

U.S. DEPARTMENT OF TRANSPORTATION
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TECHNICAL PIPELINE SAFETY STANDARDS
COMMITTEE (TPSSC)
+ + + + +
MEETING
+ + + + +

FRIDAY
MARCH 25, 2011
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The Committee met in Salons D and E in the Marriott Crystal City Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia, at 9:00 a.m., Richard Pevarski, Acting Chair, presiding.

TPSSC MEMBERS PRESENT

DENISE M. BEACH, National Fire Protection Association

MICHAEL BELLMAN, City of Richmond Gas and Light

ANDREW DRAKE, Spectra Energy

RICHARD E. FEIGEL, Hartford Steam Boiler

SUSAN L. FLECK, National Grid

DANIEL B. MARTIN, Tennessee Gas Pipeline Company (El Paso)

RICHARD F. PEVARSKI, Virginia Utility Protection Services, LLC

PAUL S. ROTHMAN, The Port Authority of New York and New Jersey

DONALD J. STURSMA, Iowa Utilities Board

RICHARD H. WORSINGER, City of Rocky Mount

DEPARTMENT STAFF PRESENT

JEFFREY D. WIESE, Associate Administrator for
Pipeline Safety, PHMSA

LINDA DAUGHERTY, Deputy Associate
Administrator for Policy and Programs,

PHMSA

JOHN A. GALE, Director of Regulations, PHMSA

CHERYL WHETSEL, Technical Advisory Committee
Manager

ALSO PRESENT

TERRY BOSS, Interstate Natural Gas

Association of America

RICHARD B. KUPREWICZ, Accufacts Incorporated

CHRISTINA SAMES, American Gas Association

Infrastructure Committee

CARL M. WEIMER, Pipeline Safety Trust

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

9:00 a.m.

CHAIRMAN PEVARSKI: Thank you and before we call the meeting to order I think Jeff has a few things he would like to say.

MR. WIESE: Well, apparently I'm being bribed by Linda. She's handing money over already, and we like that.

MS. DAUGHERTY: A good performance rating.

MR. WIESE: Very good. Welcome everyone. Usually before the meeting begins I just try to deliver a few informal remarks to kind of set the stage.

My apologies to those of you who were here in the liquid meeting. Not many at the table were, but some of the folks in the audience were. The way we set this up I'm delivering the same remarks twice, so you can tune out for a couple of minutes if you were here before.

Before we get going, and something

1 I did forget in the liquid ones, want to
2 review for everybody; I think we covered it
3 yesterday, people know the way to get out of
4 here if we have an emergency, right?

5 Dominantly out this door, down the hall and
6 exit. You know, fire there, head this way and
7 there will be someone down there directing us
8 there. You know that there's only one
9 restroom on this floor since this building's
10 under reconstruction. But if you go to the
11 second floor, there are facilities up there.

12 I am hoping to get you out of here
13 by lunch time. We're going to try to go fast
14 and move.

15 You know, for those of you who are
16 in the southern climate, you're going to be
17 happy to be leaving. Did you hear the weather
18 forecast for this weekend? Yes, snow, one to
19 three inches on Sunday night. Can you believe
20 that? This is just shocking.

21 We have the cherry blossoms out
22 and if you have any time on your hands this

1 afternoon, I highly encourage you to go down.
2 It's beautiful. If you've never been down to
3 the cherry blossoms in the tidal basin, it's
4 well worth it. Very transitory. Doesn't last
5 long.

6 So couple of other things just
7 really quickly; and again, apologies. I
8 wanted to formally welcome while we're in the
9 Gas Committee the new members. So Denise,
10 thank you for joining for NFPA. Mike Bellman.
11 Mike, thank you. He's -- won't go there
12 again. He represents both APGA and AGA.
13 We've got Sue Fleck with us from representing
14 AGA and Gas Distribution. Wayne Gardner, I
15 gave dispensation not to attend today because
16 he was here and he sat through the Liquids
17 Committee, and we're largely covering the same
18 stuff.

19 I know you tried to rein him in,
20 Cheryl. Good job, but he is a commissioner.

21 Welcoming Dan Martin. You know,
22 the other day when I saw you sitting next to

1 Andy there, I just sort of lost track for a
2 moment that Gerald used to sit in that chair,
3 because I'm so used to seeing you guys
4 together. So welcome to Dan.

