erin, do you have any follow-up
10 to that or are you comfortable?

11 DR. MURRAY: My only follow-up is, you
12 know, John Gale, this is -- if you're going to go
13 back and talk to some of the FDOs, maybe put the
14 onus on them or request that they provide some
15 analytics on what they are seeing currently. So
16 that, you know, you can bring that back to say
17 we're, you know, seeing X number or these are
18 the, you know, type of -- or the volume that
19 we're seeing that's in question. Having a little
20 bit more data to support than providing them for
21 free long-term or not. But giving a sense of
22 what the volume is.

1 MR. GALE: Great point, Dr. Murray.

2 Thank you.

3 CHAIR BURMAN: Great. And that was
4 John Gale who just responded -- thank you -- from
5 PHMSA. All right, now we're going to move to
6 Erin Murphy and then we'll go back to see if
7 there are any other questions. So Erin, thank
8 you.

9 MR. MEYER: This is Erin Murphy with
10 Environmental Defense Fund. I wanted to just
11 speak and thank Sara Gosman and Pipeline Safety
12 Trust for elevating this important issue. EDF
13 also supports the principle of transparency
14 associated with these standards. And I think
15 Sara made these points really well, so I won't
16 try to repeat them. But you know, in our view,
17 the availability of these standards both at the
18 proposal stage and after proposal once they're
19 incorporated are equally important for ensuring
20 public access and transparency.

21 I would also say that, you know, in
22 our view in this day and age, if something isn't

1 accessible online, it's not really truly
2 publically accessible. And so, you know, making
3 these available on an online format seems like a
4 really high priority here. I regret that Mark
5 Brownstein with EDF who's on the GPAC wasn't able
6 to make it today. But I did want to make that
7 point on behalf of EDF. Thanks.

8 CHAIR BURMAN: Thank you so much,
9 Erin. Does anyone have any comments to what Erin
10 said from PHMSA? I think it's duly noted that
11 it's consistent what everyone else has said. And
12 thank you very much for adding your voice, Erin,
13 and EDFs.

14 We also have Alton Payne from the
15 public. Alton.

16 MR. PAYNE: Yes. I'm Alton Payne. I
17 am the Chief of the Standards Development Section
18 over at BSEE and formally worked for PHMSA. So I
19 have a lot of good friends there. There are two
20 issues that have come up that we grapple with.
21 One is this standards availability. But in BSEE,
22 we put the onerous on the SDO to make it

1 available in their reading room, which complies
2 with what my understanding of the legal standard
3 is that it's got to be reasonably accessible.

4 And the SDOs have been quite good. I
5 know that for example, API had buried their
6 reading room link to such an extent that even the
7 folks in our standards -- in our Regulations
8 Development Section couldn't find it. And when
9 we complained, they put a link in there up front
10 that allowed people to get to it. So I do think
11 we need to put some pressure on the SDOs.

12 The other think that came up, which I
13 would really like more discussion on is the
14 normative references issue, which was brought up
15 by a gentleman earlier and we grapple with that.
16 And that is a huge issue because I think most
17 SDOs -- we have 125 standards incorporated by
18 reference. We use ten different SDOs in those
19 125 standards. We have literally hundreds of
20 normative references sited in those 125
21 standards. How to deal with those is really
22 important to the public and really important for

1 BSEE. The way we have dealt with is two ways;
2 one is we would like to do what the SDOs do,
3 which is if it's normative, it's required.

4 It is a mandatory requirement and it
5 doesn't matter how many levels those normative
6 references go, they're required. Of course
7 that's really a problem, so one of the things
8 that BSSE is trying now is we evaluate in our
9 rulemaking which standards we're going to
10 incorporate. Then we look at the normative
11 references. And if there's normative references
12 that we believe -- that we believe that we may
13 need to enforce, then we also incorporate the
14 normative reference. And that's the way we'd
15 handle it. But I would love to have more
16 conversation on that. Thank you.

17 CHAIR BURMAN: Thank you. Does anyone
18 have any comments to that? John Gale. John
19 Gale.

20 MR. GALE: Yeah. Thank you, Madam
21 Chair. This is John Gale with PHMSA. PHMSA has
22 no comments on that. Thank you.

1 CHAIR BURMAN: Okay, great. Alton,
2 are you okay with -- anything else to add before
3 we move on?

4 MR. PAYNE: No, I would have liked to
5 have stirred up more descent, but I'm good with
6 that.

7 CHAIR BURMAN: Okay, thanks. Anybody
8 else have any comments on this issue in GPAC or
9 LPAC or in the public? Okay moving on from that
10 -- and I appreciate everyone's input -- Dave
11 Danner.

12 MR. DANNER: I just wanted to ask.
13 We're going to have more discussion on this when
14 we see the language that Sara's sharing with
15 John.

16 CHAIR BURMAN: Yes.

17 MR. DANNER: All right.

18 CHAIR BURMAN: And Alton, if you can
19 put down your hand, that would be great. Okay.
20 Does anybody else have any other -- in GPAC or
21 LPAC have any other comments that they wish to
22 make on this or any other issue that we may be

1 voting on today? Okay, I see nothing from GPAC
2 or LPAC and I see no hands raised from the
3 public. Again, giving an opportunity to raise
4 any other issue as related to what we will
5 potentially be voting on.

6 Okay, I'm going to turn it now back to
7 PHMSA if we need to have further discussion
8 and/or now get to our steps before we vote.

9 MR. SATTERTHWAITE: Cameron
10 Satterthwaite, PHMSA. So up on the screen -- and
11 I only do this for this one because this is our
12 first vote for a little while. I just put a
13 little bit of background on committee action. So
14 I'm just going to go through this and the next
15 slide real quick.

16 So basically committees are to
17 consider each proposed natural gas --

18 CHAIR BURMAN: Cameron, I just see it
19 says, "GPAC/LPAC discussion, proposed rule." Is
20 that the slide you want or is there another
21 slide?

22 MR. SATTERTHWAITE: It should be

1 showing "Committee Action" right now. So maybe I
2 have a slight delay.

3 MR. GALE: I'm seeing "Committee
4 Action", Cam.

5 CHAIR BURMAN: All right.

6 MS. ALLEN: Yeah, I am as well.

7 CHAIR BURMAN: All right. For some
8 reason, I'm not, but okay.

9 MR. SATTERTHWAITE: Okay. Let me --
10 I'll move it --

11 MR. BARNETT: I'm not seeing it
12 either.

13 CHAIR BURMAN: Okay. Now I'm seeing
14 it. If anyone can't see it, please raise your
15 hand so we know. Right now, it looks like it's
16 open. Dave Barnett, are you raising your hand?
17 Can you not see it?

18 MR. BARNETT: I cannot see it. I'm
19 still on the discussion slide. Does everyone
20 else have it? It might just be my delay.

21 CHAIR BURMAN: I have it. I don't see
22 any other hands up.

1 MR. BARNETT: Okay. I have it on my
2 other iPad here. I can go along.

3 CHAIR BURMAN: Okay, great. Thank
4 you. Okay, back to you Cameron.

5 MR. SATTERTHWAITE: Okay. Cameron
6 Satterthwaite, PHMSA. So basically committees
7 are to consider each proposed natural gas or has
8 liquid pipeline standard published in the Federal
9 Register including new standards and amendments
10 and existing standards for technical feasibility,
11 reasonableness, cost effectiveness, and
12 practicability. The committee action is to
13 consider the proposed rule and the draft
14 regulatory evaluation.

15 Each committee will vote separately on
16 the proposed rule and identify recommended
17 changes, if any. Each motion should include
18 terminology from the statute to indicate that the
19 committee has carried out its responsibilities.
20 So a lot of the draft language -- draft vote
21 language will have that language in there.

22 Go to the next slide. When the

1 committee must make a decision or recommendation,
2 the Chair will request a motion for a vote. Any
3 member, including the Chair may make a motion for
4 a vote. A quorum is required for a vote. And
5 just as a note, a majority of current members of
6 the committee must be present at the meeting to
7 perform the statutory duties, which we do have.
8 So that's not an issue.

9 And that kind of leads into the vote.
10 And we'll start off with the GPAC if that's okay.
11 And I will put up the --

12 CHAIR BURMAN: Before we go, does
13 anyone have any questions on the procedure? John
14 Gale, PHMSA.

15 MR. GALE: Yes. Thank you, Madam
16 Chair. John Gale, PHMSA. Cam, it just might be
17 helpful if you just go up one slide just to
18 refresh the committee members' memory of what
19 standards and changes we're looking at. Cam, did
20 we lose -- did we lose your presentation?

21 MR. SATTERTHWAITTE: No, we had
22 switched over, but I'm going to --

1 (Simultaneous speaking.)

2 MR. SATTERTHWAITE: I feel like the
3 Wizard of Oz back here, Madam Chair.

4 CHAIR BURMAN: Thank you.

5 MR. SATTERTHWAITE: Just to make it
6 easier, this shows what's being voted on right
7 now. And this lists out -- this slide lists out
8 the standards. I think you all got this in
9 advance. For the GPAC, we're looking at the
10 things that are for Part 192 and including a
11 summary of the miscellaneous amendments as well.

12 When we get to the liquefied, I have
13 a similar slide to that. But just to jump and it
14 will look like this.

15 CHAIR BURMAN: So let's take a pause
16 here if you put up that slide that John asked
17 for.

18 MR. SATTERTHWAITE: This one right
19 here.

20 CHAIR BURMAN: Yeah. So before we
21 move on, I ask two things. One, if anyone has
22 any questions on the process, just know that for

1 GPAC and LPAC, we will have to be voting
2 separately. Most of it will be similar, but
3 there will be differences because it's GPAC and
4 LPAC just in the technicality. As we go forward,
5 I think there's about seven votes that
6 collectively the committee will be taking. But I
7 do want to open it up, seeing now this slide, if
8 anyone has any specific questions or further
9 clarifications at this time.

10 Obviously when we get to the vote, we
11 can just go into more detail as well. But I do
12 want to give people an opportunity before we move
13 forward. I see none from GPAC or LPAC. Making
14 sure no one has any questions. And now I'm going
15 to go to -- Dave Danner.

16 MR. DANNER: Yeah, I just wanted to
17 ask. I mean --

18 (Simultaneous speaking.)

19 CHAIR BURMAN: State which committee
20 you're on and where you're from.

21 MR. DANNER: Oh, thank you. I'm
22 sorry. I'm Dave Danner. I'm Chair of the

1 Washington Utilities and Transportation
2 Commission and I'm a member of GPAC.

3 CHAIR BURMAN: Thank you.

4 MR. DANNER: The list of standards for
5 this in Part 192 includes two ASME standards.
6 And I just was wondering if we are going to
7 include those here or are we going to pull them
8 out until we decide on language with regard to
9 ASME materials in general?

