U.S. DEPARTMENT OF TRANSPORTATION

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GAS PIPELINE ADVISORY COMMITTEE (TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE)

AND

LIQUID PIPELINE ADVISORY COMMITTEE (TECHNICAL HAZARDOUS LIQUID PIPELINE SAFETY STANDARDS COMMITTEE)

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JOINT MEETING

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TUESDAY

DECEMBER 17, 2013

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The Joint Meeting convened by teleconference from Room W74-101, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., Washington, D.C., at 10:00 a.m., Collette D. Honorable and Massoud Tahamtani, Committee Chairs, presiding.

GAS PIPELINE ADVISORY COMMITTEE MEMBERS:

HONORABLE COLLETTE D. HONORABLE
DENISE M. BEACH
J. ANDREW DRAKE
RICHARD F. FEIGEL
SUSAN L. FLECK
ROBERT W. HILL
RICHARD F. PEVARSKI
DONALD J. STURSMA
RICHARD L. WORSINGER
JEFF C. WRIGHT
CHAD J. ZAMARIN

LIQUID PIPELINE ADVISORY COMMITTEE MEMBERS:
MASSOUD TAHAMTANI
LANNY W. ARMSTRONG
C. TODD DENTON
TIMOTHY C. FELT
RICHARD B. KUPREWICZ
CHARLES LESNIAK, III
RONALD G. McCLAIN
CRAIG O. PIERSON
CARL M. WEIMER

DEPARTMENT STAFF PRESENT:

JEFF WIESE, Designated Federal Official
KRISTIN BALDWIN, OGC
LINDA DAUGHERTY, PHMSA
KALU KELLY EMEABA, NTSB
JOHN GALE, PHMSA
VINCENT HOLOHAN, PHMSA
MIKE ISRANI, PHMSA
MAX KIEBA, PHMSA
ALAN MAYBERRY, PHMSA
CAMERON SATTERTHWAITE, PHMSA
CHERYL WHETSEL, PHMSA
NANCY WHITE, PHMSA

ALSO PRESENT:

PHILLIP BENNETT, American Gas Association
STEVEN BOROS, Pipeline Plastics
JIM HOTINGER, Virginia State Corporation Commission
DUSTIN LANGSTON, WL Plastics
KAREN LIVELY, Performance Pipe
DWAYNE MARTIN, Kinder Morgan
MIKE O'NEILL, Van Ness Feldman
SARAH SMITH, SNL Energy
SUSAN STRITTER, Distrigas
EBEN WYMAN, Distribution Contractors Association

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

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

10:00 a.m.

MR. WIESE: Good morning, everyone. This is Jeff Wiese. I think we've got about 18 or 19 people on there. So, I won't make you all say good morning. Just we'll know you're sending your holiday wishes our way.

Thank you all for taking time out to meet with us this morning. And before we get going and I turn the proceedings over to the chair of our joint committee meeting, the Honorable Collette Honorable, I just have a couple of things I wanted to get out of the way and one of those would be just quick introductions so everyone knows who's here.

And so, I think we'll start out with the PHMSA people here, if you don't mind. Since we're remote, it adds a little formality to that.

Then we'll go to other people here who are not with PHMSA. And then we'll go to Cheryl who will do a roll call. And anyone we

miss, then we'll go to you at the end, okay?

So, with that, I will start. My name is Jeff Wiese. I'm Associate Administrator for Pipeline Safety here at DOT within PHMSA.

And so, with that, maybe I'll turn to - I've got -

MR. MAYBERRY: Hi. I'm Alan Mayberry. I'm Deputy Associate Administrator for Policy and Programs here at PHMSA.

MS. DOUGHERTY: Hello. This is Linda Dougherty. I'm the Deputy Associate Administrator for Field Operations.

MR. ISRANI: And this is Mike Israni. I'm the Senior Technical Advisor at PHMSA.

MR. KIEBA: Max Kieba, engineer pipeline engineer in the Research Division.

MS. WHETSEL: Cheryl Whetsel, committee coordinator.

MR. GALE: John Gale, Director of Standards and Rulemaking.

MR. SATTERTHWAITE: Cameron Satterthwaite, regulations.

MS. BALDWIN: Kristin Baldwin, legal advisor to the advisory committees.

MS. WHITE: Nancy White, senior policy advisor.

MR. HOLOHAN: Vinnie Holohan, engineering research.

MR. KELLY EMEABA: Kalu Kelly Emeaba from NTSB.

MR. O'NEILL: Mike O'Neill, Van Ness Feldman.

MR. WYMAN: Eben Wyman, Distribution Contractors Association.

MR. WIESE: And former OPS employee.

MR. WYMAN: I am.

MR. BENNETT: Phillip Bennett, counsel for the American Gas Association.

MS. SMITH: Sarah Smith, reporter with SNL Energy.

MR. WIESE: Great. Thanks, Sarah.

So, with that, I think we've covered everyone here in the room.

Cheryl, do you want to do a roll call of the members?

MS. WHETSEL: Yes, please. I think I have almost everybody. So, just say "yes" or "here" or whatever.

Collette Honorable.

MS. HONORABLE: Present.

MS. WHETSEL: Don Stursma.

(No response.)

MS. WHETSEL: Don? I know you were on Live Meeting.

(Simultaneous speaking.)

MS. WHETSEL: Jeff Wright.

MR. WRIGHT: Here.

MS. WHETSEL: Andy Drake.

(No response.)

Sue Fleck.

MS. FLECK: Yes, I am here.

MS. WHETSEL: Richard Worsinger.

MR. WORSINGER: Yes, I'm here.

MS. WHETSEL: Chad Zamarin.
MR. ZAMARIN: Here.
MS. WHETSEL: Denise Beach.
MS. BEACH: Here.
MS. WHETSEL: Richard Feigel.
MR. FEIGEL: Here.
MS. WHETSEL: Robert Hill.
MR. HILL: Here.
MS. WHETSEL: Rick Pevarski.
MR. PEVARSKI: Here.
MS. WHETSEL: All right. And the Liquid Committee. Massoud.
MR. TAHAMTANI: Here.
MS. WHETSEL: Todd Denton.
MR. DENTON: Here.
MS. WHETSEL: Tim Felt.
(No response.)
MS. WHETSEL: Tim Felt.
(No response.)
MS. WHETSEL: Ron McClain.
MR. McCLAIN: I'm here.
MS. WHETSEL: Craig Pierson.

MR. PIERSON: Here.

MS. WHETSEL: Richard Kuprewicz.

MR. KUPREWICZ: Here.

MS. WHETSEL: Lanny Armstrong.

MR. ARMSTRONG: Here.

MS. WHETSEL: Charles Lesniak.

(No response.)

MS. WHETSEL: Carl Weimer.

MR. WEIMER: Here.

MS. WHETSEL: I'm a little concerned, because they were on line with Live Meeting, but we can't hear them.

MR. WIESE: Why don't you just go over those that you're concerned about again one more time.

I know Chuck Lesniak, are you on?

MR. LESNIAK: Yes, here.

MR. WIESE: Okay. Because I think sometimes people don't hear or they have problems with their mute.

MS. WHETSEL: Okay.

MR. WIESE: Tim Felt.

MR. LESNIAK: Tim wasn't going to be able to make it, Jeff.

MR. WIESE: Oh, he wasn't. Okay.

MS. WHETSEL: I saw him on Live Meeting.

MR. WIESE: Okay. Others that are - Don Stursma.

MS. WHETSEL: Stursma, yes.

MS. STURSMA: Yes, I'm here. I finally got off hold on AT&T call in.

(Laughter.)

MR. WIESE: We asked them to release you late, Don.

MS. WHETSEL: And then Andy Drake.

MR. WIESE: Andy Drake.

(No response.)

MR. WIESE: Okay. Very good. Now, perhaps anyone else who is on, I apologize. I don't know. Tammy, I don't think it's possible to moderate that much.

So, maybe we'll just ask people to jump in as they can if you haven't so far

introduced yourself.

MS. LIVELY: This is Karen Lively from Performance Pipes.

MR. WIESE: Karen.

MS. STRITTER: Susan Stritter from Distrigas.

MR. WIESE: I think it was Susan Stritter?

MS. STRITTER: Yes.

MR. WIESE: I'm sorry. That was just for the court reporter.

MS. STRITTER: Oh, sorry.

MR. WIESE: Okay. That's okay. Anyone else?

MR. BURTON: Dwayne Burton with Kinder Morgan.

MR. WIESE: Good morning, Dwayne.

MR. BURTON: Good morning.

MR. WIESE: Okay. That was a really long pause. So, I'm assuming they're either really polite people, or we're through the list. So, why don't we just take it as

we're through the list.

Feel free to contact Cheryl Whetsel or John Gale if we didn't get to you in the introductions. And thanks to everyone for your patience on that.

I think with that, Ms. Honorable, I would turn the meeting over to you to officially begin.

MS. HONORABLE: Thank you, Jeff, and good morning everyone. Thank you for taking time to attend via teleconference or in person this joint meeting of the Liquid Pipeline Advisory Committee and the Gas Pipeline Advisory Committee.

For the record, a quorum is established and a quorum is present and this meeting is officially called to order.

So, we ask that any time that you speak during this meeting, that you state your name each and every time, because we have a court reporter who will transcribe our proceedings here this morning.

At this meeting, we will be considering the following Notice of Proposed Rulemaking and conducting a vote.

The title of the rule is Pipeline Safety, Meeting of the Gas Pipeline Advisory Committee and the Liquid Pipeline Advisory Committee, 78 Federal Register 49996.

Now, when it comes time for a vote, Cheryl will go over the example on how to call a motion and conduct a roll call and each committee will vote separately. For this rule, we will take two votes.

Number one on all proposed standards, that is except ASTM D2513-09 99 and 87 and miscellaneous amendments for both committees, and on proposed standards ASTM D2513-09 99 and 87 for the Gas Committee only.

This call will have an open line because we need to hear from you at certain points throughout this meeting.

We do ask, however, if you are not speaking, that you mute your lines so that we

will be free from all of your conversations and work going on wherever you may be.

The public callers will be managed by the operator who will connect the individuals at our discretion, but I believe Jeff has indicated that the line will be open. And I'll turn it over to Jeff. Thank you.

MR. WIESE: Thank you, Collette. Just for the record, I am also pointing out that while we're meeting in joint session and Collette was kind enough to agree to chair the joint session, when we come time to vote on the standards, Massoud Tahamtani will be stepping in and chairing the Liquid Committee. And so, he'll organize that vote.

And then Collette will step back in her normal role and sort of Gas Committee chair and she will organize that vote.