5 Rich Worsinger. Also used to
6 seeing Rich in a lot of other settings, but
7 welcome you into the Gas Committee.

8 I wanted to also take time to
9 acknowledge one of my colleagues from the
10 federal -- I know Jeff Wright is here
11 somewhere.

12 Jeff, hey. Want to welcome that.
13 Like to keep FERC engaged as I know you guys
14 do when we get into gas matters as well as the
15 NARUC commissioners. It's really important
16 for us to be working together, so thankful
17 he's here.

18 So with that, I have a couple of
19 quick opening remarks, but I think Cynthia and
20 the deputy secretary touched on some of this,
21 so I'm going to go really light. But I did
22 think that since there were some new members

1 and I didn't have the opportunity yesterday,
2 I would touch it.

3 I think our deliberations in the
4 Gas Committee as well as the Joint Committee
5 take on a lot of importance after what we've
6 seen over the past year. I quickly add every
7 time I talk about the safety record here; and
8 there will be a lot of conversation about
9 that, to say that the irony is last year was
10 the third lowest total of serious pipeline
11 accidents in the last 20 years, but you would
12 never know it from the political, the media,
13 the administration, the Congress, you name it.
14 The ones that did happen last year were really
15 serious. A lot of people lost their lives.

16 These are not things I know anyone
17 in this room takes lightly, but it was a bad
18 year from a consequence standpoint. But a
19 frequency standpoint, it was pretty good. And
20 the trend actually is very positive. I know
21 we've talked to you a little bit about that.
22 I'll be asking for the Committee's help as we

1 go forward to talk about the role and value
2 and the record of the pipeline industry, and
3 I think that's an important role for you to
4 play.

5 There's a lot of outside interest
6 in pipeline safety. Deputy secretary talked
7 to you a little bit about the Department's
8 interest there. You know, Jim Tymon mentioned
9 a little bit about Congressional interest, but
10 he just really skimmed the surface of that
11 one. We did have seven Congressional hearings
12 last year, which is a record. I'm hoping they
13 can build on that solid investigative work
14 they did and not hold many this year, but I'm
15 pretty sure we'll have at least one. I think
16 the House is going to have to hold one, at
17 least when they drop their bill, so we'll be
18 talking about it.

19 The NTSB is tapped out. They're
20 delegating stuff now. I was talking to Wayne
21 Gardner this morning and they were delegated
22 to investigate the Allentown failure. They're

1 just tapped out. You know, they're on about
2 five different investigations and I think we
3 hired at least five of their people. So they
4 really don't have the capacity, and I think
5 that's a compliment to work that our folks
6 have done and the states have done is that
7 NTSB is far more willing to delegate
8 investigations now. And we do probably --
9 between ourselves and the states I would say
10 we do 99 percent of the investigations out
11 there.

12 So the IG, if I haven't mentioned
13 it and you hadn't heard it, have three audits
14 queued up. The first one they're conducting
15 on hazardous liquid integrity management right
16 now. The next one will be on state programs.
17 And then beyond that, for reasons that I don't
18 understand, and I think you would share that,
19 they're going to go into control room. You
20 know, and I said there's a million areas you
21 could probably take us apart on, but control
22 room's probably not one of them. You know,

1 we've spent 10 years working this. We've done
2 Congressional reports. We've done major
3 public workshops. We've done the rulemaking.
4 I don't know what you're hoping to find, you
5 know? But it didn't seem like a good use of
6 their time, but that's their prerogative.

7 The Government Accountability
8 Office has at least one if not two audits
9 under way. One of them we were tangential to.
10 Had to do with R&D. Another one had to do
11 with unregulated lines. And then of interest
12 to this Committee was something that more on
13 the gas distribution side had been advocating
14 was reconsideration of the definition of gas
15 transmission from 20 percent to 30 percent.
16 So that's a formal charge from the Senate
17 Commerce Committee to the GAO.

18 Deputy Secretary Porcari was
19 obviously distracted yesterday, so he -- you
20 know, I could tell because he got up and left
21 immediately. Got something on his BlackBerry.
22 They were running flat out on that whole thing

1 with National Airport. And the secretary's
2 out of town. So when he has -- the deputy
3 runs it. So I just wanted you to know I think
4 he would have probably preferred to have sat
5 here and had an opportunity to talk and take
6 questions, but he was looking a little
7 stressed.