10 CHAIR BURMAN: And I see John Gale
11 from PHMSA, hand is raised. John. I think you
12 need to unmute.

13 MR. GALE: Thank you, Madam Chair and
14 thank you, Dave, for that question. This is John
15 Gale with PHMSA. Dave, what the recommendation
16 is -- again, it's just a recommendation. We're
17 going to -- We can go ahead and show the vote
18 language if we could. The vote would be to
19 include all of these standards, including the
20 ASME. But we have vote language here to add the
21 sentence that Member Gosman has recommended. So
22 it would be to adopt everything -- Again, this is

1 for Part 19 -- except for ASME 31.8S, which we're
2 going to discuss later. You know, everything
3 else affecting Part 192 and add in this statement
4 regarding working with ASME and the other
5 Pipeline Safety representatives to try to make
6 these available online for free.

7 MR. DANNER: All right. Thank you for
8 the clarification. I just wasn't sure what the
9 process was.

10 CHAIR BURMAN: Thank you, Dave for the
11 question. Does anybody else have any questions
12 related to the process or substantively before we
13 get into -- Sara Gosman, I see your hand is up.

14 MS. GOSMAN: Yeah, I'm happy to go
15 with any process that people think is the right
16 one. I was just trying to be as simple as
17 possible here. And I think it's clear that the
18 particular language only applies to the ASME
19 standards. But I'm open to changes that might
20 make that even clearer.

21 In terms of PHMSA language, Madam
22 Chair, do you want me to make a formal motion as

1 this time or do you want to have a discussion
2 about the language first? Just let me know what
3 you would like in terms of the procedure.

4 CHAIR BURMAN: Yeah. When we're ready
5 for the motion, I'm going to ask you to make the
6 motion --

7 MS. GOSMAN: Okay.

8 CHAIR BURMAN: - and then we'll have
9 someone second it. Most likely Chad since he was
10 the first to agree with you.

11 MS. GOSMAN: Okay.

12 CHAIR BURMAN: Okay. So right now,
13 I'm going to turn it back to the PHMSA staff for
14 the voting language before we move it to a
15 motion.

16 MR. GALE: Madam Chair, this is John
17 Gale. Would you like us to read the voting
18 language into the record?

19 CHAIR BURMAN: Yeah, I think it's
20 important to read it.

21 MR. GALE: Into the record, yeah.
22 Cam, you want to go ahead and take that?

1 MR. SATTERTHWAITE: Yeah, I'll take
2 care of that. So the language -- the recommended
3 GPAC voting language for this first vote is as
4 follows: "Regarding the standards and
5 miscellaneous amendments related to 49 CFR Part
6 192, except for issues related to ASME B31.8S,
7 the Pipeline Safety: Periodic Updates of
8 Regulatory References to Technical Standards and
9 Miscellaneous Amendments proposed rule and the
10 Draft Regulatory Evaluation as published in the
11 Federal Register are technically feasible,
12 reasonable, cost-effective, and practicable if
13 PHMSA works with the Pipeline Advisory Committees
14 and other Pipeline Safety representatives to
15 establish an agreement with ASME similar to the
16 ones it has concluded with the other standard-
17 setting organizations to provide viewable copies
18 of the standards that are incorporated by
19 reference in the Federal Pipeline Safety
20 Regulations available on the internet for free to
21 the general public." And that is the end of the
22 recommended vote language.

1 CHAIR BURMAN: Okay. Before we ask
2 for a motion, does anybody have any comment from
3 GPAC since this is a GPAC one -- anyone from
4 GPAC? Seeing none, I'm now going to ask anyone
5 from LPAC, even though you won't be voting on
6 this -- Wait, I see Dave and then Andy. So Dave
7 Danner and then Andy Drake.

8 MR. DANNER: Thank you. This is Dave
9 Danner, Chair of the Washington Utilities and
10 Transportation Commission and member of GPAC. So
11 I was looking at this and I think this is really
12 good. What is not here is either a sense of the
13 committee about the concerns that we have that
14 we're incorporating into regulation with the
15 force and effect of law, a standard that is hard
16 to find. And then also what is the contingency
17 if in fact no agreement with ASME can be reached?
18 Do we want to put them on notice that we may have
19 to take some kind of action in the future? And I
20 just throw that out for discussion.

21 CHAIR BURMAN: Okay, thank you very
22 much. We're going to listen to Andy and then

1 we'll have discussion on that. Andy Drake.

2 MR. DRAKE: I have a process question
3 I just want to think out loud about, Commissioner
4 Burman. This is Andy Drake with Enbridge on the
5 GPAC. Given this language, if we are unable to
6 reach an agreement with ASME that they invalidate
7 the vote on all of the standards that we're
8 voting on -- But would we be better -- if that's
9 the case, would we be better to isolate the ASME
10 standards to this language? I just want to think
11 out loud about that. Because if we're not able
12 to reach an agreement, does that invalidate the
13 entire vote?

14 CHAIR BURMAN: So before we go to Sara
15 and PHMSA and others, I do think that's a great
16 question. I think it's similar to what Dave
17 Danner on GPAC was also raising. If we remember
18 from the outset, Sara Gosman said that she was
19 not looking to vote no necessarily, but just
20 incorporating this was important.

21 I think the biggest issue for us is
22 the elephant in the room of what if there is no

1 agreement? What then is our intent in needing to
2 convey that? So with that, I'm going to open it
3 up to Sara Gosman. Again, remember to state who
4 you're here with and what committee you're on.
5 And then we'll also open it up for others to
6 talk. Sara.

7 MS. GOSMAN: Thanks. So this is Sara
8 Gosman with the Pipeline Safety Trust and
9 University of Arkansas School of Law on GPAC. So
10 my language is quite narrow. What it does is it
11 essentially says to PHMSA, go work with those
12 Pipeline Advisory Committees and with other
13 relevant pipeline safety representatives to try
14 to establish an agreement with ASME.

15 So the way that I drafted this
16 language was there's not a hammer at the end of
17 it. You know, I do think that it sends a message
18 to ASME that we are very concerned about this.
19 It's certainly the whole language of this
20 particular just conversation that we're having
21 right now sends that message too. It's certainly
22 something that I would want to raise in the next

1 round of IBRs if we're not able to resolve it.

2 But at this point, in terms of what
3 I'm proposing, I'm not proposing any (telephonic
4 interference) substantive action at the end. I'm
5 only proposing more procedure, along with, you
6 know, just -- What I hope that ASME understands
7 is the message about our concern.

8 CHAIR BURMAN: So just on that point,
9 Sara, I think then the language that might need
10 to be changed relates to "GPAC recommends that
11 PHMSA works with the Pipeline Advisory Committees
12 and other pipeline safety representatives with
13 the goal of establishing an agreement with" --
14 Because that, I think makes clear that it's --
15 perhaps it makes it clearer.

16 MS. GOSMAN: Thank you.

17 (Simultaneous speaking.)

18 CHAIR BURMAN: I think that once it's
19 up there, if you're okay with PHMSA staff
20 inserting that now for folks to see what that
21 looks like. "So GPAC recommends that PHMSA works
22 with the Pipeline Advisory Committees and other

1 pipeline safety representatives with the goal to
2 establish an agreement" -- If we add that
3 language, that may be helpful at least for us to
4 see it to see what needs to be changed.

5 I do think I saw Ron Bradley, I think
6 your hand was up. I'm not sure if you have any
7 other comments.

8 MR. BRADLEY: Ron Bradley from PECO,
9 GPAC. That's exactly where I was going. I think
10 that's where Sara's intention was and I like the
11 language.

12 The only other -- The only other thing
13 I have there is similar to the ones that have
14 concluded with the other standards setting
15 organizations. As long as it gets to the -- As
16 long as it allows those researching to be able to
17 find it simply, I'm fine. But this is much
18 better than the "if" statement that was there
19 before and I really like this language.

20 CHAIR BURMAN: Okay, great. So the
21 language has now been added in there. I'm going
22 to take a moment for folks to feel comfortable.

1 As for our record, I'm going to ask PHMSAs staff
2 to read the bullet that starts with "GPAC" just
3 so we have it in the record.

4 MR. SATTERTHWAITE: Okay. Cameron
5 Satterthwaite, PHMSA reading the second bullet.
6 "The GPAC recommends that PHMSA work with the
7 Pipeline Advisory Committees and other pipeline
8 safety representatives with the goal of
9 establishing an agreement with ASME similar to
10 the ones it has concluded with the other standard
11 setting organizations to provide viewable copies
12 of the standards that are incorporated by
13 reference in the Federal Pipeline Safety
14 Regulations available on the internet for free to
15 the general public." And that is the end.

16 CHAIR BURMAN: Thank you. So now I'm
17 going to turn it over -- Does anybody have any
18 questions or comments? Sara Gosman, your hand is
19 up so I'm going to see if you have any comments.
20 Again, remember to say who you're representing
21 and which committee you're on.

22 MS. GOSMAN: Okay. So Sara Gosman

1 with Pipeline Safety Trust and the University of
2 Arkansas School of Law and I'm on GPAC. I just
3 want to note here for the record that this
4 language is fine with me. It says what I wanted
5 to do in terms of my proposal.

6 CHAIR BURMAN: Any other members from
7 GPAC who have any comments or questions? Seeing
8 none, any members from LPAC even though you won't
9 be voting on this. We may be looking at it in
10 the next -- in the next round of voting. Do you
11 have any comments or questions? All right.
12 Seeing none, anyone from the public? I would
13 like to give you an opportunity. Seeing none,
14 we're going to now move -- I'm going to ask --
15 Unless PHMSA -- I'm assuming we're now ready to
16 take the first vote. All right. Hearing no --

17 (Simultaneous speaking.)

18 CHAIR BURMAN: All right, okay. Now
19 I'm going to turn it to -- Now I'm going to turn
20 it to Sara to make the motion for the first vote.

21 MS. GOSMAN: Sara Gosman of the
22 Pipeline Safety Trust and the University of

1 Arkansas School of Law with GPAC. I move that
2 the GPAC -- Sorry, I'm just blanking on how to do
3 this. All right, I move that the GPAC vote to
4 approve the standards and miscellaneous
5 amendments relating to 49 CFR Part 192, except
6 for issues related to ASME B31.8S, the Pipeline
7 safety periodic updates and regulatory references
8 for technical standards and miscellaneous
9 amendments, proposed rule, and a draft regulatory
10 evaluation as published in the Federal Register
11 are technically feasible, reasonable, cost-
12 effective, and practicable.

13 The GPAC recommends that PHMSA work
14 with the Pipeline Advisory Committees and other
15 pipeline safety representatives with the goal of
16 establishing an agreement with ASME similar to
17 the ones it has concluded with the other standard
18 setting organizations to provide viewable copies
19 of the standards that are incorporated by
20 reference in the Federal Pipeline Safety
21 Regulations available on the internet for free to
22 the general public.

1 CHAIR BURMAN: Great, thank you. I'm
2 going to now ask for someone to second it. I do
3 believe Chad --

4 MR. ZAMARIN: This is Chad Zamarin
5 with the Williams Company on Gas Pipeline
6 Advisory Committee. I second the motion.