I should say also that for the members of the public, I have to reiterate every time that this is really a meeting of the Advisory Committee. Public comment is

secondary here.

We have a FACA Committee and all the rules are established. So, we're really here to get their advice.

We do provide -- whenever there is a vote, we do provide an opportunity for the public to comment if you want to. If you do decide to, try to make sure you're adding value here, you know, some comment that maybe hasn't been said before. Me-toos don't help.

And so, we'll welcome it, but try to, you know, just say your name, you know, and that you have a comment you'd like to make for the record. We'll be glad to take it. And make it short and sweet if you can.

I want to thank everyone again for taking time out of your schedules. I'm going to try to be very respectful of your time today for lots of reasons.

We had thought about having an in-person meeting and there's a lot to talk about, but we really only have one vote for

you and that's the primary purpose of the Committee.

And so, we didn't feel that we could put off the vote much longer on these standards. We needed to move forward.

I will say that having looked at the docket, I've been advised by my folks that we're in pretty good shape with the exception of one standard where there is still some controversy.

So, we're going to have the vote on - the Liquid Committee will be voting on a package and we'll explain more as we get to it. The Gas will vote on a package minus that one standard that's still a little controversial.

Then the Gas Committee will vote on - will have a discussion on that one standard and then we will vote on it.

And I'm going to exercise my prerogative as the - what am I called now? The - Cheryl has a name for me.

MS. WHETSEL: A designated federal official.

MR. WIESE: The designated federal official. I like that. I'll use my DFO hat. And if I feel like it's too controversial, I'm going to punt until the February meeting.

We're going to be working with all of you and trying to establish the next meeting of the Advisory Committee which will be in person. It didn't seem right to drag you all out to Washington at this time of year near the holidays when we didn't have more substantive work for you, but there's a lot going on.

The February meeting I'm going to try to, just heads up, I'm going to try to call it adjacent to a workshop that Linda and I and other people on - and Ron McClain and others who are on this SMS Committee, we're building a new standard for pipeline safety management systems.

We're going to have a day-long

workshop which will be webcast if anyone can't make it. We'll try to have the Advisory Committee adjacent to it.

I think you'll see that the topics that we intend to cover in Advisory Committee, for example, in the afternoon before the last afternoon, will have concentrated discussions on the topic of safety culture that either feeds positive or negative feelings on people, but I think it's worth talking about.

There's a lot of interesting developments there. We're inviting our friends from Canada to come down. They've put out a new framework for safety culture in the pipeline world and we want them to explain it.

So, at any rate, there's a lot to do in February. So, we'll be working with you to schedule that right now. And we've asked for calendars for all the trades and from the state representatives. We'll try to make the best fit possible. So, stay tuned for a more substantive meeting in February.

So, the primary reason again to bring you here today is to allow us to move forward with the rule that we need your advice and your - we need to consult with you on before we take it any further.

So, I don't really intend to - thank you, John, for taking off State of the Pipeline Safety Program. I wasn't prepared to address that and I am trying to get people out of here in a really timely way.

So, let's say we'll do that in earnest in February, okay? Very good. So, with that, I think, Ms. Honorable, I'm turning it back to you and ending unless there are any questions or any discussion on what I've had so far.

MS. HONORABLE: Are there any questions? If so, please identify yourself before speaking.

MR. WIESE: Oh, thank you.

MS. HONORABLE: Jeff, do you want to say something else?

MR. WIESE: Yes, I apologize. And Cheryl had provided this material and I had just forgotten. Bad form on my part.

As the people who work here know, we've done our Myers-Briggs. For those of you who have done your Myers-Briggs, I have no F in my equation. So, I forget all the niceties of life. Thank you, Cheryl, for reminding me, because did I not say I wanted to do it? At least a little credit on the F.

I wanted to take just a moment out to say thanks to a few people who are no longer on the committee. In no particular order, I wanted to thank Wayne Gardner.

Wayne was state commissioner in Pennsylvania, but he's no longer with the Commission. And since his appointment was representing them, Wayne had resigned, but we want to thank him for his service.

Next, although we'll continue working with him, he'll be in a different capacity, Mike Bellman is no longer

representing APGA and municipal operators.

He instead has joined the American Gas Association. And so, Phil and others will have the joy of working with Mike. And I just saw him recently in his new position. So, John and I went to talk. So, anyway, I want to thank Mike for his service during that.

Last, but not least, is Jerry Rosendahl. Jerry is a fire marshal from Minnesota. He's been a business partner outside of the Committee, as well as on the Committee for many years.

Jerry is - God bless him. Jerry is resigning and retiring in one fell swoop. So, we wish him smooth sailing in retirement and we're envious.

I doubt Jerry is listening right now, because he's probably packing his office. But, anyway, my thanks to all of them for their service. And thank you, Cheryl, for reminding me of that.

Did I overlook anything else?

MS. WHETSEL: I probably have a really big F.

MR. WIESE: Yeah, Cheryl has a huge F. So, I'm sure that she'll remind me of all these things.

So, that was it, Collette.

MS. HONORABLE: Thank you so much, Jeff. And on behalf of all of the members of both committees, thank you to those named for your service.

This is an important work, not necessarily high profile, but it is to a good end and we are very grateful for the time and dedication that you gave to this effort.

So, with that, we will now move along with - I believe we're at Item Number 3 on our agenda. We will now receive a briefing, a regulatory update from John Gale.

MR. GALE: Yes, it's Item Number 2, Collette.

(Discussion off the record.)

MR. GALE: Hi, everyone. This is

John Gale. I'm the Director of the Standards and - Division of Standards and Rulemaking.

I just want to make sure is everyone that is on the Committee being able to see the Live Meeting presentations or at least been able to get the presentation up and open on the PowerPoint browser?

PARTICIPANT: I can see it.

MR. GALE: Very good. Very good. Before we get into the rulemaking agenda, I just want to kind of go over real quick a quick slide just back on the process as we scroll through this.

For some of you that don't live the rulemaking process as we discussed at the last advisory committee meeting, there's two very important distinctions on rulemakings and that's the term of significance being significant or nonsignificant. And it's an issue of time.

And if it's a significant rulemaking action, you know, after it goes

from PHMSA, it goes to the Office of the Secretary, then it goes to the Office of Management and Budget, then it can go to Federal Register.

If it's nonsignificant, after PHMSA it goes to the Office of Federal Register.

So, what is important to show here is that we're just one part of the process. There's lots of other entities that are involved in the process of getting rulemaking ultimately published in the Federal Register.

And it's important to note especially for us because of our nine rulemakings we currently have on board or that we're working on, eight are either designated significant or we anticipate that will be designated significant. So, we have to go through this extra review period for most of the rules we have.

The standards update rule that we're talking about today was a nonsignificant

action. We were able to move a little quicker on that rule.

The Part 190 rule that we finalized just recently, that was a nonsignificant rulemaking. We were able to move a little quicker.

The rules that are significant take a little bit more time to get through the whole process and get to the Federal Register.

So, with that being said - and also just a real quick note is that what I'm trying to also point out is that if I say a rule is not with PHMSA, it's just in that next stage in the process. It could be with OST. It could be with OMB.

At the last presentation I gave you websites and you can check and you can see where the status of the rules are be it at OST or with the Office of Management and Budget.

So, for the first rule, which is a rulemaking we've been working on for several years now, which is our hazardous liquid

rulemaking, we've published an ANPRM back in 2010. And this obviously came about, you know, after the Enbridge incident.

And we're looking at issues such as revising the definition of a high-consequence area, adding leak detection to areas maybe not even beyond the high-consequence areas, repair criteria in both high-consequence and non-high-consequence areas and looking at assessment requirements in the non-ATA areas.

We're definitely looking at things like stress, corrosion, cracking, pigability or the ability of a line to accept an inline inspection tool for those that do not currently have it.

Reporting requirements for gathering lines, we have requirements that currently where we can regulate gathering lines when it comes to hazardous liquids.

And some of the exceptions that we have in Part 195 where our regulations don't

apply to some of these lines such as gravity line, what is referred to as the gravity line exception.

This rule moved past PHMSA a bit ago and we're hoping that it will move on to its next step as quickly as possible and we can actually get that published in the Federal Register and hopefully bring it before the advisory committee and get a vote or at least a good discussion on that rulemaking and we can move on to our next action on that.

Our next rule is kind of a compendium to the liquid rule, which is a gas transmission rule. We're looking at very similar items here.

We again published an ANPRM back in 2011, and this rule is still under development. This is still within PHMSA and we're looking, again, at expanding HCAs, looking at the definition of an HCA, if improvements need to be made there.

MR. WORSINGER: Excuse me, John.

MR. GALE: Yes.

MR. WORSINGER: This is Rich Worsinger.

MR. GALE: Yes, Rich.

MR. WORSINGER: I'm not able to follow on Live Meeting. I'm just scrolling through this myself.

So, would you mind indicating what slide you're on? I believe you're on Slide Number 4 now?

MR. GALE: That's correct, sir. That's good, Rich.

MR. WORSINGER: I know there's a couple others. So, that would really help.

MR. GALE: Not a problem. I'll give you the slide number as we go.

MR. WORSINGER: Great. Thank you.

MR. GALE: Not a problem.

We're also looking at the assessments of areas that are not currently HCAs, assessment methods, valve spacing, corrosion control. And we're also looking at

the issue of gas gathering.

But as we began that role, we also had our reauthorization move forward and some additional requirements got imposed on us that we had to look at in what we've referred to as the integrity verification process.

Karen, can you move to Slide 5, please? And what we're trying to do is integrate into this rulemaking the issues related to what we've referred to as the integrity verification process.

And we're looking at some of the recommendations from NTSB. We're looking at some of the requirements that have been put on us by reauthorization. Like, some of the bigger things is the grandfather clause and dealing with the issue of the incomplete record.

Right now we're hoping to move that rule. This is not a small rule. This is a very significant undertaking and it's very possible that this rule will be moving forward

and out of PHMSA within the next month or so.

But it, again, has to go through that process of going through OST and OMB, et cetera, and time will tell how quick that will happen. But we hope to be done at least from the PHMSA side within the next couple of months.

Moving on to Slide 6 is our excavation damage rule. This is at the final rule stage. The committee voted on this back in December 2012 and this rule has also moved past PHMSA.

This is a rulemaking that comes back from actually the old PIPE's Act of 2006. It gets into the situation where states have an inadequate enforcement program or if they have an inadequate enforcement program related to excavation damage prevention laws.

And so, what we're trying to do in this situation would be to step in, in those situations where states do have that inadequate enforcement.