8 And Cynthia had mentioned that
9 she's had the opportunity to go to the White
10 House a couple of times to talk about pipeline
11 safety, not in the way that you'd like to. So
12 glad to provide our politicals opportunities,
13 you know, with their bosses, but probably not
14 in that way.

15 Here's a couple of things I'll
16 just throw out there. Jim talked a lot about
17 project time and about process on re-
18 authorization. I want to just touch the
19 themes that I think we're going to be hearing
20 about. One of those is going to be greater
21 assurance. And the way the Hill frequently
22 equates assurance is inspection and

1 enforcement. And so, I think we'll hear a
2 debate about what's the right amount? Should
3 there be more? With enforcement should it be
4 stronger? I think we'll hear things about
5 process, you know, about enforcement,
6 certainly at least at our end.

7 I hope and count with Chairman
8 Shuster's support that we'll hear a lot more
9 about damage prevention, so recommend that any
10 of you who are getting up to the Hill get to
11 the Congressman and talk to him about damage
12 prevention. You know, I think we're probably
13 lined up perfectly on that issue on what needs
14 to happen.

15 Other things we'll be hearing
16 about is whether integrity management or
17 integrity management concepts should be
18 expanded. Valves, valve spacing, leak
19 detection. Cost recovery; whether it's for
20 major new construction or Alaska gas, should
21 that ever go. Increased data and geo-spatial
22 information reporting.

1 Probably more on transparency to a
2 point where I'd honestly become uncomfortable.
3 But it is what it is and I'm not calling the
4 shots on that one. So whether it's the oil
5 spill response plan, which is not the domain
6 of this Committee, which we hold in our
7 possession and talk about worst case discharge
8 locations. Lot of Privacy Act information.
9 There's a lot of push to make those public on
10 the Internet. Not real fond of it.

11 There's a push to have emergency
12 response plans, which does affect you all,
13 submitted to us and put on the Internet.
14 Can't say that I'm fond of that either,
15 although I do -- and we'll talk more about
16 that coming up. We do feel strongly about
17 your engagement with emergency responders if
18 you're an operator.

19 Lastly, on the transparency thing,
20 I think you would want to hear this. The
21 debate came up in our hearings last year about
22 transparency on consensus standards. You

1 know, so much of our regulatory program is
2 built on consensus standards that we
3 incorporate by reference. Gene was talking
4 about that yesterday. For what it's worth to
5 you, I think we said the right things in the
6 hearing. You know, it's a much bigger issue
7 than just pipeline safety. But the heat was
8 fairly strong. I mean, some of the
9 Congressmen seemed poorly staffed on that
10 issue because they were pounding tables, you
11 know, and saying we're hiding things from the
12 public and what not. Well, the outcome of
13 that whole debate has been that -- now NFPA I
14 think has made their standards viewable for
15 quite a while, but subsequent to that debate
16 API made an announcement they're making all of
17 theirs publicly viewable. And then --

18 MS. DAUGHERTY: That are
19 incorporated by reference.

20 MR. WIESE: Those incorporated by
21 reference. That's all anyone can ask.

22 And then Linda and I had a meeting

1 with the NACE Executive Board a week ago?
2 Something like that. And they started the
3 meeting. I had it on my little list of things
4 to talk to them about. They started the
5 meeting by saying we want you to know that we
6 decided to make all of our standards
7 incorporated available for viewing, period.
8 I said, well, check that off. Meeting could
9 get a lot shorter here.

10 So I know that there's going to be
11 questions about ASME, you know, and a number
12 of other standards groups. It's not as simple
13 a debate as people think. You know, people
14 are hiding things. Some of these
15 organizations fund their activities from the
16 revenues they get. I would put out there for
17 anyone interested in this debate, you might
18 talk to NFPA. It's my understanding; Denise,
19 you can correct me, that NFPA did a study.
20 They were concerned about the impact of their
21 revenue streams before and after they made the
22 decision. And it's my understanding that it

1 did not impact their revenue streams, you
2 know? So we can find that information. It's
3 a legitimate fear, you know, and I think it's
4 one that should be talked about.

5 And then the last thing that I
6 would say, at least in the re-authorization
7 themes, I think there's going to be a number
8 of studies pushed our way. It's Congress' way
9 when the heat builds on them on something, but
10 they don't think they have a consensus. I
11 mean, that's what staff on the Hill do is try
12 to broker agreements. If they don't think
13 they have enough critical mass one way or the
14 other, they'll punt to a federal agency and
15 say will you study it?