7 CHAIR BURMAN: Great. Any discussion?
8 Seeing no discussion, I'm now going to open it
9 up. I'm going to ask for a vote. Do I turn it
10 back to Amy to do the roll call vote?

11 MR. SATTERTHWAITTE: Yes.

12 MS. ALLEN: Thank you. I will now --
13 (Simultaneous speaking.)

14 CHAIR BURMAN: And this is for GPAC.
15 So if you're not on GPAC, we won't be asking you
16 to vote.

17 MS. ALLEN: Thank you. This is Amy
18 Allen from PHMSA. I will now tally the votes for
19 this motion. This is the GPAC vote. So if you
20 are on GPAC and would like to vote for this
21 motion, please say "Yes" when I call your name.
22 Diane Burman.

1 CHAIR BURMAN: Yes.

2 MS. ALLEN: Peter Chace.

3 MR. CHACE: Yes.

4 MS. ALLEN: David Danner.

5 MR. DANNER: Yes.

6 MS. ALLEN: Sara Longan.

7 DR. LONGAN: Yes.

8 MS. ALLEN: Terry Turpin.

9 MR. TURPIN: Yes.

10 MS. ALLEN: Ronald Bradley.

11 MR. BRADLEY: Yes.

12 MS. ALLEN: Andrew Drake.

13 MR. DRAKE: Yes.

14 MS. ALLEN: Richard Worsinger.

15 MR. WORSINGER: Yes.

16 MS. ALLEN: Chad Zamarin.

17 MR. ZAMARIN: Yes.

18 MS. ALLEN: Jonathan Airey.

19 MR. AIREY: Yes.

20 MS. ALLEN: Michael Balboni. Mark
21 Brownstein. Sara Rollet Gosman.

22 MS. GOSMAN: Yes.

1 MS. ALLEN: Robert Hill.

2 MR. R. HILL: Yes.

3 MS. ALLEN: We have 12 votes for this
4 motion. The motion passes. I will not tally the
5 votes for this motion for the LPAC. If you are
6 in the LPAC --

7 MR. SATTERTHWAITE: Hold on one
8 second.

9 (Simultaneous speaking.)

10 MR. SATTERTHWAITE: No worries. When
11 we get to that, we'll call you back.

12 MS. ALLEN: I'm very sorry about that.

13 CHAIR BURMAN: So this language is
14 approved by GPAC. Thank you very much. Now
15 we're going to move on to the next, which is the
16 LPAC vote. Thank you, Amy.

17 MS. ALLEN: Sorry about that. Sorry.
18 Again, this Amy Allen with PHMSA.

19 (Simultaneous speaking.)

20 MR. SATTERTHWAITE: Not yet. Not yet.
21 Hold on one second. We're going to let --

22 (Simultaneous speaking.)

1 CHAIR BURMAN: So now this is the LPAC
2 language. And if someone from PHMSA could read
3 the language.

4 MR. SATTERTHWAITTE: Yes, I'll read it.
5 The language is as follows: "Regarding the
6 standards and miscellaneous amendments related to
7 49 CFR Part 195, except for the issues related to
8 API 2350 and API RP 651, the Pipeline Safety
9 periodic updates of regulatory references to
10 technical standards and miscellaneous amendments,
11 proposed rule, and the draft regulatory
12 evaluation as published in the Federal Register
13 are technically feasible, reasonable, cost-
14 effective, and practicable" --

15 I assume I'm going to read the second
16 bullet -- Oh, sorry. "The LPAC recommends that
17 PHMSA works with Pipeline Advisory Committees and
18 other pipeline safety representatives with the
19 goal of establishing an agreement with ASME
20 similar to the ones it has concluded with the
21 other standard setting organizations to provide
22 viewable copies of the standards that are

1 incorporated by reference in the Federal Pipeline
2 Safety Regulations available on the internet for
3 free to the general public." And that is the
4 end.

5 CHAIR BURMAN: Great. Before we move
6 for a motion, is there any discussion on what's
7 before us? I see none from LPAC. None from
8 GPAC. And none from the public. With that, I'm
9 going to ask an LPAC member to make a motion.
10 Dave Barnett.

11 MR. BARNETT: Yes. Dave Barnett,
12 United Association on the LPAC. I would like to
13 make a motion that the LPAC committee vote. And
14 recommend that we vote for the following
15 recommendation: Regarding the standards and
16 miscellaneous amendments related to 29 CFR Part
17 195, except for issues related to API 2350 and
18 API RP 651, the pipeline safety periodic updates
19 of regulatory references to technical standards
20 and miscellaneous amendments, proposed rule and
21 address regulatory evaluations as published in
22 the Federal Register are technically feasible,

1 reasonable, cost-effective and practicable.

2 The LPAC recommends that PHMSA works
3 with the Pipeline Advisory Committees and other
4 pipeline safety representatives with the goal of
5 establishing an agreement with ASME similar to
6 the ones it has concluded with the other standard
7 setting organizations to provide viewable copies
8 of the standards that are incorporated by
9 reference in the Federal Pipeline Safety
10 Regulations available on the internet for free to
11 the general public.

12 CHAIR BURMAN: Thank you very much for
13 that motion. Do I hear someone seconding the
14 motion? If you can state you're from LPAC -- if
15 you could state your name. I don't see hands
16 raised for seconding that. Bill.

17 MR. CARAM: I second. This is Bill
18 Caram, Pipeline Safety Trust, LPAC. I second.

19 CHAIR BURMAN: Great. Any discussion?
20 We now have the vote before us. Any discussion?
21 Seeing none from the LPAC members, I'm now going
22 to call for the vote. Amy, can you do the vote?

1 MS. ALLEN: Sure. This is Amy from
2 PHMSA. I will now tally the votes with motion.
3 This is the LPAC vote. If you are on the LPAC
4 and would like to vote for this motion, please
5 say yes. Jeffrey Lantz. Jon Wolfgram.

6 MR. WOLFGRAM: Yes.

7 MS. ALLEN: Diane Burman.

8 CHAIR BURMAN: Yes.

9 MS. ALLEN: Graham Bacon. Jerry
10 Barnhill.

11 MR. BLANC: Yes.

12 MS. ALLEN: Angela Kolar.

13 MS. KOLAR: Yes.

14 MS. ALLEN: Todd Denton.

15 MR. DENTON: Yes.

16 MS. ALLEN: Shawn Lyon.

17 MR. LYON: Yes.

18 MS. ALLEN: Lanny Armstrong. David
19 Barnett.

20 MR. BARNETT: Yes.

21 MS. ALLEN: Chuck Lesniak. Sara
22 Magruder Lyle.

1 MS. MAGRUDER: Yes.

2 MS. ALLEN: Bill Caram.

3 MR. CARAM: Yes.

4 MS. ALLEN: We have nine votes for
5 this motion. The motion passes.

6 CHAIR BURMAN: Thank you. The motion
7 is approved by LPAC. John Gale, I see your hand
8 is up.

9 MR. GALE: Yeah. Thank you, Madam
10 Chair. John Gale, PHMSA. I noticed I see Member
11 Bacon online. I just want to give him one more
12 chance to see if he's online to vote for that
13 motion. Member Bacon, are you online, sir? All
14 right. I'm not hearing any response, Chair. I
15 yield back to you.

16 CHAIR BURMAN: And Member Bacon, if we
17 can't hear you, if you are intending to vote, if
18 you can just raise your hand. Not seeing the
19 hand raised, we're okay to move forward. Thank
20 you.

21 So that was the first vote on GPAC and
22 the first vote on LPAC. So far we have taken two

1 votes. Now I'm going to turn it back over to
2 PHMSA for the next part of this.

3 MR. SATTERTHWAITE: All right. So
4 next up is Topic API Standard 2350. This is a
5 standard that was proposed in Part 195. So
6 therefore this is a LPAC-related vote.

7 So basically a little bit of
8 background. This standard is for the overall --

9 CHAIR BURMAN: Cameron, this is Diane
10 Burman. We don't have any slide up.

11 MR. GALE: I'm seeing it, Cam.

12 MS. GOSMAN: Me too. This is strange.

13 MR. ZAMARIN: Yeah, this is Chad
14 Zamarin. I'm seeing it as well. There may just
15 be delays for some folks.

16 CHAIR BURMAN: Okay. If anybody can't
17 see it other than me, if you can just put your
18 hand up so we know. You can move forward,
19 Cameron.

20 MR. SATTERTHWAITE: Mmm hmm. No
21 worries. So this is API Standard 2350 is for
22 overfill protection for storage tanks in

1 petroleum facilities. We currently incorporate
2 the third edition. The reference where this is
3 located is in Section 195.428, Paragraph C.
4 We're looking at going towards the fifth edition.
5 Just a short description. Basically this is a
6 design for storage tanks that is associated with
7 facilities that receive flammable and combustible
8 petroleum liquids. And it addresses minimum
9 overfill and damage prevention practices for
10 aboveground storage tanks in petroleum
11 facilities. And listed are a couple of the
12 changes that are within that document in general.

13 We received a comment on this from the
14 American Fuel and Petrochemical Manufacturers
15 Group. And basically they stated that operators
16 might have to expand their programs and make
17 changes to their operational parameters if we
18 were to move forward with this addition as there
19 was some confusion on how this will impact
20 existing tank overflow systems. They noted that
21 the reference for 195.428, Paragraph C states
22 that operators must only install systems in

1 accordance with API RP 2350, but does not specify
2 which sections operators should reference for
3 installations.

4 They state the lack of specificity can
5 result in confusion regarding the operations and
6 maintenance functions of API 2350. And they note
7 that 195.420 C implies that other parts of the
8 document are also required. They requested some
9 clarification in the regulatory text regarding
10 which sections of Standard 2350 relate to
11 installation. And clarification regarding how
12 this will impact existing tank overflow systems.

13 Basic response to the comments is that
14 aboveground tanks with 600 gallons or more that
15 are constructed or are significantly altered
16 after October 2nd have to have overflow
17 protection systems installed according to API RP
18 2350. The requirements in 195.428, Paragraph C
19 are specific to installation, not to the
20 operations or maintenance of relevant aboveground
21 breakout tanks. We recommend incorporating the
22 proposed API Standard 2350 without edit.

1 And I'm trying to think is there
2 anything else I wanted to mention? But that's
3 pretty much it since there are other provisions
4 in the regulations that deal with the maintenance
5 aspects and so forth. But in regards to this
6 section, we were looking at just proposing it as-
7 is without edicts as we did not propose any
8 additional changes or clarifications in the
9 proposed rule.

10 And at this point, we can open the
11 floor up for public comment or input on this
12 area.

13 CHAIR BURMAN: Okay, great. And we're
14 going to open it up now for public comment. Now
15 I can see the screen so thank you so much. If
16 you can go back just so we have up the
17 substantive one -- the slide right before. Thank
18 you. I'm going to now open it up before we go to
19 GPAC and LPAC, I'm going to open it up to the
20 public if they have any comments on this proposed
21 resolution. Seeing none, I'm now going to go to
22 the Committee. Does anyone have any comments? I

1 see none from LPAC or GPAC. Okay -- Wait,
2 Angela.