So, this rule is moved past PHMSA, like I said. Hopefully we'll be able to publish this as a final rule within the next few months and it can get out and be finalized on maybe this - hopefully this summer. So, we can just kind of hope for that one.

The next rule on Slide 7 is our miscellaneous rule which has also moved past PHMSA. Moved past PHMSA around early August, late July.

The Committee voted on this action back in July of 2012 and the NPRM was in 2011. And some of the issues on here was the NTSB recommendation on transportation of pipe, putting into the regulations being clear what was issued in an advisory bulletin or notice earlier about the regulation of ethanol, the issue of qualified plastic pipe joiners, the leak surveys for Type B onshore gas gathering and our post-construction inspection issue, which was an issue of a little bit of controversy at the advisory committee.

So, the rule, like I said, the rule has been past PHMSA. We're hoping, you know, that we can get this through OST and OMB as quickly as possible and published in the Federal Register.

Moving to Slide 8 is our EFV Rule. This is a Notice of Proposed Rulemaking responding, in part, to an NTSB recommendation and to a requirement in reauthorization dealing with EFVs in other than more than single-family residences other than what was handled, in other words, through the DIMP Rulemaking.

And, again, we're hoping that this rule will move through the process as quickly as possible and we'll be able to publish this as soon as possible and get this in front of the advisory committee and get it for a vote.

And then on Slide 9, this is the Standards Update Rule. And this is the rule that we're going to be discussing today.

Mike Israni and Max Kieba are

going to give us a very thorough overview of what this rule is about, but it's also important to note that this was tied up a little bit with the issue of what was referred to as Section 24 and the requirement and reauthorization that any standard that we incorporate by reference was going to be available for free on the internet to the general public.

And that has been revised since the last time we met. It was in the process of being revised at the last meeting. And now instead of it having to be available for free on the internet, it just has to be now available for free.

And most of the standards organization bodies have complied with this requirement. We are continuing to work with those that do not provide them for free.

There is also a portal, so to speak, by ANSI. You can see the website there at the very bottom which is ibr.ansi.org. And

you can actually go to that one site and get access to all the different standards.

There are log-in processes and procedures that you have to do and it will kind of shoot you off to the different websites that have access to these documents. It's a very handy little website. And hopefully as more SDOs start to comply with this, it will become even more robust.

So, moving on to Slide 10, this is the Part 190 Rule that the Committee voted on back in -- also in December of 2012. And just wanted to point out for those of you who didn't realize, the final rule actually was published on this on September 25th of 2013. And, of course, dealt with some of our issues on open enforcement and civil penalties and basically the administrative enforcement process and procedures.

So, at least we were able to complete that one action there. They actually closed out a lot of mandates from our

reauthorization.

And then on Slide 11, this is a rule I affectionately call Miscellaneous II, but some people don't like my designations of miscellaneous.

So, it has a very short title of Operator Qualification, Cost Recovery and Other Pipeline Safety Proposed Changes, a little bit of a mouthful.

But when we got reauthorization, we had a lot of smaller mandates that didn't in their own right deserve a rule on their own. So, we tried to kind of combine some of these issues.

We also had a significant proposal that we were looking at dealing with operator qualification that came within PHMSA that we wanted to address.

So, this rule is dealing with operator qualification for new construction. It's dealing with the incident reporting requirement that is in reauthorization

regarding the timing and when incident reporting will occur, dealing with the issue of cost recovery especially with regard to things like special permits and larger projects, carbon dioxide.

We're looking at a renewal process for special permits. A few years back we started adding expiration dates for special permits and in the regulations today we don't have a process for renewing them other than having to reapply just like a regular special permit. So, we're trying to build into the regulations, and we'll go out for notice and comment a renewal process when there's special permits getting ready to expire.

So, this is a rule that's still under development within PHMSA. We hope to have it out of PHMSA within probably the next couple of months.

We probably anticipate we haven't gotten final decision. We anticipate this to be insignificant. And if it's so, you

know, after PHMSA it will have to go through the OST and OMB review process. But this will probably be past PHMSA probably later in January or early February.

And Slide 12. Slide 12 is dealing with the rulemaking on plastic pipe issues. We have several petitions on the issue of plastic pipe. Some from AGA dealing with the design factor. We have petitions dealing with PA11, bringing in PA12 into the regulations.

And so, we've kind of combined a lot of these issues into one rulemaking. Richard Sanders left us a nice little laundry list of proposals he wanted us to address.

So, we've kind of put these together. We actually have some significant means going on internally with these issues within this week. Some of the folks in this meeting today are actually leaving right after the completion of this meeting.

And hopefully we'll be moving this also past PHMSA within the next couple of

months and get that through its review process.

We do not know yet whether this is going to be deemed significant or not. And hopefully we're going to put in a request very soon on that issue.

And the last two slides here just deal with a new rule that we just initiated, but we've been talking to you all about it for a while now. And it's on the issue of rupture detection, what some of you in the past have referred to as leak detection, a rupture detection and valve and we've combined them into one rulemaking.

This is, you know, after we have gotten the mandates from Section 4 and 8 from reauthorization, the NTSB recommendation, we also did some studies and reports that we reported back.

Max, and I believe it was and I forget the other gentleman who gave the other presentation, reported to the Advisory

Committee on the results of those reports.

And now we've initiated a rule which is basically looking at to establish and define rupture detection response time metrics, including the integration of automatic shutoff valves and remote control valve placement as necessary with the objective of improving overall incident response.

As Jeff likes to refer to this, it's really getting into the issue of emergency response than a very specific mandate of where and when you place automatic control or automatic shutoff valves.

So, this is just being initiated within PHMSA. A lot of the time and efforts of our office right now are tied to some of the other rules we already mentioned.

But as my boss is moving his head as I talk, I think we're going to have to move this a little quicker.

MR. WIESE: Maybe you'll allow me

just to say just to correct something, we've actually been working on this for a long time, you know.

We did two reports to Congress, workshops, and so I think we've gathered the information we need. So, forgive me, John. That's just more about so that everyone understood we've been working on it.

I think we have most of what we need for the rulemaking.

MR. GALE: And this rule will probably, you know, it's going to take several months right now to get it through PHMSA. But as soon as especially when we move past plastic pipe and we move past the gas transmission rule, because a lot of efforts, a lot of time is being put on those two rules and, like I said earlier, we're starting to get freed up from those within the next four to six weeks.

A lot of our energies are going to be put to this rule and getting this out of

PHMSA very quickly.

So, just kind of in summary as we mentioned earlier, we have nine rulemakings that we're managing. About eight of them are significant.

But by the end of January, early February, about seven of those rules will actually be past PHMSA and either hopefully if they get deemed nonsignificant we can move to the Federal Register, or they'll be going through the review process of going to OST and then OMB.

And with that, I'll take any questions that any of the members may have.

MS. HONORABLE: Thank you, John. Are there any questions for John? If you do have questions, please identify yourself first.

MR. WIESE: Collette, this is Jeff. I wonder if I could jump in real quick to tell the members that in February, we'll be glad to spend substantial time on any of these matters

that have not already been before the Committee.

And the things that have already passed through the Committee, about all we can do is give you a status, but on any of the ones that haven't been through there we're happy to.

So, just let us know, Cheryl, John, myself or Alan and we'll make sure we allow time for a thorough discussion of that at the February meeting. So, thank you, Collette.

MS. HONORABLE: Thank you. And with that, there may be fewer questions. Now is your time if you have any questions.

MR. DENTON: Yes, this is Todd Denton, Liquids Committee. Just a comment and I'm not sure if this is the place for it. It may be a request, but you mentioned the February meeting.

You know, last week the leadership of ALPL and API pipeline members approved a

strategic plan for pipeline safety performance improvement for next year.

So, we lay out several initiatives for improvement that we'll undertake such as, you know, improving our inspection technology capabilities, enhancing our ability to identify threats, expanding our safety culture, things like that.

So, we'll formally share this plan with our stakeholders, including the public, after the new year.

The February meeting may be a good forum for us to present that plan if you'd like to put that on the agenda, but just a request.

MR. WIESE: I think it's a great idea. I think that will fit nicely with the safety culture discussion. I would certainly be willing to talk to other groups about, you know, so that the public is well-informed about the full range of sort of strategic initiatives that all parties have underway.

Maybe we can sort of bucket these together in categories and talk about them.

MR. DENTON: That would be great. We can follow up with you.

MR. WIESE: Good. Thanks, Todd.

MR. DENTON: Thank you.

MS. HONORABLE: Are there any other questions of John on this presentation?

(No response.)

MS. HONORABLE: Hearing none, we'll move to Agenda Item Number 3, a briefing on the Standards Update Rule.

Mike Israni, the floor is yours.

MR. ISRANI: Good morning. This is Mike Israni and I would like to start from Slide Number 2, background information.

National Technology Transfer and Advancement Act of '95 and the OMB Circular A-119 requires federal agencies to use voluntary consensus standards instead of government developed technical standards. And also requires federal participation on these

developing activities.

And PHMSA has been referencing consensus standards right from the beginning, right from the time we wrote the code. And currently we are 64 standards IBR. All in Part 192 gas, and 195 liquids, and LNG regulations Part 193.

And these standards get updated every three to five years. So, we put out a standards update rule every three years. That has been our typical goal of two years we start a new rulemaking. And last rule that was updated was published in August 2010.

So, PHMSA participates in almost 29 standards committees. And it's the input from those organizations from those participants we try to revise and update new standards as they come along.

Slide Number 3. This Notice of Proposed Rulemaking was published on August 16th, 2013. And it incorporates two new standards and updated standards 20. It also

includes some edits and clarifies regulatory language.

So, first two new standards are API RP 5LT. This is the transportation of line pipe. And this came about after the NTSB recommendation P 0403, which resulted from an incident that happened in 2002 from the Enbridge pipeline.

And after research, they found out that this was inadequate loading of the pipe in the truck transit. So, this new standard was developed and the first edition came out in 2012. March 2012. That's the standard being adopted in this NPRM.

The second standard that we are adopting is the ASTM D2513-09a. This is polyethylene gas pressure pipe tubing and fittings, except for Section 4.2 pertaining to rework material that we discuss in detail later on by my colleague Max here.

And that rule also came about because of GPTC and AGA petition that our

current rules have D2513 of 87 edition and 99 edition. And they raise the concern that significant changes have occurred in last ten years. That we should go over the newer editions, but this will be addressed later on.

Next slide, which is Slide Number 4. As you heard briefly from John on this, the Section 24 in the 2011 Act put some limitations on the documents incorporated by reference. And the line the deadline for that was January 3rd, 2013.

And the statement of this Act for Section 24 stated that the Secretary may not issue guidance or regulations that incorporate by reference any documents or portions thereof unless they are made available to public free of charge on an internet website.