16 I raise for your consideration
17 some that I think could come, and one of them
18 which is really on the Liquids Committee is
19 there's been a lot of heat on the issue of
20 transporting of Canadian crude oil from
21 Alberta. You know, it's the dilbit, diluted
22 bitumen. And whether it's more corrosive and

1 whether it's got a worse performance history.
2 We've been heavily engaged with the Department
3 of State on that issue. Honestly, we're a
4 cooperating agency on that EIS, up to our
5 eyeballs on it. But you know, if they call
6 for it, we'll have to do the study.

7 And then the other is the
8 alternatives to class location, and this is
9 something -- when I looked at Andy's time line
10 yesterday, I mean, how long have we been
11 talking about this, you know? Since risk
12 management days, you know, we've been talking
13 about what's the right way to regulate it, if
14 this class location makes sense? And
15 oftentimes in a specific sense I think we
16 would agree that it doesn't, you know? There
17 are alternatives that could easily do the job
18 or better. But it has implications for the
19 liquid side, too. So what we said to them
20 when the Hill came to us on that issue is we
21 would be happy to study it in a public forum.
22 You know, bring all those arguments out into

1 a public forum and talk about them.

2 So I think those would be the
3 studies that we see coming. I don't know if
4 they'll push the valve issue to a study or if
5 they'll have a requirement, or what they'll do
6 with it.

7 So, last couple of comments I
8 wanted to make to you are just some priorities
9 for the agency so you know what we're doing
10 with our spare time, such as it is. I've told
11 you before, I think I said in joint session,
12 we have collectively been very busy on the
13 regulatory agenda for the past few years. You
14 know, I think it's showing. You know, there's
15 a lot of stuff coming out. The Committee's
16 been very active on some major regulations.
17 It's my hope that we'll spend less time on
18 regulations and more time on policy. But we
19 are -- you know, just because we aren't, you
20 know, passing a regulation every time we sit
21 down doesn't mean that we're not also busy.
22 We and our state partners have to get busy to

1 conduct the oversight.

2 So as Don, you know, eloquently
3 made the point yesterday -- well, I gave you
4 the credit -- public awareness, control room,
5 DIMP, these are all big things, you know, and
6 they're big regulations. They require a lot
7 of the states and the feds. We're working
8 well together. Putting together the oversight
9 programs. Training our people just in time.
10 But it's a ton of effort.

11 I did want to make sure that you
12 knew that getting that rulemaking on third-
13 party excavation damage out for the reasons I
14 think that Steve made clear yesterday is
15 really important. Anybody who gets a chance
16 to talk to OMB might tell them it's not as
17 significant as they think because that's
18 slowing us down. We'll be moving a couple of
19 rulemakings related to broad issue on liquid
20 and then one coming on gas. We've mentioned
21 those already.

22 Let's see. Other things I wanted

1 to mention here. The public awareness
2 oversight program that I referred to with Don,
3 we're spooled up on that now. This is
4 something NTSB is still, you know, clearly
5 interested in. They continue to ask in the
6 San Bruno hearing. We can talk more about
7 that hearing by the way if anybody is
8 interested. If you didn't see any of it, it
9 was quite interesting to me. You know, it was
10 a different format than I'm used to, had five
11 tables of people. And it was the first time
12 I can remember since I've been here where I
13 was put in the role of asking questions as
14 opposed to giving answers. I think I'd rather
15 have the other side, you know? I'd rather
16 answer things than ask them. It's tough to
17 come up with a relevant question, you know,
18 that's not too in the weeds.

19 So a lot of compliance activities
20 on our side that I won't go into now, but
21 certainly chief amongst them will be new
22 construction quality improvement. I hope

1 someday to be able to have time here to talk
2 about QMS and what does it mean and how can it
3 be applied? Rick and I were talking this
4 morning about, you know, on excavation issues,
5 you know, the contracts between an operator
6 and the excavator or the locator. You know,
7 what's there? How do you know that person's
8 doing what you wanted them to do, that kind of
9 quality control?

10 And then last thing I'll say to
11 you is that I believe I mentioned is that
12 we're pretty keen to ensure compliance with
13 our special permits, our CAOs and compliance
14 orders and the awareness of the advisory
15 bulletins we're going to be talking about a
16 little bit later today.