3 MS. KOLAR: Good morning. Angie Kolar
4 with Colonial Pipeline. I'm with LPAC. So we're
5 supportive of moving forward with this as PHMSA
6 recommends, but there is some concern about the
7 length of time required for implementation. So
8 would just ask PHMSA to consider that this
9 particular standard might need a longer timeline
10 than some of the others in order for us to comply
11 with implementation.

12 CHAIR BURMAN: Does PHMSA have any
13 comment? Hearing none, any discussion on what we
14 heard from Angie? John Gale.

15 MR. GALE: Yes. Thank you, Madam
16 Chair. John Gale, PHMSA. Thank you, Angela for
17 that comment. We'll definitely take that under
18 consideration as we draft the final rule. And
19 we'll make sure that the effective date is
20 reasonable. Thank you.

21 MS. KOLAR: Thank you, John.
22 Appreciate that.

1 MR. GALE: Yup.

2 CHAIR BURMAN: Okay, do I see any
3 other comments from LPAC or GPAC? Seeing none, I
4 do want to give the public another opportunity if
5 they have any comments. Seeing none, I think
6 we're now ready to move for a vote.

7 MR. SATTERTHWAITE: Okay.

8 CHAIR BURMAN: Okay. If you could
9 read the recommended voting language.

10 MR. SATTERTHWAITE: All right. The
11 recommended voting language is as follows:

12 Regarding --

13 CHAIR BURMAN: Let's make clear, is
14 this GPAC and LPAC or GPAC and then LPAC?

15 MR. SATTERTHWAITE: This is LPAC only.

16 CHAIR BURMAN: Right, okay.

17 MR. SATTERTHWAITE: Cameron
18 Satterthwaite, PHMSA, reading the recommended
19 vote language for the LPAC: "Regarding API
20 Standard 2350, the pipeline safety periodic
21 updates of regulatory references to technical
22 standards and miscellaneous amendments for

1 proposed rules and the draft regulatory
2 evaluation as published in the Federal Register
3 are technically feasible, reasonable, cost-
4 effective, and practicable." And that is the end
5 of the language.

6 CHAIR BURMAN: Great. Before I ask
7 for a motion, does anyone have any discussion on
8 this language? Okay, I see none. I'm now going
9 to ask an LPAC member to make a motion. I'm
10 waiting for some volunteers. Okay and I see we
11 have David. And for the record, state your name,
12 organization, and that you're with LPAC.

13 MR. BARNETT: Yes. David Barnett with
14 United Association of Plumbers and Pipefitters on
15 the LPAC Committee. I would like to make a
16 motion that the LPAC take a vote in adopting the
17 following language: "Regarding API Standard
18 2350, the pipeline safety periodic updates of
19 regulatory references to technical standards and
20 miscellaneous amendments, proposed rule, and the
21 draft regulatory evaluation as published in the
22 Federal Register are technically feasible,

1 reasonable, cost-effective, and practicable."

2 CHAIR BURMAN: Thank you. Do I see a
3 second? And I need -- Whoever would be the
4 second, I need you to state your name, your
5 organization, and that you're with LPAC. I'm
6 looking for an LPAC member to second it. Jerry.

7 MR. BARNHILL: Yeah, this is Jerry
8 Barnhill with DCP Midstream. I'm a member here
9 of LPAC and I'll second the motion.

10 CHAIR BURMAN: Great, thank you. Any
11 discussion on the motion before us? Seeing none,
12 I'm going to close the discussion. And I'm going
13 to open it up now for a vote. Amy, if you could
14 help facilitate.

15 MS. ALLEN: This is Amy Allen from
16 PHMSA. I will now tally the votes for this
17 motion. If you'd like to vote for this motion
18 and you are on the LPAC Committee, please say yes
19 when I call your name. Jeffrey Lantz. Jon
20 Wolfgram.

21 MR. WOLFGRAM: Yes.

22 MS. ALLEN: Diane Burman.

1 CHAIR BURMAN: Yes.

2 MS. ALLEN: Graham Bacon. Jerry

3 Barnhill.

4 MR. BARNHILL: Yes.

5 MS. ALLEN: Angela Kolar.

6 MS. KOLAR: Yes.

7 MS. ALLEN: Todd Denton.

8 MR. DENTON: Yes.

9 MS. ALLEN: Shawn Lyon.

10 MR. LYON: Yes.

11 MS. ALLEN: Lanny Armstrong. David

12 Barnett.

13 MR. BARNETT: Yes.

14 MS. ALLEN: Chuck Lesniak. Sara

15 Magruder Lyle.

16 MS. MAGRUDER: Yes.

17 MS. ALLEN: Bill Caram.

18 MR. CARAM: Yes.

19 MS. ALLEN: We have nine votes for

20 this motion.

21 CHAIR BURMAN: So the motion is

22 approved for LPAC. I thank everyone. Jerry,

1 your hand is still up. All right. And Jerry,
2 you don't need to say anything. Right?

3 MR. BARNHILL: No, sorry.

4 CHAIR BURMAN: That's all right.
5 Thanks. Okay. I think we're ready for the next
6 portion. Thank you. (Telephonic interference)
7 we've taken three votes; one from the GPAC and
8 two from LPAC so far.

9 MR. SATTERTHWAITE: Okay. The next
10 topic is ASME B31.8S. This is a standard that is
11 incorporated by reference in Part 192. Therefore
12 this is a GPAC vote.

13 CHAIR BURMAN: And Jerry, if you can
14 put your hand down, that would be great.

15 MR. SATTERTHWAITE: So a little bit of
16 background on this standard. This standard is a
17 supplement to B31.8 on managing system integrity
18 of gas pipelines. This standard is referenced
19 throughout Part 192 in a number of sections. The
20 proposed addition that we initially proposed in
21 the proposed rule was to the 2016 edition. We'll
22 have more on that later.

1 This standard is relative to -- it
2 basically provides a good foundation for an
3 effective integrity management program for gas
4 transmission pipelines and it's very essentially
5 to the process. It's designed to provide
6 operators with the information necessary to
7 develop and implement the effective program,
8 utilizing proven industry practices and
9 processes. We have a list of some of the changes
10 that were made as far as to the -- from the
11 currently incorporated edition, which is the 2004
12 edition to this edition. Which includes
13 provisions on managing cracking threats, updated
14 references, and other minor technical changes.

15 Next slide, we proposed -- Like I said
16 before, we proposed the 2016 edition. But in the
17 proposed rule, we also included a provision in
18 there that's solicited input on whether or not we
19 should go to the 2018 edition. At the time that
20 we proposed the rule, the main issue that we were
21 concerned about with the 2018 edition was that
22 the 2018 edition removed nearly all the

1 communication plan requirements from Section 10.
2 And that's why we requested comments from the
3 public on whether or not the incorporation of the
4 2018 edition was appropriate. And we did make
5 this available during the proposed period --
6 comment period.

7 So we received some comments. And the
8 joint comments supported incorporation of 2016
9 edition, but also recommended that PHMSA
10 incorporate the 2018 edition. The joint comment
11 noted that the communication plan requirements
12 were not removed entirely, but they were removed
13 from Section 10 of ASME B31.8S to Chapter 5,
14 Paragraph 850.9 of ASME B31.8, which is a
15 companion standard to B31.8S. They also
16 recommended that PHMSA revise 49 CFR Section
17 192.911, Paragraph M to directly reference the
18 communication plan requirements in Paragraph
19 850.9 of the 2018 edition of B31.8.

20 The American Society of Mechanical
21 Engineers, they provided comments as well
22 recommending that we incorporate the 2018

1 edition. And they also noted that the
2 communication plans requirements were moved. And
3 recommended a similar edition of a reference in
4 192.911 and the proposed language for 192.7C5
5 where it is listed.

6 Our response to the comments that we
7 received, PHMSA recommends the incorporation of
8 the 2018 edition of B31.8S given the fact that
9 the communication plan requirements are still
10 contained in the codes and were merely moved from
11 B31.8S to B31.8. In addition, PHMSA recommends
12 the revision of 49 CFR 192.911 to directly
13 reference the communication plans requirements.

14 Therefore at this point, we are at the
15 public comment point. So I yield the floor to
16 the Chair.

17 CHAIR BURMAN: Thank you so much. I'm
18 now going to open it up to the public if they
19 have any questions or comments. I had seen a
20 hand. I believe it was Cameron. I don't see
21 that hand anymore. I'm just making sure that we
22 recognize you if you want to speak. Okay, I see

1 none from the public. John Gale.

2 MR. GALE: Thank you, Madam Chair.
3 John Gale with PHMSA. Just as a matter of
4 protocol, because this vote deals with an ASME
5 standard as well, we will moving that same vote
6 language that we had in the previous vote dealing
7 with ASME into this vote language as well. So
8 when you see that vote language, we'll be --
9 we'll be adding that as well.

10 CHAIR BURMAN: Okay, thank you very
11 much. Does anybody have any questions or
12 comments from the public before we move to the
13 Committee? I see none. Anyone in the Committee
14 -- on the committees have any comments or
15 questions? Okay. Seeing none, I think we can --
16 Wait, just hold on for a minute. Sara Gosman.
17 Again, for the record, state your name,
18 organization, and which committee you're on.

19 MS. GOSMAN: Sara Gosman, Pipeline
20 Safety Trust and University of Arkansas School of
21 Law. And I'm on GPAC. First, I just wanted to
22 thank John for reminding us to put that language

1 in for this vote. And I'm strongly supportive of
2 that. And second, I just had a clarifying
3 question. So as I understand what happened with
4 this communication plan language, it went from a
5 standard that was specific to integrity
6 management to a standard that's general to all
7 pipelines. But the cross reference here will
8 remain in the integrity management provision.

9 So I'm wondering if there was a
10 discussion or a thought about whether it should
11 go into other parts of the regulation. For
12 example, in the emergency plans or public
13 awareness. Maybe it's not consistent with those
14 particular provisions, but I just thought I'd ask
15 that clarifying question here. Thanks.

16 CHAIR BURMAN: Great. And with that,
17 John Gale.

18 MR. GALE: Yes. Thank you, Chair.
19 Yes, Sara, I think -- you know, those are great
20 points. Obviously, you know, we didn't propose
21 that. And I think we'll have to take into --
22 take a look at that when we look at other changes

1 in those areas. And we have some other
2 rulemaking actions that are looking at things
3 like emergency plans and other areas that, you
4 know, maybe that's appropriate to bring some of
5 those thoughts and concepts of B31.8 now, not 8S
6 regarding communication into these other areas.
7 So it's definitely something we should look at.
8 Just we would not be able to do it here in this
9 final rule.

10 CHAIR BURMAN: Sara, do you have any
11 follow-up to what you heard?

12 MS. GOSMAN: It was just a clarifying
13 question and there's -- I'm not asking PHMSA as
14 it relates to this rule. But I appreciate John's
15 response.