Now, as you look on the slide, this is Slide Number 4, where you see the brackets, those are the portions, those are the words that have been removed or changed.

So, now we have two years. It is

January 3rd, 2015, that we are to meet this requirement, and the guidance has been removed from the statement and also the internet website.

I would like to point out that PHMSA held workshop on this issue in July 2012 where all the stakeholders, all the standard developing organizations and members of public were present there to give their opinion about this issue.

And we subsequently had another meeting with the PSDOCC, which is the Pipeline Standards Developing Organization Coordinating Council, in September 2012 where we discuss our strategy on how we're going to meet this requirement.

To comply with the statute deadline of January 2013, many organizations, standard developing organizations, came forward.

Slide Number 5. These are the organizations which committed to providing

their standards for the pipeline safety in the read-only version on the internet websites.

On their own website as John mentioned earlier, the ANSI has created an IBR portal that provides one-stop access to standards that have been incorporated in the Code of Federal Regulations although this ANSI portal will be for all agencies for all standards.

And there's another note I would like to bring about regarding this issue that our legal office will soon share a meeting page, a URL for PHMSA workshop on "free to public" definition. They are going to discuss exactly what that means as it relates to IBR Section 24, but this information will come later.

And we had last week meeting with ASME. ASME and American Society of Civil Engineers are the only two organizations who are not putting their standards on the internet for free.

And ASME has committed to developing something called Compendium of Bridge Documents, which will have the portions of the standards, which ASME standards that we incorporate, combine one document, which they will make available to public, but that is still under development.

Next. Slide Number 6. So, this slide shows you all the standards, all those 20 standards, plus two new standards which are being incorporated by reference in this NPRM.

Go to Slide Number 7. There are two standards which are not being incorporated even though newer, updated editions of those standards are available.

And those are API Recommended Practice 1162, that's the public awareness program for pipeline operators, the second edition, December 2010 which came out, but we still have first edition December 2013 incorporated.

And the reason for that is that we

have to yet analyze the results from our federal inspections, which were completed in 2012. And we are waiting for our state inspections to complete, which will be finished in December 2013.

And based on those results, we'll check effectiveness of these recommendations which were in the first edition, which is 2003 edition of the API 1162.

So, before we can analyze that, we did not want to move the second edition in case any changes are needed.

And the second standard that is not being incorporated is API Standard 653. And 653 is the Tank Inspection, Repair, Alteration and Reconstruction. Fourth edition just came out in 2009 with addendum in 2010. We are retaining our current edition, which is the second edition in this rulemaking, which is the third edition, which is 2001.

The reason here being there are some concerns about the risk-based inspection

interval determination in the code.

Now, even though we are retaining the third edition of 2001, we are getting exception to Section 643 of this standard because it applies to risk-based inspection interval to determine this is interval inspection of the tanks.

And with the risk-based, we have some concerns that the interval can exceed even the 10 years or 20 years time period.

And the new edition, which is 2009 edition, which even opens up the door more where inspections can exceed all the way to 35 years. So, we certainly are not considering risk-based option in this.

And our committee members, people who are experts in this area, will work this out with the Committee to eliminate this concern.

Next slide. So, we received eight comments. Eight organizations came forward to give comments on the standards. There were

four trade associations, and four industry organizations. And those comments are on Slide 9.

There were several commenters that recommended updated standards to be incorporated, but they came out after NPRM was initiated.

See, what happens is we have to somewhere draw the line and start writing the rulemaking, because standards continually get updated. And then there are addendums and all those erratas and they keep coming every year.

So, we somewhere stop the line and then start working on the rulemaking, because John explained that process takes some time before it goes through PHMSA.

So, some of the recommendations came in these comments were those addendums, erratas, new standards editions which were after we had already started the rulemaking.

And major comments in this

rulemaking were on the ASTM standard D2513, which Max will cover next.

So, slide Number 10. There were a few miscellaneous amendments in this rulemaking. They were very minor.

For example, if you see the very first one, it removes reference to some language. Reference in Paragraph 8.9 to ASTM standard 2513 of 99th edition and that no longer exists. And also we do not see in that standard any Paragraph 8.9. So, this was obviously an error and we are removing that.

Second item I see, clarifying language in 195.452. 452 is the integrity management section for the hazardous liquid pipelines and currently it states that an operator must maintain certain records for review during the IM inspections, but it does not tell you for how long.

Although, it's obvious that, you know, you are retain the records for the life of the pipeline. So, we're just clarifying

that that they maintain those records for useful life of the pipe.

And then next two items are just corrections. They are editor corrections. One reports to third edition reference to first edition in lieu of third edition of API. So, that's been corrected.

And the second one is it gives incorrect reference to ASME Section 8 Div 2. It should have been Div 1.

And finally, we are removing Section 199.111. This is on the alcohol and drug section of the rulemaking, because 199.111 conflicts with the 49 CFR Part 40 hard conflicts that 199.111 says the donor can select where to send a specimen. Whereas 49 CFR 40 says the medical review officer has to select the lab where for testing the sample should be sent. So, there's obviously a big conflict there and we are removing this 199.111.

We go to okay. So, that covers

my part of this rulemaking.

MR. WIESE: Just for clarification now, we sorry, Collette, if I can jump in really quickly just to

MS. HONORABLE: Yes.

MR. WIESE: Since we're all on the phone, it's more difficult to communicate. You know, as I had said earlier, what we're doing is we believe that we didn't get many comments on the other portions prior to this point.

We are going to at this point, I believe we're going to take a vote of the two committees on this. Cheryl will walk us through that.

And then we'll come back and we'll cover the one standard where we did get a number of concerns. And some members on the Committee have actually called me on this one. So, I thought it best to deal with that separately.

MS. HONORABLE: Jeff, can you tell

us for the record which one we will take the vote on now? Maybe Cheryl will do that.

MR. WIESE: Yes, she will, but I and I apologize, Collette. I should have said that, you know, we want to make sure that we give the members and even the public an opportunity to comment here. Although, I will say that these have been relatively noncontroversial.

MS. HONORABLE: All right.

MR. FEIGEL: This is Gene Feigel. If it's appropriate, Mike, would you be prepared to go into a little more detail about the issues in the risk-based inspection in February?

MR. ISRANI: Okay. On the you are referring API Standard 653?

MR. FEIGEL: That's right.

MR. ISRANI: Yes. So, API Standard 653, current edition what we have is 2001 edition. And in that, there is Section 643 for the interim inspection of the tanks.

It says that you have maximum of ten years, or alternatively you can use risk-based inspection interval and employs no standardized methodology to calculate intervals.

And it also does not employ any method to determine the tank bottom thickness, because sometimes they can go underneath the tank and they could see the thickness of the tank to see if there's any possibility of leakage or so.

So, those are the concerns. That's why we took exception to 6.4.3. And what I was saying for the newer edition, the risk-based option opens up even more. It provides algorithms and some factors that can be rated in the favor of the subject matter expert or operators and they can extend the interval from 10 years to 35 years.

And, you know, knowing the tank life is 40, 50 years, to inspect after 35 years, you know, we thought this opens up

problems for us.

So, I hope that explains why we are taking exception to risk-based intervals.

MR. FEIGEL: That's fine.

MS. HONORABLE: Are there any other questions or comments at this time?

MR. LESNIAK: Mike, this is Chuck Lesniak. I've got a question on the striking the language about the requirement for publishing rules on the internet.

What are the alternatives?

MR. ISRANI: Well, the current wording still leaves in place "free of charge." So, the results standards had to be available for free.

And our legal office, they are going to have a workshop sometime next year and where they're going to really explain what does it mean to be available for free.

MR. LESNIAK: And my concern is for members of the public, does that mean that somebody like ASME could say, well, we'll give

it to you free of charge, but you've got to come to our offices in Washington, D.C. to get a copy, or you've got to pay shipping and handling to get it from us?

Do we have an idea of what that means? It seems given the technology available, I don't understand why this is being stricken. Actually, I've got kind of a concern about it.

MR. ISRANI: Well, it was taken out by Congress. And, you know, on August 9, 2013, the bill was passed by both House and the Senate and the president signed it.

So, this change has been in place, but how are we going to approach this, you know? The workshop will make it clear.

MR. WIESE: If I may, I'm just going to jump in for a second. This is Jeff.

Chuck, Vanessa Sutherland and our side and Jeannie Layson, now Shiffer, have really spent a lot of time and their staff has spent a lot of time trying to find an answer

to the dilemma that you just pointed out.

There are competing issues on the other side of it as it relates to copyright. And while most of the standards organizations, as long as the document was incorporated by reference, they didn't feel strongly about it, there are some that have a lot of technical detail in there and their larger market is overseas.

I mean, they basically were not interested in giving up their it was a primary source of revenue to sustain that organization. To give up copyright entirely on it was something.

So, we've been trying to craft a, you know, middle-of-the-road solution here. And Vanessa and Jeannie worked that really hard. Then, I think everyone talked to the Hill and the Hill changed the law on it. So, they obviously had an intent by striking some of these things.

But we are trying to find a

solution that gets people an answer closer to their home than having to, you know, travel to Washington, D.C.

And so that's, as Mike was saying, really what this workshop will focus on. How do we get people what they need and yet still protect legitimate interests of some of the standards organizations?

MR. LESNIAK: Okay. And I've got one more question. On the issue of the language about maintaining inspection records for the useful life of the pipe, would it make more sense or would it make sense to require inspection records for a period -- a certain period after the useful life of the pipe?

Say, in the case of when a pipeline is later abandoned and there's, you know, evidence of leakage or contamination found from the pipeline or contamination found that maybe the pipeline company would like to prove up was not theirs and some value in maintaining requiring inspection records be

kept for a certain period of time after the useful life of a pipe?

MR. ISRANI: Well, it's a good recommendation and we'll really give thought to this. At the moment we this is what our intention was to be available for inspection, meaning they should be available the life of the pipeline.

But, you know, yeah, certainly interpretation can go if there are some if there is a chance of leakage even though when the pipe is abandoned, we like to know about it, you know, and see the records, but we'll give thought to that.

MR. LESNIAK: I think that would be my recommendation and suggestion.

MR. GALE: John Gale here real quick. Chuck, it's a really good suggestion. Just in terms of a rulemaking like this to take it and to add additional requirements which would be above and beyond what we propose would be I don't know if we actually

can get that through the Administrative Procedures Act.

So, what we can do is just kind of table that and then look at that for any kind of future action.

MR. WIESE: Can you expand on that a little bit so that

MR. GALE: Yeah, basically what we have to do is keep the rulemaking within the scope, which usually means that we can't add requirements to a rulemaking that wasn't originally proposed.