16 CHAIR BURMAN: Great. And John, your
17 hand is still up. Any other questions or
18 comments? John.

19 MR. GALE: No, I'm just trying to
20 figure out how to get the hand down, ma'am.

21 CHAIR BURMAN: Okay, that's fine.
22 Does anybody else have any comments or questions?

1 Okay. Seeing none, I think we're ready now.
2 Here's the recommended voting language if someone
3 from PHMSA could read it, that would be great.

4 MR. SATTERTHWAITE: All right.

5 Cameron Satterthwaite, PHMSA reading the
6 recommended voting language: "Regarding" --

7 CHAIR BURMAN: And just identify which
8 committee is voting on this.

9 MR. SATTERTHWAITE: Oh, yes. This is
10 a GPAC vote. And the language is as follows:
11 "Regarding ASME B31.8S, the pipeline safety
12 periodic updates of regulatory references to
13 technical standards and miscellaneous amendments
14 to proposed rule and the draft regulatory
15 evaluation as published in the Federal Register
16 will be technically feasible, reasonable, cost-
17 effective, and practicable if the following
18 changes are made: First bullet: Incorporate the
19 2018 edition of ASME B31.8S by reference. Second
20 bullet: Revise 49 CFR 192.911 to directly
21 reference the communication plans requirements in
22 Paragraph 850.9 of the 2018 edition of ASME

1 B31.8.

2 The GPAC also recommends that PHMSA
3 works with the Pipeline Advisory Committees and
4 other pipeline safety representatives with the
5 goal of establishing an agreement with ASME
6 similar to the ones it has concluded with the
7 other standard setting organizations to provide
8 viewable copies of the standards that are
9 incorporated by reference in the Federal Pipeline
10 Safety Regulations available on the internet for
11 free to the general public." And that is the end
12 of the recommended vote language.

13 CHAIR BURMAN: Okay. Thank you very
14 much for reading that. Do we have anyone -- any
15 discussion before we make a motion? I see no
16 hands raised, so I'd like to call a GPAC member
17 to make a motion. I'm looking for volunteers.
18 Hill -- Robert Hill.

19 MR. R. HILL: My name is Robert Hill.
20 The name on Teams is the wrong name. But my name
21 is Robert Hill, Brookings County, South Dakota.
22 I'm a GPAC member. I'd like to make a motion

1 regarding ASME B31.8S, the pipeline safety
2 periodic updates of regulatory references to
3 technical standards and miscellaneous amendments,
4 proposed rule, and the draft regulatory
5 evaluation and published in the Federal Register
6 will be technically feasible, reasonable, cost-
7 effective, and practicable if the following
8 changes are made: Incorporate the 2018 edition
9 of ASME B31.8S by reference. Revise 49 Code of
10 Federal Regulations 192.911(m) to directly
11 reference the communications plan requirements in
12 Paragraph 850.9 of the 2018 edition of ASME
13 B31.8.

14 The GPAC also recommends that PHMSA
15 works with the Pipeline Advisory Committees and
16 other pipeline safety representatives with the
17 goal of establishing an agreement with ASME
18 similar to the ones it has concluded with the
19 other standard setting organizations to provide
20 viewable copies of the standards that are
21 incorporated by reference in the Federal Pipeline
22 Safety Regulations available on the internet for

1 free to the general public.

2 CHAIR BURMAN: Thank you very much,
3 Robert. Is there a second, Sara?

4 MS. GOSMAN: I'm happy to second that
5 motion.

6 CHAIR BURMAN: And just state for the
7 record your name, organization, and that you're a
8 member of GPAC.

9 MS. GOSMAN: This is Sara Gosman with
10 the Pipeline Safety Trust and University of
11 Arkansas School of Law. And I'm a member of
12 GPAC.

13 CHAIR BURMAN: And now that the motion
14 has been made and seconded, I'm opening it up for
15 discussion or debate on the item. Seeing no
16 hands raised, I'm now going to close the
17 discussion and ask Amy Allen from PHMSA to help
18 with tallying the votes. And just so folks know,
19 you can answer yes, no, or you're abstaining.
20 Amy.

21 MS. ALLEN: Thank you. This is Amy
22 Allen from PHMSA. I will now tally the votes for

1 this motion. If you'd like to vote yes for this
2 motion, please say yes, otherwise please say no
3 or abstain. Diane Burman.

4 CHAIR BURMAN: Yes.

5 MS. ALLEN: Peter Chace.

6 MR. CHACE: Yes.

7 MS. ALLEN: David Danner.

8 MR. DANNER: Yes.

9 MS. ALLEN: Sara Longan.

10 DR. LONGAN: Yes.

11 MS. ALLEN: Terry Turpin.

12 MR. TURPIN: Yes.

13 MS. ALLEN: Ronald Bradley.

14 MR. BRADLEY: Yes.

15 MS. ALLEN: Andrew Drake.

16 MR. DRAKE: Yes.

17 MS. ALLEN: Richard Worsinger.

18 MR. WORSINGER: Yes.

19 MS. ALLEN: Chad Zamarin.

20 MR. ZAMARIN: Yes.

21 MS. ALLEN: Jonathan Airey.

22 MR. AIREY: Yes.

1 MS. ALLEN: Michael Balboni. Mark
2 Brownstein. Sara Rollet Gosman.

3 MS. GOSMAN: Yes.

4 MS. ALLEN: Robert Hill.

5 MR. R. HILL: Yes.

6 MS. ALLEN: We have 12 votes for this
7 motion.

8 CHAIR BURMAN: Thank you. So the
9 motion carries and is approved by GPAC with the
10 language that was read into the record. Thank
11 you, everyone. I think we're now ready to go to
12 the next aspect. So we've taken four votes; two
13 from GPAC, two from LPAC. And I believe all
14 together we have seven votes. Cameron.

15 MR. SATTERTHWAITE: All right. This
16 is Cameron Satterthwaite, PHMSA. This is the
17 last main topic that we'll be voting on. The
18 final votes with the overall vote of the
19 proceedings of the meeting. So this is API RP
20 651. This is a standard that is incorporated by
21 reference in Part 195; therefore this is an LPAC
22 only vote.

1 The standard that's currently
2 incorporated by reference for 651 is the third
3 edition. The title of it is the "Cathodic
4 Protection of Aboveground Petroleum Storage
5 Tanks". This standard is referenced in 195.565
6 and 195.573, Paragraph D. We're proposing to go
7 to the fourth edition. Just in general, this
8 standard contains procedures and practices for
9 effective corrosion control on aboveground
10 storage tank bottoms that use cathodic
11 protection.

12 It also has provisions for the
13 application of cathodic protection to existing
14 and new aboveground storage tanks. There's also
15 information and guidance for cathodic protection
16 specific to aboveground metallic storage tanks
17 and hydrocarbon surfaces. I have a couple of the
18 minor changes that were made from one edition to
19 the next.

20 Received some comments on this. And
21 the first comment we received was from the
22 American Fuel and Petrochemical Manufacturers.

1 And they stated that PHMSA should not consider
2 double bottom tanks with an interstitial fill of
3 concrete, not soil or tanks on continuous
4 concreted pads to be subject to cathodic
5 protection installation requirements. They
6 stated that such tanks did not allow any part of
7 the pipe through which hazardous liquid moves to
8 come into contact with the upper layer of the
9 earth. They would like PHMSA to state that
10 cathodic protection is not required if API RP 651
11 advises against it. Such as for tanks that are
12 not in contact with soil, double bottom tanks,
13 and tanks on continuous concrete pads.

14 The joint comment asked for PHMSA to
15 clarify requirements for the cathodic protection
16 of double bottom breakout tanks. Also asked
17 PHMSA to allow operators to protect double bottom
18 breakout tanks without requiring cathodic
19 protection.

20 PHMSAs response, the comments and the
21 recommendations were a little outside of the
22 scope of this rule. In the proposed rule, we did

1 not propose or consider any changes in regarding
2 the applicability of the standard, the function
3 of the IBR. The rule was to merely update the
4 currently referenced standard. And to go beyond
5 that would require further action. PHMSAs
6 considering an interpretation request from
7 Chemoil Energy regarding the out of scope issues
8 that are associated with API RP 651. And
9 therefore we recommend incorporating the proposed
10 API RP 651 without edit. Just as a note, we are
11 looking to finalize that interpretation request
12 sometime in the near future.

13 And at this point, we are open for
14 public comment. And I will roll back a screen
15 just to see the -- so that you all can see the
16 PHMSA response. And I yield the floor back to
17 Chair.

18 CHAIR BURMAN: Thank you so much.

19 At this time we're going to see if
20 there's any comments from the public. I can see
21 one, David Murk.

22 Again, for the record please state

1 your name, organization. Thank you.

2 MR. MURK: Yeah. Thanks, Madam Chair.
3 David Murk with the American Petroleum Institute.

4 I wanted to just go back. I know it's
5 PHMSA's response was it's not part of the
6 incorporation by reference, but would ask again
7 if PHMSA would consider as part of the
8 incorporation of 651, as you're reworking the
9 regulation, that you clarify that double-bottom
10 tank design precludes the use of cathodic
11 protection, and allow operators to protect
12 double-bottom tanks using other methods, similar
13 to what we submitted as comments as well as AFPM.

14 I mean, there's inconsistency right
15 now among state and federal regulators on how to
16 enforce 49 C.F.R. 195.563, which requires that
17 cathodic protection on breakout tank areas; and
18 195.565, which requires operators to install
19 cathodic protection systems in accordance with
20 our ACIRP 651.

21 And as stated by the slide from AFPM,
22 double-bottom tanks in itself provide a number of

1 safety and leak prevention benefits over single-
2 bottom tanks. And by the nature of their design,
3 double-bottom tanks inherently preclude the
4 application of cathodic protection or significant
5 use and its effectiveness.

6 So, as you're moving forward, if it's
7 not in this update, I would ask PHMSA an
8 interpretation of that particular section of the
9 record consider excluding or allowing operators
10 to, again, to use other methods for protecting
11 double-bottom tanks outside of cathodic
12 protection.

13 Thank you.

14 CHAIR BURMAN: Before we go to the next
15 public comment, I did want to see if anyone from
16 PHMSA wanted to respond to that?

17 And, John Gale.

18 MR. GALE: Yeah, thank you, Madam
19 Chair. And, Dave Murk, thank you for those
20 comments.

21 We appreciate those concerns. And as
22 Cameron mentioned, you know, we are working

1 through this issue with this interpretation from
2 Chemoil Energy. This rulemaking, however, is
3 simply, you know, looking at a new edition and is
4 not getting into the issue of the applicability
5 of the standards.

6 Are there areas that we need to work
7 out? Yes. Is this the perfect vehicle? It may
8 or may not be, and maybe the interpretation that
9 gets issued can be worked into some kind of
10 preamble. And we'll promise to do our best if
11 we're able to do that, Dave. But thank you for
12 the comment.

13 MR. MURK: Thanks, John.

14 MR. GALE: Yep.

15 CHAIR BURMAN: And, David, do you have
16 any follow-up to that? You sound like you're
17 okay.

18 MR. MURK: Yeah. No, ma'am. No
19 further comments.

20 CHAIR BURMAN: Great.

21 And I did see there was another hand
22 raised, Robert something. I didn't catch the

1 last name.

2 MR. GALE: That was Rob Benedict, Madam
3 Chair.

4 CHAIR BURMAN: Okay.

5 MR. BENEDICT: Yes. This is Rob
6 Benedict with AFPM, the American Fuel
7 Petrochemical Manufacturers. I just wanted to
8 kind of reiterate Dave's comments.

9 Obviously, we comment on this in the
10 rulemaking and we've mentioned something about
11 this. So, encouraging to hear that, you know,
12 the interpretation might be able to clarify
13 things. And we would appreciate that if there
14 could be some discussion in a preamble, that
15 would definitely be helpful for clarifying where
16 things stand for our members.

17 Thanks.

18 CHAIR BURMAN: Okay, great.

19 Does anybody have any comments in the
20 public other than what we just heard before we
21 move to the committee members?

22 (No audible response.)

1 CHAIR BURMAN: Okay, hearing none, I'm
2 now going to ask, since we're done with the
3 public comments at this point, going to see if
4 there's any members from the committee, either
5 LPAC, GPAC? Shawn?

6 MR. LYON: Thanks, Chairman. This is
7 Shawn Lyon with Marathon Pipe Line, with LPAC.

8 I just want to reiterate I think the
9 comments were received in advance. And like Dave
10 Murk and others have mentioned, I do think that
11 clarification is really important because it is,
12 even though someone may say it's out of scope, it
13 is not being interpreted that way. And there's
14 people trying to implement it where it just
15 doesn't make technical sense.

16 And really it drives you away from the
17 safer alternatives where double-bottom tank is
18 safer and you do get that extra layer of
19 protection. But I do think there is confusion
20 out there. But I, you know, I think people who
21 are trying to enforce something that just doesn't
22 make technical sense.

1 So, I think it's important you do
2 clarify that for, for all operators and
3 regulators as they try to implement the rules.

4 CHAIR BURMAN: Thank you for raising
5 that question or comment. I don't know if anyone
6 from PHMSA has any response to that.

7 I don't see any hands raised.

8 MR. GALE: Madam Chair, John Gale.
9 Just, Shawn, thank you for the comment. And as
10 we've stated, you know, we'll try to do our best
11 to make, get that interpretation out. And,
12 hopefully, you know, we'll start to be able to
13 clarify that issue.

14 CHAIR BURMAN: Okay, great.

15 MR. BENEDICT: Thanks, John.

16 Appreciate that effort. Because I do
17 think there is real, real confusion in
18 application of this standard. So, I think that
19 clarity is important so we can really get the
20 desired intent of it.

21 MR. GALE: Great. Thank you.

22 CHAIR BURMAN: Thank you for raising

1 that.

2 Does anybody else? Dave Barnett?

3 MR. BARNETT: Yes. Thank you, Madam
4 Chair. Dave Barnett, United Association of
5 Plumbers and Pipefitters, on the LPAC.

6 The question here, John and Shawn,
7 does this warrant us having a note in this
8 adoption pointing out what we've agreed to
9 consider in adopting this? Or does the, you
10 know, the minutes of the meeting stand to serve
11 just as well?

12 Thank you.

13 CHAIR BURMAN: John Gale, it looks like
14 you have a response.

15 MR. GALE: Yeah, John Gale, PHMSA
16 again.

17 Thank you, Dave. I would not
18 recommend any change in the vote language. The
19 proposed rule and what you're voting on is about
20 should we go to the next edition. And that's
21 simply what it's about. And then what we can do
22 is, you know, we'll look at the minutes and, you

1 know, the statements that have been made in the
2 minutes and the transcript as to what actions
3 PHMSA's going to take.

4 But I, at least I am not recommending
5 we make any change to that vote language. But,
6 of course, it's, you know, it's the committee's
7 prerogative.

8 MR. LYON: Chairman, if I could comment
9 on that?

10 CHAIR BURMAN: And, Shawn, just state
11 your name again and organization and which
12 committee.

13 MR. LYON: Shawn Lyon with Marathon
14 Pipe Line, LPAC.

15 I think David brings up a good point.
16 I'd just hate to lose this important piece. And
17 I could see, you know, a week later as we combine
18 all, all these rules that we're incorporating it
19 gets lost.

20 If there is some type of way to make
21 sure it doesn't, because it has caused a loss of
22 time by operators and (telephonic interference)

1 due to this confusion. So, it's not just a
2 subtle thing, it really does affect, I think, us
3 efficiently executing the intent in the rules.

4 So, I think David brings up a good
5 point.

6 I appreciate John not wanting to put
7 it in there, but I also think, I just know we
8 all, we'll all sleep many times again before all
9 this gets through the system, and it's easy to
10 lose track of the importance of this
11 clarification.

12 CHAIR BURMAN: Okay. Before, I'm going
13 to now turn it over to Sara from Common Ground.
14 I see her hand is raised.

15 MS. MAGRUDER LYLE: Yes. Hi. And I
16 just want to reiterate what the previous two
17 speakers have said.

18 CHAIR BURMAN: Sara, if you could just
19 state your name, organization, and committee.
20 Thanks.

21 MS. MAGRUDER LYLE: I'm sorry. Sure,
22 yes.

1 Sara Magruder Lyle. I'm with the
2 Common Ground Alliance, and I am on the LPAC.

3 I think every opportunity that we have
4 to clarify language such as this is helpful.
5 Here discussing it now we know what the intent
6 is. But Shawn's point, in, you know, six months,
7 or a year, or six years when this is being
8 discussed, you know, that makes it ripe for
9 challenges, ripe for inconsistencies. I think
10 that the more we can clarify, the better.

11 CHAIR BURMAN: So, I think I'm hearing
12 from discussion -- thank you, Sara -- from three
13 of the committee members that they're interested
14 in some clarifying language that doesn't dilute
15 from what we're doing, separate and apart from
16 the adoption of that that goes before a vote.
17 And needing some direction from PHMSA on their
18 thoughts on that, especially as we don't want to
19 make it unclear in terms of exactly what we're
20 doing on the vote.

21 But there is at least three members
22 who are interested in clarifying language on the

1 -- this commitment to look at this issue and make
2 sure that we're addressing it.

3 I put it out there for the committee
4 for some thoughts on that. And I do see, John
5 Gale, your hand is up.

6 MR. GALE: Yes. Thank you, Madam
7 Chair. John Gale with PHMSA.

8 Madam Chair, we're about, we're adding
9 some language right now to the vote, the existing
10 vote language. And, hopefully, that will satisfy
11 the committee members' requests.

12 CHAIR BURMAN: Thank you while you're
13 doing that. And the goal really is to make sure
14 that there's no ambiguity with what the vote is
15 separate from that, but that we are trying to
16 address, moving forward, clarifying the ambiguity
17 that may be there on the application of the
18 standards.

19 MR. GALE: And, Cameron, if you could,
20 if you could just change, clarify in the preamble
21 of the final rule the application of APR. Thank
22 you, sir.

1 CHAIR BURMAN: And, Sara, I see your
2 hand is still up. Did you have a comment?

3 MS. MAGRUDER LYLE: No. No, I do not.
4 I'm in the same boat as others, trying to unraise
5 my hand. Sorry about that.

6 CHAIR BURMAN: That's okay.

7 I'm going to turn it back over to
8 Shawn, since you're the one that first raised
9 this issue, to see if the language that is there
10 may satisfy. But I'm going to have, before we do
11 that, I'm going to have PHMSA staff read the
12 entire voting language. And then I'm going to
13 turn it first to Shawn to address that before we
14 take any motions or votes on it. Okay?

15 So, I'm going to turn it now to PHMSA
16 staff to read the entire voting language.

17 MR. SATTERTHWAITE: Okay. Cameron
18 Satterthwaite, PHMSA.

19 This is a vote, voting language for
20 the LPAC. And regarding -- language is as
21 follows:

22 "Regarding API RP-651, the pipeline

1 safety, periodic updates of regulatory references
2 to technical standards and miscellaneous
3 amendments proposed rule, and the draft
4 regulatory evaluation as published in the Federal
5 Register are technically feasible, reasonable,
6 cost-effective, and practicable.

7 "LPAC recommends that PHMSA clarify in
8 the final rule the application of the APR RP-651"
9 -- I think I'm supposed to say "preamble of the
10 final rule."

11 Hold on. Sorry. Excuse me one
12 second.

13 I'm rereading the second bullet.

14 CHAIR BURMAN: Thanks, Cameron.

15 MR. SATTERTHWAITTE: "LPAC recommends
16 that PHMSA clarify in the preamble of the final
17 rule the application of API RP-651 as stated in
18 the public comment."

19 CHAIR BURMAN: Okay, thank you so much.

20 Shawn, I'm going to ask you if you
21 have any comments on that language, specifically
22 seeking to address your concerns that at least

1 two other members had.

2 MR. LYON: Yeah. This is Shawn Lyon,
3 Marathon Pipe Line, with LPAC.

4 No, I think that that very well
5 addresses the path forward. And I appreciate,
6 John, your suggestion in working with that so we
7 can make sure we have a -- we have an opportunity
8 to clarify something here that has caused
9 confusion. So, I think it's a good, good path
10 forward. So, thank you.

11 CHAIR BURMAN: Great. And then, Sara.
12 And I forget who else also -- and I apologize --
13 also raised a concern. Does that seem to satisfy
14 the question or the concern that you have? David
15 Barnett?

16 MR. BARNETT: Yes. I think that
17 covers, you know, our discussion. Thank you.

18 Thanks, John.

19 CHAIR BURMAN: Great.

20 And, Sara?

21 MS. MAGRUDER LYLE: Yes. This is Sara.
22 It does address my concern. Thank you.

1 CHAIR BURMAN: Okay, great. So, three
2 LPAC members did raise a similar issue. The
3 language is seeking to address that.

4 I now open it up to LPAC members as
5 well as GPAC members if you have, before we move
6 for a motion, if you have any thoughts or
7 concerns on either the second bullet or the first
8 bullet?

9 (No audible response.)

10 CHAIR BURMAN: Seeing none, okay, I see
11 no comments from the public.

12 Now I'm going to have this, this is an
13 LPAC vote. So, I'm going to ask an LPAC member
14 to make the motion. And then I'll be looking for
15 an LPAC member to second it.

16 I don't see any volunteers at the
17 moment.

18 And, David Barnett, thank you.

19 MR. BARNETT: Yes, thank you, Madam
20 Chair.

21 I would like to make a motion that we
22 vote to adopt and accept the following:

1 "Regarding API RP-651, pipeline
2 safety, periodic updates of regulatory references
3 to technical standards and miscellaneous
4 amendments proposed rule, and the draft
5 regulatory evaluation as published in the Federal
6 Register are technically feasible, reasonable,
7 cost-effective, and practicable."