We can lessen or clarify requirements. But as Mike said, this was a proposal that we said was actually a clarification of existing requirements. And, therefore, we didn't, you know, add really any cost information. We just said this is a clarification or an editorial change.

So, to go where you want to go, Chuck, we would actually have to actually probably do another proposal and actually do

a cost benefit on that.

But, I mean, what we like to do is we can add it to our list of ideas for changes to the regulations and consider it in the future if that's satisfactory to you.

MR. LESNIAK: Okay. I think that makes sense. I think that you might we might be able to consider defining useful life of the pipe as some period of post-operation, but I understand what you're saying.

MR. GALE: Thank you, Chuck.

MR. McCLAIN: Jeff, this is Ron McClain, Liquids Committee. I have a comment notwithstanding my concern about the 653 and 1162 standards, but, you know, I believe the Liquids Committee industry reps will support the proposed rule to adopt periodic updates, but we also think PHMSA should seriously consider the two complete revisions to Standard 653 and RP 1162, you know.

Both revisions have a careful review with subject matter experts and I think

we recognize that the acceptance of a significant revision may leave a lot more to consider than these smaller updates that we're talking about.

So, anyway, I think we'll be in full agreement to pass the proposed change. But for the record, we would like to ask for future consideration for the revisions to 653 and 1162.

And part of that, you know, it kind of builds on, you know, we have multiple facilities, sometimes multiple regulators, different standards. And, I do think there is a process in place for risk-based inspection.

So, I'd like you really to consider that really again for future acceptance.

MR. WIESE: How about, Ron, how about if we agree in the February meeting that we'll cover our basis for this?

I could speak at length about 1162, but won't here in the interest of time.

And Mike and others could talk about 653.

But in the interest of having a good public discussion as you're requesting, I would ask John and others to ensure that this is on the agenda for the February meeting if that would make

MR. McCLAIN: That's completely acceptable. It's really not for action today, but just keep it in the view for the future.

MR. WIESE: Great. Thanks, Ron.

MS. HONORABLE: Other comments or questions at this time?

(No response.)

MS. HONORABLE: Now, we hear from Cheryl. Is that correct, Jeff?

MR. WIESE: Maybe just to clarify, Collette, that if anyone from the public wanted to say anything at this particular point in time.

MS. HONORABLE: Thank you. Are there any members of the public who are either in person why don't we begin there, and then

go to the phones.

Any members of the public who are present at the DOT offices in person who would like to make a public comment, now is your time.

MR. WIESE: They're all shaking their heads violently.

MS. HONORABLE: Okay. Very good.

Anyone on the telephone line, anyone joining via teleconference who is a member of the public who would like to make a comment, now is your time.

(No response.)

MS. HONORABLE: Thank you. And thank you, Jeff, for that reminder.

Cheryl.

MS. WHETSEL: Okay. I'm going to let you all know that we're going to vote on the periodic updates of regulatory references to technical standards and miscellaneous amendments. All of the standards, except ASTM D2513a and the other two, 99 and 87. And I'll

probably take roll on the Liquid Committee first.

Next slide. Just to go over, the committees are to consider each proposed natural gas or hazardous liquid rule published in the Federal Register, including both new standards and amendments to existing standards, or its technical feasibility, reasonableness, cost effectiveness and practicability.

We always have to remind you of that, because that sentence is just so much fun.

The Committee action, members consider each proposed rule and the draft regulatory evaluation. Each committee votes separately.

And any motion should include terminology from the statute to indicate the Committee has carried out its duties. And that goes back up to the statement it's technical feasibility, reasonableness, cost

effectiveness and practicability.

And we've put together a slide so when somebody calls a motion, they can state it correctly.

The Chairman's responsibility. When a decision or recommendation of the Committee is required, the Committee chair will request a motion for a vote. That means somebody on the Committee must call the motion and then we'll have a vote and it will be seconded.

And you do have to state the entire name of the standard or the rulemaking that we are voting on. And any member including the committee chair, may make a motion.

And a quorum is required, and we established that at the beginning of the meeting.

Next. The next three slides include the different sample languages that we have used.

The first one is if you agree, it pretty much just states that you agree, that it's technically feasible, et cetera.

The second one is if you propose a change, and this is the one that's a little bit more difficult, because a member or we work together to come up with some kind of language that you wish to have proposed.

So, like I said, if anybody had anything that they wanted to put in this category, we can work together to get that established so that when you call the motion, you can read it properly.

And then the third one is if you're not in agreement. Okay. Any questions?

MR. GALE: Are we going to go with Liquid Committee or Gas Committee.

MS. WHETSEL: Liquid Committee. Oh, and also I wanted to let you know at the back of the slides there are charts that list exactly which standards are for which part.

And then there's this one standard for Part 193, which of course both committees will vote on.

MR. WIESE: Collette has the floor and we'll do the Gas Committee. And then Massoud is going to have the floor when we go to the Liquid Committee.

MS. WHETSEL: Okay. That's all right.

MR. WIESE: Does that work for you, Collette?

MS. HONORABLE: That's fine.

(Discussion off the record.)

MS. HONORABLE: So, now I will invite the Gas Committee to take up the issue of this particular rulemaking.

Is there a motion?

(No response.)

MS. HONORABLE: Hearing none, the Chair would like to propose.

And I'll try this, and someone can correct me if I don't get this right, Cheryl.

I would move proposal of the language as proposed which reads, the proposed rule, Pipeline Safety Periodic Updates of regulatory References to Technical Standards and Miscellaneous Amendments, Except Issues Related to ASTM D2513 and Published in the Federal Register and the Draft Regulatory Evaluations are technically feasible, reasonable, cost effective and practicable.

Is there a second to the motion?

MR. PEVARSKI: This is Rick Pevarski. I'll second that.

MR. HONORABLE: Any discussion on the motion now before you for approval of the sample language as proposed?

(No response.)

MS. HONORABLE: If not, I will turn it over to Cheryl for a vote.

MS. WHETSEL: Okay. I will just do a roll call and you can say yea or nay.

Collette Honorable.

MS. HONORABLE: Yea.

MS. WHETSEL: Don Stursma.
MR. STURSMA: Yea.
MS. WHETSEL: Was that yea?
MR. STURSMA: Yes.
MS. WHETSEL: Okay. Thanks, Don.
Jeff Wright. Jeff, I think, might have had to leave us at 11:00. Okay, he did.
Sue Fleck.
MS. FLECK: Yea.
MS. WHETSEL: Rick Worsinger.
MR. WORSINGER: Yea.
MS. WHETSEL: Chad Zamarin.
MR. ZAMARIN: Yea.
MS. WHETSEL: Denise Beach.
MS. BEACH: Yea.
MS. WHETSEL: Richard Feigel.
MR. FEIGEL: Yes.
MS. WHETSEL: Robert Hill.
MR. HILL: Yea.
MS. WHETSEL: And Rick Pevarski.
MR. PEVARSKI: Yes.
MS. WHETSEL: Okay. So, that

completes -

MR. DRAKE: Cheryl.

MS. WHETSEL: Yes.

MR. DRAKE: Cheryl, this is Andy Drake. I joined after roll call.

MS. WHETSEL: Oh, thank you. Would you like to yea or nay that?

MR. DRAKE: I will yea.

MS. WHETSEL: Thank you.

MR. WIESE: Just mark him as tardy.

(Laughter.)

MS. HONORABLE: But we're grateful. Better late than never.

MR. WIESE: That's right.

MS. WHETSEL: Okay. And so, that completes the gas. And so, now we'll go through the roll call for liquid.

MR. GALE: Does the liquid have to do a motion?

MS. WHETSEL: I'm sorry, the liquid must do a motion.

MR. WIESE: Massoud.

MS. HONORABLE: I'll turn it over to Massoud Tahamtani of Virginia.

MR. TAHAMTANI: Thank you, Collette. Massoud Tahamtani, Liquid Committee.

Could I have a motion from a member of the Liquid Committee to move this matter forward?

MR. WEIMER: This is Carl Weimer and I would move the proposed rule Pipeline Safety Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments, Except Issues Related to ASTM D2513 as Published in the Federal Register and the Draft Regulatory Evaluations are technically feasible, reasonable, cost effective and practicable.

MR. TAHAMTANI: Thank you. Is there a second?

MR. PIERSON: Second.

MR. TAHAMTANI: Any discussions?

MS. HONORABLE: Who was that,

please, for the record?

MR. PIERSON: Craig Pierson, Marathon, second.

MS. HONORABLE: Thanks, Craig.

MR. TAHAMTANI: All right, Cheryl.

MS. WHETSEL: Okay, Massoud.

MR. TAHAMTANI: Yes.

MS. WHETSEL: Todd Denton.

MR. DENTON: Yes.

MS. WHETSEL: Tim Felt oh, he's not there. I'm sorry.

Ron McClain.

MR. McCLAIN: Yea.

MS. WHETSEL: Craig Pierson.

MR. PIERSON: Yea.

MS. WHETSEL: Rick Kuprewicz.

MR. KUPREWICZ: Yea.

MS. WHETSEL: Lanny Armstrong.

MR. ARMSTRONG: Yea.

MS. WHETSEL: Charles Lesniak.

MR. LESNIAK: Yea.

MS. WHETSEL: And Carl Weimer.

MR. WEIMER: Yes.

MS. WHETSEL: Okay, thank you. Both motions are carried.

MR. TAHAMTANI: Thank you, all. I'm going to turn the meeting over to Collette Honorable.

MS. HONORABLE: Thank you, Massoud. So, we have completed that vote. Now, I will ask Jeff of our next course of action.

MR. WIESE: Collette, thank you so much. In fact, I appreciate that you did, because I would say to the members of the Liquid Committee that really completes the business before you.

We welcome your staying on. You're welcome to ask questions if you have them, maybe some other line in your business. But if not, liquid members of the Committee could certainly, you know, peel off as their time and interests dictates.

Because with that, Collette, we're going to move on to the second and really the

one that required a little conversation. That was the ASTM D2513. And in particular, the rework issue.

So, if anyone in the Liquid Committee is going to peel off before the end of this, I would like to wish you happy holidays in all of this and hope that you do get some down time and thank you so much for your service.

With that, Collette, I'll turn back to you.

MS. HONORABLE: Thank you very much. Pardon me, I'm lost.

MR. WIESE: We're on Four.

MS. HONORABLE: We're now on Agenda Item 4, a briefing for the Standards Update Rule ASTM D2513 only. And it will be a tag team of Mike Israni and Max Kieba. The floor is yours.

MR. KIEBA: Thank you, Chair. Thank you, Jeff. Thank you, Committee. This is Max Kieba with PHMSA's Engineering and

Research Division.

I believe we are on Slide 19 in the combined set you have. I am here to talk about D2513 and rework issues particularly from the technical aspects of it.

First, this was explained in the preamble. But for those who aren't familiar with rework or what it is and plastic pipe production in general, generally speaking, to produce plastic pipe you use an extrusion process that uses a raw material typically in pellet form that gets heated, melted, put through a die and if all goes well, you come out with a round pipe, uniform wall thickness, et cetera.

In some cases, something might be out of spec, there might be a new run, equipment change out, things like that. So, in those cases, rework or regrind essentially cuts out that pipe back to a size that's close to pellet form original pellet form, typically mixed with original pellets and then

melts it and go on back through the process.

Next slide. Slide 20, please. So, one comment we got was on the general issue of 2513-87 versus 99. For background, for the longest time for all plastics we had 87 and 99. 87 was for marking only, and 1999 was for other aspects.

In the 09a version, that's where ASTM D2513 was changed to be a polyethylene-only standard and it didn't address other plastics. Since then, there have been newer standards that did address the other plastic.

So, the original proposal from PHMSA in the NPRM was for non-PE plastic materials continue to reference 87 for marking only, and 99, except for 4.2, pertaining to rework for other aspects.

This appeared to be consistent with the GPTC and the American Gas Association petitions.

We did get one comment suggesting that PHMSA eliminate 87 in favor of 99 for

marking of plastic materials only.

To get a background of 87 versus 99, there were some changes between the two with marking.

One of the biggest changes was in the 87 version. Spacing of marking was at two-foot intervals.

Whatever reason in '99, it went to a five-foot spacing. So, there is a significant difference there.

In later standards it did go back to a two-foot. So, the opinion of at least the technical staff is to keep with 87 and 99 for non-PEs.

Having said that, As John Gale indicated, we are considering a plastic pipe rule that will be looking in a whole slew of new standards. And the hope is at some point 87 and 99 will get phased out for the non-PEs and then going with newer versions.

So, this gives me a headache to talk about all these different versions

through the years and I know many others that are trying to work on addressing this. But in general, again the summary is stick with the proposal. At least that's the suggestion here.

Next slide. Slide 21. That is where we're getting into the more sensitive issue that others have indicated.

In 2513-09a, the original proposal from PHMSA was to prohibit all rework from plastic piping materials specifically in Section 24 of a standard. It addresses rework. It points to a PPI guidance document or technical report. Technical note is what they're sometimes also referred to.

In pipe, rework shall be limited to a maximum of 30 percent by weight is what it currently says in the PPI document.

The PHMSA proposal was to prohibit rework across the board for all plastic materials.

Next slide. Slide 22. I'll go

over the comments next. AGA recommended an alternative.

So, the AGA was supportive of certainly going to 09-a for PE, but they were recommending an alternative to elimination of rework. Specifically they suggested that no rework is allowed for a pipe two inches and below in iron pipe sizes or IPS.

And the requirements in D2513-09a Section 4.2 will be acceptable for a pipe larger than two inches IPS.

They did indicate it's reasonable to believe that there could be issues with smaller pipe. Typically since it's smaller wall thickness, generally risks are greater with small diameter, thinner wall pipe.

And they also point out the many operators have used two inches as their threshold for prohibiting rework with some operators currently requiring virgin plastic for all piping.

Slide 23. We got comments from

Pipeline Plastics. They were also supportive on the incorporation of D2513-09a. However, they were not supportive of the exclusion of Section 4.2 regarding rework.

They pointed to a study that was based on handling and use of rework that does not have a negative effect on any of the three performance parameters.

And those are essentially dielectrics, slow-crack growth and rapid-crack propagation. So, anyone involved with plastics, those are three of the big phenomenons that we currently look at, at least in the day when this report was put out.

The report recommendations include adherence to the PPI technical note 30, which is incorporated in 09a, which does provide guidance for manufacturers and end users on the safe and proper use of rework.

The technical staff's review of that, we didn't believe there was enough information that justified how it's equivalent

or better level of safety compared to if we prohibited rework totally.

However, we are considering, you know, in this process we are considering the alternative versions. So, I just wanted to point that out, the consideration of that particular comment.

Slide 24. Chevron Phillips Chemical Company also known as Performance Pipe to some people, Performance Pipe is a division of Chevron Phillips, they also supported the incorporation of 2513-09a. However, not supportive of the exclusion of 4.2. They also cited the OTD project and the PPI technical note.

They did indicate if there was a need for additional restrictions, they suggested limiting rework to pipes with wall thickness greater than 0.170 inch if restriction is needed.

For those that don't like plastic pipe, that kind of puts you somewhere in the

middle of an inch and a quarter to inch and a half IPS depending on what your dimension ratio is. So, that's a combination of your diameter versus wall thickness.

Again, based on this comment, we do not believe there's enough information to provide justification for allowing rework across the board and we're also a little confused on the basis of the 0.170 inch.

This is an older area we anticipate looking at, John indicated, with plastic pipe in the future. One of the aspects we are considering is going to the 0.40 design factor.

And part of that petition was looking at a larger, more comprehensive table, different allowable wall thicknesses per diameter by dimension ratios. But most of the folks felt limiting to a wall thickness by itself gets very complicated, because you have different dimension ratios for different diameters. So, that can be problematic.

Slide 25. Plastics Pipe Institute also supports incorporating 2513. However, not excluding rework.

They pointed out, which many others did, rework materials have not been identified as the cause of any fuel failures.

They also pointed again to PPI-30 and they mentioned the 2013 publication provides rework material characteristics.

They also pointed out, and this is a potential, big consideration, is they felt there were added costs to PE pipe manufacturers if they have to scrap for PE scrap in blow molding versus regrinding the pipe.

They felt the costs were on the order of one million to three million annually.

The technical staff reviewed this. Based on our experience and looking at other comments, we believe there certainly could be a change in costs. We're not sure if the

estimates PPI provided are realistic. More on the basis of that appeared to assume that no one is prohibiting rework now.

And they also assumed that if pipe is scrapped or not gone back to the rework process, it goes directly landfill, which I don't believe is quite true.

Much of this pipe might be used for other industries such as water, others that might use rework.

And also as AGA indicated in their comments and a few others, I think we've even mentioned in our preamble there are some operators that are already currently prohibiting rework.

Next slide oh, great. I think I'm done. I guess I'll ask for questions.

MS. HONORABLE: Yes, are there any questions regarding this presentation?

MR. STURSMA: Yes, this is Don Stursma. On Slide 22, I believe it was, the slides aren't numbered, on the AGA comments,

it says that operators use two inches as official for prohibiting rework, other operators require virgin plastic.

Do you have any information on why some operators require all virgin plastic, you know, what their objections to rework are versus why other operators think it's okay?

MR. KIEBA: I do not personally. My understanding, it's an operator by operator decision technically. Yeah, I can't speak certainly for AGA or their operators, but my understanding it's typically an operator by operator decision.

MS. FLECK: Can I hop in here? This is Sue Fleck from National Grid. Do I have the floor?

MS. HONORABLE: You're recognized.

MS. FLECK: Thank you, Collette.

Don, we're one of those companies that uses only virgin material plastic. National Grid has done that for quite some time.

It was on the recommendation of our materials engineering manager. And he hasn't given any specific, you know, code requirement why he's doing this.

But his feeling is after examining the pipe in our testing lab and doing some other, you know, field work, that he feels more comfortable using virgin material.

He recognizes that there's no actual evidence that rework is a problem industry-wide at this point in time. But his recommendation to our purchasing department was to use virgin material only, and that is what National Grid does.

MR. STURSMA: Thank you.

MS. HONORABLE: Are there any other questions of the presenter?

MR. TAHAMTANI: Collette, this is Massoud. Massoud Tahamtani. On the liquid that -- Virginia in this case, I believe that companies who have decided to use virgin materials, they recognize that maybe rework is

not an issue, but the opportunity for contamination is pretty big.

And obviously that is a process that we don't have much standards on. And anything can get in there.

I understand that these pipes are put up with a chainsaw. They have nylon wrappings around them.

Even in the current manufacturer, we have heard and seen that when things fall off the hoppers, they are swept into whatever and dumped back into it.

So, I believe Sue and we have companies in Virginia who are doing a lot and they're reworking their pipelines. They know that why introduce an opportunity for contamination that definitely exists with the current process much less with now, you know, cutting up stuff and trying to make those pellets homogenous.

And, you know, they have magnets at the end of the process that's supposed to

pick up metallic. It doesn't pick up aluminum. It doesn't pick up all this other stuff that could come into the process.

So, with that said, I believe you hear me that I am very much opposed to any rework for any pipe.

AGA hasn't provided any reason for excluding certain size pipe and not the others.

And, again, contamination in the process has caused failure in plastic pipe. Now, whether you can track that back to rework has been a difficult thing for the industry. And I'll stop at this point.

MR. WIESE: Collette.

MS. HONORABLE: Yes.

MR. WIESE: This is Jeff. I wonder if I might just say I know that there are some members of the public who are going to want to have something to say and just letting you know. We'll provide time for that, but this period if designed for committee members only.

So, I turn it back to you, Collette.

MS. HONORABLE: Thank you, Jeff, for that direction. Are there any other members of either committee who would like to ask a question or make a comment at this time?

MR. FEIGEL: Yeah, this is Gene Feigel. I'm not really taking sides on the technical merits. I'm a little puzzled by the implementation.

If the pipe is marked as meeting the spec, and the spec permits rework material and that gets into the open market, how are you going to control this?

MR. KIEBA: This is Max. I can say as suggested in the preamble, from a regulatory standpoint how it would look is from your table 192.7 is your incorporated by reference. Also, there's an appendix in 192, a spec. So, you would say incorporate this except for 4.2.

And then there's another aspect in

your code that's 192.59 as materials. For plastic pipe you would just say no rework allowed.

Now, then it would go to inspectors and even operators, a plastic pipe mill just like anyone else, have a bunch of records about how they produce the pipe, et cetera.

So, we would then go to the operator and ultimately an inspector to say, okay, was this performed with or without rework.

So, most manufacturers I'm aware of or mills I've been to, they have clear-cut, okay, this pipe is put in the pocket for rework, and this is virgin, and they know which customers they're working for, too, they know which customer wants virgin versus rework and what percentages and those kind of things.

So, I would say manufacturers have fairly good records that I've seen. But it would, again, be up to the operator and

ultimately inspector to look at if all those records kind of meet snuff.