8 Second bullet:

9 "LPAC recommends that PHMSA clarify in
10 the preamble of the final rule the application of
11 APR RP-651 as stated in the public comment."

12 Thank you.

13 CHAIR BURMAN: Thank you so much.

14 Now I'm looking for a volunteer to
15 second it.

16 I don't see any hands.

17 MR. BACON: I'm sorry. Let me get my
18 hand here.

19 CHAIR BURMAN: Graham Bacon.

20 MR. LYON: This is Shawn Lyon.

21 Oh, go ahead.

22 CHAIR BURMAN: So, I see, so I do see

1 three hands. I'm going to go first with Bacon,
2 Graham.

3 MR. BACON: Hi. Yes, this is Graham
4 Bacon with Enterprise Products, LPAC member.

5 I second the motion.

6 CHAIR BURMAN: Okay, thank you.

7 Shawn, your hand did go up. I'm
8 assuming that you're trying to figure out how to
9 put it down.

10 MR. LYON: Yes.

11 CHAIR BURMAN: Okay.

12 MR. LYON: I'll work on that.

13 CHAIR BURMAN: Okay, great.

14 So, now we have a motion. It's been
15 seconded.

16 I'm now going to open the floor for
17 discussion or debate.

18 I don't see any hands up, so I'm going
19 to close the floor for discussion or debate.

20 And now I'm going to ask Amy Allen
21 from PHMSA to help with tallying the vote.

22 Again, remember when your name is called you can

1 either say yes, you agree; no; or you're
2 abstaining.

3 Thank you.

4 MS. ALLEN: This is Amy Allen from
5 PHMSA. I will now tally the votes for this
6 motion. Please say your vote when I call your
7 name.

8 Jeffrey Lantz.

9 (No audible response.)

10 MS. ALLEN: Jon Wolfgram.

11 MR. WOLFGRAM: Yes.

12 MS. ALLEN: Diane Burman.

13 CHAIR BURMAN: Yes.

14 MS. ALLEN: Graham Bacon.

15 MR. BACON: Yes.

16 MS. ALLEN: Jerry Barnhill.

17 MR. BARNHILL: Yes.

18 MS. ALLEN: Angela Kolar.

19 MS. KOLAR: Yes.

20 MS. ALLEN: Todd Denton.

21 MR. DENTON: Yes.

22 MS. ALLEN: Shawn Lyon.

1 MR. LYON: Yes.

2 MS. ALLEN: Lanny Armstrong.

3 (No audible response.)

4 MS. ALLEN: David Barnett.

5 MR. BARNETT: Yes.

6 MS. ALLEN: Chuck Lesniak.

7 (No audible response.)

8 MS. ALLEN: Sara Magruder Lyle.

9 MS. MAGRUDER LYLE: Yes.

10 MS. ALLEN: Bill Caram.

11 MR. CARAM: Yes.

12 MS. ALLEN: We have ten votes for this
13 motion.

14 CHAIR BURMAN: Fine. So, the motion
15 was approved for LPAC.

16 We've taken, if our memory serves me,
17 five votes: two for GPAC, and three for LPAC. I
18 ask PHMSA staff to correct me if I'm wrong.

19 We're now going to go to the next
20 portion. Thank you.

21 MR. SATTERTHWAITE: Okay. This is
22 Cameron Satterthwaite, PHMSA.

1 At this point it's time for a vote
2 really on the report of the proceeding. John,
3 did you want to get on and say some words here,
4 or either way?

5 MR. GALE: Yes. John Gale, PHMSA.

6 Thank you, Cam.

7 Members, since, as you recall, the
8 last time we had one of these votes we've added
9 kind of a process change to how we wrap up a
10 meeting dealing with a vote on a rulemaking. And
11 simply, Cam, do you want to go ahead and flip
12 through the language?

13 And just, this is just simply a vote,
14 there will be a vote of the GPAC; there will then
15 be a vote of the LPAC stating that the transcript
16 of this meeting, duly recorded and accurately
17 transcribed, together with the presentation
18 slides documenting the committees' votes, shall
19 serve as the report for this proceeding.

20 This is a change that came about a
21 couple years ago. We think it's been a very
22 important change. And we're recommending that

1 the committees, there will be a G -- like I said,
2 a GPAC and then a separate LPAC vote of pass this
3 motion so that we can, you know, identify this
4 transcript, and the votes, and the slides as the
5 report, as required by the statute.

6 CHAIR BURMAN: Thank you so much.

7 It's showing still for me the old
8 vote, both sides, which is fine as long as -- if
9 anyone can raise their hand if they also aren't
10 seeing the correct slide for the current vote.
11 If it's just me, that's fine, we can move on.

12 MR. GALE: Yeah --

13 CHAIR BURMAN: I do see Jon Airey. I
14 do see your hand is raised.

15 MR. GALE: No, we lost his hand, Madam
16 Chair.

17 CHAIR BURMAN: That's all right.

18 MR. AIREY: I've just been seeing the
19 old.

20 CHAIR BURMAN: Right. If anyone, if
21 anyone can raise their hand if they are also
22 seeing the old. Raise your hand, or if you're

1 not seeing the old but you're not seeing the new.
2 It looks like it's just me and Jon.

3 MR. GALE: And regarding the process,
4 Madam Chair, again this is John Gale with PHMSA,
5 we're just simply looking for a member to
6 basically make this motion. We'll have a second.
7 And then have a vote both for the GPAC and LPAC.

8 So, right now we're looking at the
9 GPAC and looking for a recommendation for a
10 motion.

11 CHAIR BURMAN: Okay. Andy, Dave, and
12 Ron have raised their hand. I now see the
13 recommended voting language.

14 I'm going to call on Andy first and
15 then Dave Barnett. So, Andy, Andy Drake.

16 Again, state your name, your
17 organization, and which committee. This is the
18 GPAC vote, Andy.

19 MR. DRAKE: Thank you, Chair Burman.
20 This is Andy Drake with Enbridge. I'm in GPAC.

21 And I just wanted to get something on
22 the record here. I think we have something

1 that's a little bit open, and I wanted to try to
2 provide some changeability to it. And that was
3 in Sara's motion about trying to get PHMSA to
4 move forward with the conversation with ASME, it
5 noted that PHMSA work with members of the
6 advisory committee. And I just wanted to
7 volunteer to help PHMSA in that effort because I
8 do want to try to work to close that issue with
9 ASME.

10 So, just wanted to put that on record.
11 And that may give PHMSA some context of who to
12 try to pull into the middle of it. If there are
13 other members who'd like to join me. And I
14 think, Sara, you would want to join us on that
15 that conversation as well, as we've talked about
16 it in the past. But I just wanted to try to get
17 that into the transcript so PHMSA has some
18 context of where to go.

19 CHAIR BURMAN: Thank you.

20 Sara, well, first I'm going to go
21 Andy, Dave, Sara, and Jon. We have not made a
22 motion yet, we're just talking right now. So,

1 when I go back, we'll look at people to make a
2 motion for this.

3 Dave, did you have any comment?

4 MR. DANNER: Well, I was going to offer
5 to make the motion. But it sounds like we're on
6 a different conversation now.

7 And I would just also like to make
8 myself available if I can be helpful in the
9 conversations with ASME.

10 CHAIR BURMAN: Right. Well, that's
11 what I was asking because it has to be
12 formalized.

13 But I would ask that PHMSA send out at
14 some point a email to the GPAC and LPAC members,
15 to the extent that's appropriate and legally
16 okay, asking for potential volunteers, or reach
17 out directly. But that anyone who has an
18 interest to let PHMSA know so that we can do
19 that.

20 Sara, do you have any comments? And
21 then, John Gale, we'll open it to you.

22 MS. GOSMAN: So, this is Sara Gosman,

1 Pipeline Safety Trust, University of Arkansas
2 School Law and GPAC.

3 Thank you very much to both Andy and
4 Dave for offering. I think the wider there is
5 participation here within the advisory
6 committees, the better the end results will be.
7 I hope the people who have relationships with
8 ASME will join this conversation to try to come
9 to a solution here.

10 And then I would ask PHMSA to note by
11 ASME whatever is the appropriate administrative
12 way of this particular vote so that ASME
13 understands where we're coming from.

14 Thank you.

15 CHAIR BURMAN: Thank you.

16 So, John Gale. And, Dave and Sara,
17 your hands are still up. Dave, I'm going to come
18 back to you when we make the motion, just so
19 you're aware.

20 MR. GALE: Thank you, Madam Chair.

21 John Gale again, PHMSA.

22 I just wanted to thank the members for

1 giving us their support. And we look forward to
2 working with them on this very important issue.
3 Thank you.

4 CHAIR BURMAN: Thank you.

5 So, before we make a motion, does
6 anybody have any comments to raise before this
7 motion?

8 (No audible response.)

9 CHAIR BURMAN: Seeing none, I'm now
10 going to turn it to Dave Danner. Again, for the
11 record state your name, organization, and which
12 committee you're on.

13 Remember, this is a GPAC vote, so
14 we'll be looking for a GPAC member to second it.

15 Dave.

16 MR. DANNER: Thank you, Diane.

17 I'm Dave Danner. I'm chair of the
18 Washington Utilities and Transportation
19 Commission and a member of GPAC.

20 And I move that the transcript of this
21 meeting, duly recorded and accurately
22 transcribed, together with the presentation

1 slides documenting the committees' vote during
2 this meeting, shall serve as the report for this
3 proceeding.

4 CHAIR BURMAN: Thank you.

5 Do we have a second?

6 I don't see any volunteers yet. And
7 I'm going to call on Rich.

8 MR. WORSINGER: Rich Worsinger, City of
9 Wilson, GPAC.

10 And I second this motion.

11 CHAIR BURMAN: Thank you so much.

12 Now that we've -- the motion has been
13 made, it's been seconded, we're going to move it
14 to discussion and/or debate. Any discussion or
15 debate?

16 I see no hands except, Rich, your hand
17 is still up. I'm assuming that's just from
18 seconding it. Let me know if -- Okay, it's down.

19 Seeing none, I'm going to close the
20 floor.

21 And now for discussion and debate.

22 There is none.

1 And now we're going to move it. Amy
2 Allen from PHMSA is going to help with the vote.

3 When she calls your name say yes, if
4 you're in agreement; no, if you're not; or if
5 you're abstaining or recusing yourself. Thank
6 you.

7 Amy.

8 MS. ALLEN: Thank you. Amy Allen from
9 PHMSA.

10 I will now tally the votes for this
11 motion. This is specific to the GPAC, so when I
12 call your name, please let me know your vote.