MR. FEIGEL: So, from a regulatory basis you would require an operator to provide proof that they're only using virgin material.

MR. KIEBA: Yeah, I think that's fair. And they would well, they would have to demonstrate to us that it meets the code requirements.

MR. FEIGEL: I'm fine with that.

MR. KIEBA: Yeah, yeah.

MR. FEIGEL: Thank you.

MS. HONORABLE: Any other questions or comments?

(No response.)

MS. HONORABLE: So, we're in the hands of Cheryl, I believe, who will

MR. WIESE: I wonder if we could take just an opportunity to double-check if anyone from the public wants to comment at this time, Collette.

MS. HONORABLE: Thank you. Any

members of the public, do you have any comments? We'll take first those in the room at the DOT.

MR. WIESE: There's one in the room here.

MS. HONORABLE: Very good. Please state your name and you may proceed with your comment.

MR. BENNETT: Phil Bennett with the American Gas Association.

MS. HONORABLE: I'm sorry, Phil. Would you get a little closer to the microphone?

MR. BENNETT: Okay. This is Phillip Bennett with the American Gas Association.

MS. HONORABLE: Okay.

MR. BENNETT: I just want to first thank PHMSA for updating the ASTM D2513-09 standard as a new standard.

Their staff, Max and industry and the manufacturers have worked diligently to

update standards. And it is a good standard. Everybody has been involved and it really brings plastic pipe up to some of the modern consensus standards.

This is a good discussion on our rework. I did want Max did a very good job of summarizing it.

There is no evidence that rework has caused incidents or it is a problem. We understand that there is the potential for a problem with rework, but there's also a potential for problems, as Max said, with virgin material.

And if you the process is not worked right during the specs, you actually have a problem and that bad virgin material actually becomes, you know, changed or thrown out.

So, we thought AGA would provide through prudence or compromise that take a step-wise approach and prohibit the use of rework. And we should clarify the threshold

was below two inches. Not two inches, but below. And that's consistent with the, I think, two-inch the wall thickness is 0.217 below it was what Chevron talked about, that 0.17.

So, that was the logic. People have talked about this technically. And this really is a good step-wise approach if you wanted to finalize a rule at this time.

So, thanks for the opportunity to comment.

MS. HONORABLE: Thank you, Phil.

Any others in the room?

Are there any members of the public who have joined via teleconference who would like to make a comment at this time? And if so, please identify yourself.

MR. HOTINGER: This is Jim Hotinger with Virginia. I'd like to make some comments for the public. Collette, I appreciate you recognizing me.

I did some research on this

material, the use of rework around not only the United States, but the world. And I have concerns about it, because the process really just saying it's allowed, doesn't really help us move forward with pipeline safety and eliminating risks.

Because if you look at the standard that's referenced, for example, the PPI 1030, it doesn't have any direction on what constitutes assurance of good cleaning processes, good verification of the cleaning processes, testing of the reground material prior to its use to ensure it's not contaminated.

As Massoud said, it talks about magnets, but non-ferrous materials, brass, aluminum and others, wouldn't be attracted to the magnet. Dust particles that are in the regrind can get into it.

You read studies from around the world and Canada, a study on dust entry into fusion joints demonstrates that dust

contamination can impact adversely impact fusion joints. So, that same dust in the pipe itself can impact it as well.

You have we scrape pipe because it's oxidized to make sure it's clean, fresh polyethylene when we fuse to it, but now we can have pipes sitting around somewhere at the manufacturer that gets oxidized, ground up and introducing oxidized pipe into this process.

I mean, in Malaysia, in Canada, Sri Lanka, they have water pipe they're not allowed to use rework material. Their standards say no rework materials allowable for manufacture of the pipes.

We have manufacturers that don't allow it, you know. Duraline who makes poly pipe, on their website in big, bold letters it says the all-size material grades are manufactured rework free.

ADS Pipe which makes culvert and drainage pipe for gravity flow sewers and storm sewers build it to ASHTO standards,

which says virgin material for pipe. And there's no reference at all to allowing rework.

And so, lastly you even have the current ASTM D2513 committee has a work document which is ASTM WK-37322, which is looking at eliminating the allowing of rework.

In other words, the proposal is to not allow rework into the ASTM D2513 standard itself. So, in light of all this, I think there's enough reason not to consider this until further effort and study is done on defining processes around the use of rework, not just saying it's allowed.

MS. HONORABLE: Thank you.

Are there any other comments from any

MS. WHETSEL: I'm sorry, Collette.

MS. HONORABLE: Yes.

MS. WHETSEL: Can I ask this gentleman that was speaking, what his first and last name was again.

MR. HOTINGER: Jim Hotinger.

MS. WHETSEL: Hotinger, and who is he with?

MR. HOTINGER: With Massoud. With Virginia SCC.

MS. WHETSEL: Okay, thank you.

MR. HOTINGER: He's trouble wherever he is.

MS. WHETSEL: I should have figured. He was speaking up like Massoud does.

MS. HONORABLE: Very good. Are there any other comments from members of the public who have joined via teleconference?

MS. LIVELY: Yes, this is Karen Lively with Performance Pipe Division, Chevron Phillips Chemical Company.

MS. HONORABLE: Please proceed.

MS. LIVELY: Thank you. As noted before in Max's talk, we did file a statement that indicated a wall thickness.

And as Mr. Bennett pointed out

earlier, it corresponds to the two-inch limit recommended by AGA.

The purpose of that was because it is known that contamination can occur not just in rework, but anywhere where the product is introduced into the system.

And by eliminating it in the smaller diameter sizes not only are they more subject to risk, but you're also reducing the impact of a potential flaw that might be introduced by contamination in the rework corresponding to the size of the wall thickness, which, indeed, corresponds with the diameter.

And so, the Plastic Pipe Institute Technical Note 30, which was referenced a couple of times, does include in it, first, the use of elutriators which are intended to eliminate dust from the process. It pulls the dust off.

It requires the use of screens in the process which reduce the potential size of

the flaw that can be introduced into the system.

And that was the basis of the two-inch and below or below two inch and the 0.17 wall thickness. You can't any size flaw is potential. But when the flaw size is small enough relative to the bulk of the pipe wall, the effect on the performance of the pipe is negligible. And that was where we were heading with that trying to address it.

We do also note that there isn't a way to test the pipe afterwards to prove that there was no rework used, which I think alludes to Mr. Feigel's comments. And so, it is on the operator to provide that proof.

We would add just one further item on the cost side just to clarify the cost numbers provided by the Plastic Pipe Institute. I didn't provide those numbers specifically myself. But in reference to Max's comments, is that gas pipe in the United States is primarily made out of a medium

density pipe which is not allowed for use in any water or industrial product. Those all require high density.

About ten percent of the U.S. gas pipe is made out of high density and that pipe can be reused in other markets, but the medium density cannot.

And so the numbers when I was reading the screen and compared it to blow molding, which is to say you can sell it, it won't be landfill. That's definitely correct.

You can sell it, but you'll have to sell it for blow molding grade or general injection molded polymer grade. And that appears to be the cost numbers that they used as their basis.

Those numbers seem very real. In fact, they seem a bit on the lower side, but they certainly seem quite real.

So, from our standpoint, from a manufacturer's standpoint, what we have tried to do is take out projects in ASTM that

eliminate contamination not just in rework, but in any way that it could get in the system. Rework is just one of those.

But to eliminate rework at this point, we don't feel is appropriate and does have some cost impacts.

And finally, and then I'll be quiet, there is in regards to the use of rework and other products, rework is allowed in gas pipe in Canada, it's allowed in gas pipe throughout Europe and it's allowed in gas pipe throughout South America.

So, this would be the first opportunity that I've seen where rework would be applied to be restricted to no use in the U.S.

Thank you for the opportunity to talk.

MS. HONORABLE: Thank you very much for those comments. Are there any other comments from any member of the public who has joined this meeting via teleconference?

MR. LANGSTON: I'd like to make some comments.

MS. HONORABLE: Please identify yourself.

MR. LANGSTON: My name is Dustin Langston with WL Plastics.

MS. HONORABLE: Please proceed.

MR. LANGSTON: Thank you. A lot of the same notes as Karen Lively. WL Plastics is also a piping manufacturer who produces natural gas distribution pipe.

We have a lot of the same comments as Performance as far as rework material. There is currently work in ASTM going on to form a new procedure to eliminate contamination or the possibility of contamination in the extrusion process.

Getting back to there's been a lot of comments made on these magnets that keep out ferrous materials and that non-ferrous materials can make their way into the process.

There are screen filters along the process also that keep out the non-ferrous materials, the copper, the aluminum, you know, some of the materials that have been mentioned, and keeps those out of the final product.

These screen tags, they're very fine. They keep out very small particles and it becomes a nonissue. And this comes back to the 0.17 wall thickness that we've all talked about today.

Again talking about the rework cost, Karen has mentioned that medium density cannot be used for water pipe. That is correct.

We can't just rework a medium density and throw it into a high density. It does have to either be taken to the landfill in areas rural areas that don't have recyclers. There are some recyclers around that will take that material, but usually this is a zero benefit to the manufacturer.

Here in rural Utah, we have no recyclers that will take the material and give any money for it. They will take it, but it's a free service.

I don't think there has been any technical basis for keeping rework out, and that's why I think we should keep Section 4.2 and 2513-09a. That's all I have to say. Thank you very much.

MS. HONORABLE: Thank you. Are there any other public comments from anyone joining via teleconference?

MR. BOROS: Yes, this is Stephen Boros.

MS. HONORABLE: And who are you with?

MR. BOROS: I'm with Pipeline Plastics.

MS. HONORABLE: Proceed.

MR. BOROS: We are also a polyethylene pipe manufacturer. In past lives, I was also the technical director of

the Plastics Pipe Institute and also served on several standards committees and head of the U.S. TAG to ISO and things like that.

So, I'd like to also speak on what other parts of the world have done with that. And as I think Ms. Lively stated with Performance Pipe that I am also not aware of any instances around the world that have taken these blanket approaches to eliminating rework.

And it seems like from the comments that I'm hearing, is rework is not really the concern. The concern is potential for contamination. So, I don't think rework is really highlighting the main aspect of what we're looking to resolve here.

It seems like if the concern is all around contamination, then rules and/or documents should be developed that would address how to remove or eliminate contamination or potential for contamination from these products.

I think slapping a band-aid on it such as the removal of rework is not really addressing the real issue.

And the economic considerations are real. There's no question about that. The latest PPI statistics put polyethylene gas pipe usage at around 200 million pounds per year. And if 80 percent of that is medium density, we're looking at a significant amount of material.