13 Diane Burman.

14 CHAIR BURMAN: Yes.

15 MS. ALLEN: Peter Chace.

16 MR. CHACE: Yes.

17 MS. ALLEN: David Danner.

18 MR. DANNER: Yes.

19 MS. ALLEN: Sara Longan.

20 DR. LONGAN: Yes.

21 MS. ALLEN: Terry Turpin.

22 MR. TURPIN: Yes.

1 MS. ALLEN: Ronald Bradley.

2 MR. BRADLEY: Yes.

3 MS. ALLEN: Andrew Drake.

4 MR. DRAKE: Yes.

5 MS. ALLEN: Richard Worsinger.

6 MR. WORSINGER: Yes.

7 MS. ALLEN: Chad Zamarin.

8 MR. ZAMARIN: Yes.

9 MS. ALLEN: Jonathan Airey.

10 MR. AIREY: Yes.

11 MS. ALLEN: Michael Balboni.

12 (No audible response.)

13 MS. ALLEN: Mark Brownstein.

14 (No audible response.)

15 MS. ALLEN: Sara Rollet Gosman.

16 MS. GOSMAN: Yes.

17 MS. ALLEN: Robert Hill.

18 MR. HILL: Yes.

19 MS. ALLEN: I have 12 votes for this

20 motion.

21 CHAIR BURMAN: So the motion passes.

22 It's approved from GPAC.

1 Thank you very much. I'm looking.
2 Usually you put up a little sticky that says it
3 was approved. So, I don't see that.

4 We're now going to move to the LPAC
5 meeting, the LPAC vote. We've taken six votes so
6 far. Now we're taking the seventh and final
7 vote.

8 I'm going to turn it back now to PHMSA
9 staff. Thank you.

10 MR. GALE: Yeah. Thank you, Madam
11 Chair. This is John Gale again with PHMSA.
12 Again, this is just simply the same language,
13 just from the LPAC perspective.

14 We're just simply looking for a
15 member, if they agree to do so, is to make a
16 motion, have a second, and have a vote. I think
17 we've had the disc -- I don't know if there's
18 any, a need for any further discussion. Of
19 course, that's your prerogative.

20 CHAIR BURMAN: Right. Just going to
21 open it up quickly before I ask for a motion.

22 Does anybody have any comments from

1 LPAC at this time before we take this vote?

2 Bill, I see your hand is up.

3 MR. CARAM: Yes. I would just like to
4 follow Andy --

5 CHAIR BURMAN: Just for the, just for
6 the record state your name, organization, and
7 that you're an LPAC member.

8 MR. CARAM: This is Bill Caram with the
9 Pipeline Safety Trust, member of LPAC.

10 And I would like to follow Andy and
11 Sara's lead from GPAC, and just encourage broad
12 participation from the committee on working with
13 ASME to come to an agreement with PHMSA.

14 CHAIR BURMAN: Great. And I think
15 that's duly noted.

16 I do just want to ask PHMSA to concur
17 that they -- their same comments before are
18 similarly situated here.

19 MR. GALE: I'm sorry, Madam Chair, this
20 is John Gale. Could you repeat that?

21 CHAIR BURMAN: Just that what we talked
22 about before is similarly, is similarly under

1 LPAC is the same, looking forward to working with
2 everyone.

3 MR. GALE: That is correct. We are
4 looking forward to working with everybody, both
5 on the LPAC and in the GPAC, and probably some of
6 the -- even the different trades, both Pipeline
7 Safety Trust, EDF, API, and others as we work
8 forward on this important issue.

9 CHAIR BURMAN: Great. Thank you so
10 much.

11 With that, I'm now going to open it
12 up. I'm going to be looking for someone to make
13 the -- from LPAC to make the initial motion. And
14 then someone from LPAC to second it.

15 I don't see any volunteers at the
16 moment.

17 Bill. And, again, for the record just
18 state your name, organization, and entity. And
19 then David Barnett, we'll have you second it
20 after. Bill.

21 MR. CARAM: Yes. Thank you, Madam
22 Chair. This is Bill Caram with the Pipeline

1 Safety Trust and member of LPAC.

2 And I move that the transcript of this
3 meeting, duly recorded and accurately
4 transcribed, together with the presentation
5 slides documenting the committees' votes during
6 this meeting, shall serve as the report for this
7 proceeding.

8 CHAIR BURMAN: Great. Thank you so
9 much.

10 Now I'm going to look to David Barnett
11 to second.

12 MR. BARNETT: Thank you, Madam Chair.

13 David Barnett, United Association of
14 Plumbers and Pipefitters on the LPAC committee.
15 And I second this motion.

16 CHAIR BURMAN: Great. Thank you.

17 The motion was made. It was seconded.
18 Now I'm opening the floor for any discussion or
19 debate.

20 Seeing no hands except Dave, which is
21 now down, seeing nothing I will close the floor.
22 And I will ask Amy Allen from PHMSA to hope -- to

1 help with taking the tally for the vote.

2 Again, remember, when your name is
3 called say yes, no, or you've recused or
4 abstained. Thank you.

5 MS. ALLEN: This is Amy Allen from
6 PHMSA. I will now tally the votes for this
7 motion.

8 This is an LPAC vote. So, if you are
9 on the LPAC, when I call your name, please let me
10 know your vote for this motion.

11 Jeffrey Lantz.

12 (No audible response.)

13 MS. ALLEN: Jon Wolfgram.

14 MR. WOLFGRAM: Yes.

15 MS. ALLEN: Diane Burman.

16 CHAIR BURMAN: Yes.

17 MS. ALLEN: Graham Bacon.

18 MR. BACON: Yes.

19 MS. ALLEN: Jerry Barnhill.

20 MR. BARNHILL: Yes.

21 MS. ALLEN: Angela Kolar.

22 MS. KOLAR: Yes.

1 MS. ALLEN: Todd Denton.

2 MR. DENTON: Yes.

3 MS. ALLEN: Shawn Lyon.

4 MR. LYON: Yes.

5 MS. ALLEN: Lanny Armstrong.

6 (No audible response.)

7 MS. ALLEN: David Barnett.

8 MR. BARNETT: Yes.

9 MS. ALLEN: Chuck Lesniak.

10 (No audible response.)

11 MS. ALLEN: Sara Magruder Lyle.

12 MS. MAGRUDER LYLE: Yes.

13 MS. ALLEN: Bill Caram.

14 MR. CARAM: Yes.

15 MS. ALLEN: We have ten votes for this
16 motion.

17 CHAIR BURMAN: So, the motion is --
18 passes and is approved. This is an LPAC motion.

19 During this meeting we took seven
20 votes, three with GPAC, four with LPAC. All
21 passed.

22 And now I'm going to turn it over to

1 Allen to wrap up and adjourn.

2 I will just say that before I do that
3 I thank everyone for being a part of this. I do
4 note that there were some members of LPAC and
5 GPAC who were not able to attend. For those who
6 gave us the heads-up about that, I appreciate
7 that.

8 We are really very happy to see just
9 how much we've had a lot of substantive
10 discussion in looking at advancing pipeline
11 safety and the protection of the environment.

12 I'd also like to say that I was very
13 pleased and happy to see that we had from the
14 diversity and inclusion perspective we had a lot
15 of that among the discussion and from the
16 committee and also with the public. So, I thank
17 folks for that.

18 Now I'm going to turn it over to Allen
19 to wrap up. And then we will officially adjourn
20 after that. So, thank you.

21 MR. MAYBERRY: Yes. Thank you, Madam
22 Chair.

1 And just I'd like to say we have what
2 we need to move forward. Today I think we made
3 good progress very efficiently to provide what is
4 needed to report on the standards update. So,
5 thank you very much for that.

6 I thank, staff. We heard you loud and
7 clear related to the matter of transparency of
8 the ASME standards, and look forward to working
9 with you on the report, and all of you to, you
10 know, improve that related to that particular
11 standard. And appreciate the willingness of some
12 of you to support that effort.

13 You know, we're on the course with you
14 on that. We, you know, as I said earlier, in my
15 remarks earlier today, you know, our commitment
16 is to transparency. And to that end we'll do
17 everything we can to improve in that area. And
18 certainly when it comes to the ASME standard or
19 any standard, we'll do what we need to do to that
20 end.

21 We also, this is more of an issue
22 later or yesterday, that related to providing

1 materials in advance. It's another, you know,
2 kind of a note we took home to -- I don't think
3 it was an issue for today because we typically
4 have the briefings. But I know for when we have
5 the policy update briefings we'll get those
6 materials to you earlier. So, we heard that loud
7 and clear as well.

8 And then, lastly, I'd just point out
9 thank you, Commissioner Burman, you did an
10 outstanding job today and yesterday with chairing
11 the meeting. It flowed just perfectly. And, you
12 know, thanks for your leadership as chair. So, I
13 thank the chair.

14 Also, thanks, you know, to the staff.
15 I had mentioned at the outset yesterday, it takes
16 a lot of work to put these meetings on. And we
17 just have an awesome staff at PHMSA, Office of
18 Pipeline Safety. And thanks to all of you.

19 You know, we had quite a few people on
20 standby today, some of the ASMEs who related, you
21 know, who were intimately familiar with the
22 standards. We didn't really have to draw on them

1 too much, but they were standing at the ready to
2 help. So, thanks to all of you who tuned in.
3 And I'm sure you found the discussion
4 fascinating.

5 Thanks to the members. You know,
6 thanks for your participation. We realize it
7 doesn't really pay a lot. In fact, it doesn't
8 pay anything. But your commitment and time away
9 from what you do is very important to us. And we
10 take the input that you provide seriously. And
11 we're just extremely appreciative of that.

12 And you're part of why this process,
13 you know, these committees, these two committees,
14 you know, put together under the Federal Advisory
15 Committee Act, are really the best examples I
16 know of in the Federal Government of how these
17 committees should work. It's just an amazing
18 process. And thanks for your participation. And
19 it works really well.

20 And we'll probably see as we meet in
21 the coming year to address, you know, the busy
22 docket that Shawn described yesterday on the

1 rulemakings, we'll be bringing back together
2 again, obviously, at least a couple of times next
3 year, I imagine, but you'll probably see a few
4 new faces. We're working to address some of the
5 vacancies, so expect to see some changes there as
6 we address that.

7 And then, lastly, I wanted to thank
8 the public participation. For those of you who
9 tuned in, thanks for your involvement, thanks for
10 your comments. And, hopefully, we learned a lot
11 through this process of how, you know, the
12 sausage making of how public policy gets made
13 and, you know, the important work of these two
14 committee to provide recommendations to us and to
15 the Secretary of Transportation to move forward
16 on pipeline safety and protection of the
17 environment.

18 With that, again, thanks. I'll turn
19 it back to you, Madam Chair, to close this out.
20 I appreciate it. Thank you.

21 CHAIR BURMAN: Thank you so much. And
22 thank you, Alan, to you and to your staff. And

1 we look forward to when we will next meet on
2 these issues.

3 And we're going to now adjourn the
4 meeting officially. Thank you, Dylan. And we
5 are done.

6 (Whereupon, the above-entitled matter
7 went off the record at 1:15 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Liquid and Gas Pipeline
Advisory Committee

Before: PHMSA

Date: 10-21-21

Place: teleconference

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Court Reporter

NEAL R. GROSS

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