I don't know what the exact costs are. Say it's a dollar a pound, for instance. You're looking at the potential for, you know, like one to three million on the low side as high as up to ten million dollars of the direct commercial or economic consideration and with the statements that there have been no tie-ins that I've seen or anybody has made statements to that any contamination issues in the past have been tied to the use of rework.

So, it seems like we're really addressing a potential for contamination, not

rework.

And so, I think we should focus in those areas and let the ASTM standards do their work in developing these documents. And then let PHMSA and the standards boards review those to see if their inclusion is necessary.

1030 was developed from a joint industry collaborative effort between the gas utilities and industry to look at what potential rework may add to the pipe.

And the study was very exhaustive. I was part of that committee. And it showed very clearly that from a performance standpoint, rework has no negative implications to the performance of the product whatsoever.

So, again, rework is not the issue. Potential for contamination is. And I don't think this really addresses that concern.

And so, I think by slapping this arbitrary requirement on there would not be

addressing the real issue. Thank you.

MR. WIESE: Collette.

MS. HONORABLE: Thank you.

MR. WIESE: Collette, this is Jeff. I wonder if I could jump in. If there are any additional plastic pipe manufacturers who wish to make a comment, we would invite it, but let's just try to add new points and not go over the same points everyone else has already made.

So, Collette, I'll turn it back to you.

MS. HONORABLE: Thank you. Anyone else who would like to make a comment, now is your time if you have joined via teleconference. Any public comments?

MR. TAHAMTANI: Collette, this is Massoud Tahamtani. We could respond to every one of those comments that were made just recently by the manufacturers' representatives.

We are concerned about any

economic impact on any parts of as you know, any parts of the utility facilities and operation, because that passes on to the ratepayers. So, they're not the only ones who worry about those kinds of issues.

Might I suggest that this issue be moved to the next live meeting of the committees so that we can fully discuss this?

MS. HONORABLE: It appears that there may be some unreadiness to proceed to a vote here.

Jeff, I would turn it over to you now for any feedback.

MR. WIESE: Great. Thank you, Collette. And I think that's why we set this up the way we did. And I don't want to discount the points that anyone has made whether it's on the regulatory side, which I'm partial to, or the manufacturer side or the standards committee side.

You know, the point was we call a phone vote only for those matters that we

consider to be noncontroversial. We don't have a lot of time to really exhaustively get through them. So, it sort of limits our options to the following.

One, is we can proceed with the proposal that we had put forward and it doesn't allow any regrinding and we can move ASTM D2513 forward. And I think there are a lot of things that benefit in that, right?

The other one is we can propose a change to that, but I'm reluctant to do that given that we don't have the time to really discuss it here.

And the only other alternative that I see is that we punt on either the rework and regrind issue until February where we can talk about it in, you know, face to face and get into detail.

And John was kind of cautioning me that he wants to move the whole package. So, I guess we would be moving the package forward. We need a vote, I think, on

everything except for the rework issue.

MS. WHETSEL: They could just table, you know, in their statement say they are tabling it until February.

MR. WIESE: That particular point.

MS. WHETSEL: For discussion, uh-huh.

MR. WIESE: So, we're looking for I think we want to move forward with the package from the Committee on this one. And I think there's a lot to be had in that standard.

So, rather than wait on that, we can vote to proceed with the standard, but agree as a committee to table further for further discussion in February this issue on rework and regrind.

That will allow John to proceed with the rulemaking package, right, John?

MR. GALE: Yeah, I'm trying to look at the language.

MR. WIESE: Yeah, I'll give up on

the language anybody would use to do the voting on that one.

But if you get what I mean, we'll proceed with the rulemaking as it was proposed with no rework and regrind, but we would agree to table that matter for additional discussion in February if people are agreeable to that.

MS. HONORABLE: Jeff, a clarification.

MR. WIESE: Uh-huh.

MS. HONORABLE: If we are looking at Slide 29

MR. WIESE: Let's see if we can get back to Slide 29. Okay.

MS. HONORABLE: If someone were to be in favor of what you've proposed, I want to seek some clarity here about what you mean when you say "move the package."

So, would it be this slide except for the words "and rework"?

MR. WIESE: Well, either that or we can agree to the package to go forward, but

reserve the right of the Committee to alter its guidance and advice to us on this matter of rework in February.

MS. HONORABLE: So, let me ask you pointedly, what do you mean when you say

MR. WIESE: They're trying to redraft the language right now so that we can all see it and be clear on what we're seeing.

John, is that -

MR. GALE: Yeah. So, this would say that they would be adopting or that we are agreeing for us to move forward on the rule related to ASTM D2513 excluding rework issues or issues related to rework.

MR. FEIGEL: Well

MR. WIESE: Go ahead.

MR. FEIGEL: This is Gene Feigel. I am confused about the effect of this. I mean, if we vote this, you know, the publication of that standard minus the rework will go forward. And then we if we decide later to remove that, I mean, you know, for a

matter of a couple of months we're going to create confusion, I think.

MR. GALE: Well, what we're going to do is we're going to we won't go to publication. We'll wait until February to --

MR. FEIGEL: Okay.

MR. GALE: address the issue we

MR. FEIGEL: That's fine. All right.

MR. GALE: Yeah. At least we're done with 2513.

MR. WIESE: Yeah, we want to be through with everything, except this issue of the rework.

MR. GALE: Right. And that's why we're using the word "excluding rework" in the language.

MR. FEIGEL: Understood.

MR. GALE: Thank you. Thank you. It was a good question though.

MS. HONORABLE: All right. If it's appropriate now I'll entertain any other

questions but ultimately the floor is open for a motion from the Gas Committee only on this.

If you have a question or a motion, please identify yourself, please.

MS. HONORABLE: Can everyone see the slide? Everyone who is voting, can everyone see the slide that says proposing a change?

MR. GALE: Sue, can you read the slide or

MR. WORSINGER: Hi. This is Rich Worsinger. I cannot see the slide. So, would you mind repeating it again?

MR. GALE: Sure. It reads, the proposed rule, Pipeline Safety Periodic Updates and Regulatory References to Technical Standards and Miscellaneous Amendments Issues related to ASTM D2513, Excluding Rework as Published in the Federal Register and the Draft Regulatory Evaluation are Technically Feasible, Reasonable, Cost Effective and Practicable.

MS. FLECK: This is Sue Fleck. That's a little bit confusing, your wording there, John.

Would it be possible in your little parenthetical clause to say, issues related to ASTM D2513, excluding rework issues which will be addressed at a later date?

MR. GALE: That's fine.

MS. FLECK: Yeah, right after rework just quick right there, rework issues which will be discussed at the next meeting.

Be very specific, I guess. Then I'd be more comfortable with it.

MR. WIESE: I don't think we want to be dismissive of anybody's points of view on this one. We're mostly saying we don't have time to resolve it here in a phone vote, but we do want to move forward with the rest of the package.

And I think this will be simple enough that we and we have your guidance on everything else and we can do that and change

it at the last second on the rework depending on the will of the Committee at that time.

MR. GALE: Sue, do you see the language now?

MS. FLECK: I see it. It looks perfect. I'm ready to do the motion if everybody else is ready.

MS. HONORABLE: You're recognized.

MS. FLECK: Thank you. Again, this is Sue Fleck from National Grid. The proposed rule, Pipeline Safety Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments, which is related to ASTM D2513, excluding rework issues, which will be discussed at the next meeting, as published in the Federal Register and the draft regulatory evaluation are technically feasible, reasonable, cost effective and practicable.

MR. HILL: Robert Hill seconds that motion.

MS. HONORABLE: Very good. There's

been a motion and a second. Is there any discussion from the Gas Committee?

MS. WHETSEL: If there is no discussion, I'll go ahead and take the roll call vote. Yea or nay, please.

Collette Honorable.

MS. HONORABLE: Yea.

MS. WHETSEL: Don Stursma.

MR. STURSMA: Aye.

MS. WHETSEL: Jeff Wright had to leave.

Andy Drake.

MR. DRAKE: Aye.

MS. WHETSEL: Sue Fleck.

MS. FLECK: Aye.

MS. WHETSEL: Rick Worsinger.

MR. WORSINGER: Rich Worsinger, aye.

MS. WHETSEL: I'm sorry, Rich.

Chad Zamarin.

MR. ZAMARIN: Aye.

MS. WHETSEL: Denise Beach.

MS. BEACH: Aye.

MS. WHETSEL: Richard Feigel.

MR. WIESE: Gene.

MR. FEIGEL: Aye.

MS. WHETSEL: Okay. Thank you.

Robert Hill.

MR. HILL: Aye.

MS. WHETSEL: And Richard Pevarski.

MR. PEVARSKI: Aye.

MS. WHETSEL: Thank you all very much. Motion carries.

MS. HONORABLE: Thank you. So, now, Jeff, is there any further business to come before this committee?

MR. WIESE: No, just a reassurance to everybody. There is some anxiety on that rework issue and I don't think we had worked it enough, you know, to be honest with you to develop a consensus. And there's no point taking everyone's time right before the holiday to fight it out.

You've given us what we need in

order to proceed with most of this package. And we'll reserve the option to get the Committee's advice and consensus in February.

So, I think with that, Collette, I'll maybe allow you to close the meeting. And I have just a couple final remarks, and that's it.

MS. HONORABLE: Very good. I would like to thank all of the members if you're on the Liquid Committee and you are still hanging on, thank you for your service today. I'd also like to thank the members of the Gas Committee for your work.

These are important issues and we are collectively doing very important work for the public. And I'd like to thank each of you for your dedication and attention to these matters and for your time today.

And I wish you a wonderful, restful and happy holiday. And with that, I'll turn it over to Jeff.

MR. WIESE: Thank you, Collette.

And thank you so much for chairing. And, Massoud, thank you for stepping in on the Liquid and chairing again.

Thanks to all the members of the Committee, as well as the public for taking time out to meet with us.

Cheryl has some reminders since I'm missing on all of my F components here that the meeting transcript and any presentations given today will be available on the PHMSA website, as well as on the e-gov docket at www.regulations.gov. Our docket number for this is PHMSA-2009-0203. Thank you, Cheryl.

So, with that, I'll say that I couldn't have been as graceful as Collette, but I wish you all a happy holiday season. I hope you get time with your families and with your friends. And I look forward to working with you in the new year to move pipeline safety forward.

Thank you so much for your

partnership, and adios.

MS. HONORABLE: Thank you.

(Whereupon, at 11:56 o'clock a.m. the meeting was concluded.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Gas Pipeline Advisory Committee and Liquid Pipeline Advisory Committee

Before: US DOT

Date: 12-17-13

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R. Gross

Court Reporter