17 So really, that's mostly what I
18 had to say to open this up. We have, you
19 know, a fairly light agenda today, so we'll
20 have some time to talk. And we do want to
21 explain that DFO thing, so Cheryl will be back
22 in a moment to explain what DFO means.

1 But before we do that, let me
2 close and turn to our chair and we can begin
3 the official meeting.

4 CHAIRMAN PEVARSKI: Thank you,
5 Jeff. Good morning, everybody. Some protocol
6 issues. Certainly turn your cell phones off.
7 If you want to speak, turn your card up like
8 that and I'll call on you. And always state
9 your name before you speak so the court
10 reporter can hear it.

11 All right. With that, I'd like to
12 have our first agenda item, which will be John
13 Gale talking about regulatory agenda.

14 MR. GALE: Thank you, Mr.
15 Pevarski.

16 I'm going to just give a quick
17 overview of what's on our regulatory agenda
18 for the coming year and maybe a little bit of
19 time thereafter.

20 The first item I actually had to
21 discuss was the control room management rule.
22 Obviously you had a very thorough discussion

1 on this yesterday. What's worth noting is
2 when do we anticipate publishing the final
3 rule? Normally if this was a normal
4 rulemaking and it wasn't tied to a date; you
5 know, we have the issue of the August 1st
6 date, I'd probably be giving you an estimation
7 10 to 12 months out for publication of a rule.
8 But in this case we're anticipating and hoping
9 to push this rule through and get this rule
10 published probably as a final rule sometime in
11 early May.

12 One of the biggest rules we have
13 on our plate right now is the -- actually
14 there's two different rules. There's an ANPRM
15 on hazardous liquids pipelines and also in a
16 second I'll discuss on gas pipelines. We
17 published an ANRPM on hazardous liquid lines
18 discussing several aspects of the safety of
19 hazardous liquid pipelines. We're looking at
20 the scope of Part 195, in particular some of
21 the regulatory exceptions that are in there
22 like for gravity lines and the like, and

1 should we get rid of them if they're not
2 statutorily mandated exceptions.

3 We're also looking at the
4 definition of an HCA. We're looking at leak
5 detection in EFRDs, valve spacing, the repair
6 criteria in non-HCA areas, stress corrosion
7 cracking.

8 Published a rule back in October.
9 Comment period just ended last couple weeks
10 ago. We're in the processing of reviewing the
11 comments. We didn't get a lot of comments,
12 but the comments were very hefty and we're
13 trying to figure out what our next course of
14 action is. An ANPRM a lot of times is just a
15 way of identifying an issue for the public and
16 laying out, you know, some questions so we can
17 get some feedback on what we should do next.

18 So we're now trying to figure out
19 what we should do next in terms of those areas
20 that we identified in terms of the exceptions
21 from the part, defining HCA repair criteria.
22 All those in their own, as you all probably

1 are well aware, each of those bullets could
2 end up being several rulemaking actions if we
3 were to go forward on them. So these two
4 rules; and we'll discuss real quickly the gas
5 ANPRM, could end up morphing into multiple
6 rules on their own right.

7 I'm just going to mention real
8 quick the gas ANPRM which we're in the throes
9 of developing. Linda is going to give a
10 little bit more discussion on this rule, but
11 you know, we like to call ourselves equal
12 opportunity regulators. And like we did a
13 liquid ANPRM, we're doing one on gas. And
14 we're looking at issues a little bit
15 differently on the gas side in that we're
16 looking at not just areas concerning IM
17 requirements. We're looking at non-IM areas
18 as well.

19 But under integrity management
20 we're looking at things like the definition of
21 a high consequent area. We're definitely
22 looking at issues related to repair criteria.

1 In the non-IM areas, we're looking at things
2 like valving including spacing and remotely-
3 operated valves, corrosion control and the
4 issue of regulating underground storage
5 facilities.

6 We're in the process of still
7 finalizing this rule. Just for your
8 education, this rule is what's considered a
9 significant rule. But since it's an ANPRM --
10 if it was not -- if it was an NPRM, OMB would
11 have 90 days to review, but in this case they
12 only have 10 days. So we're hopeful to get
13 this out by spring. But again, after this
14 rule is published and we get the comments; I'm
15 sure we'll only get a couple, again, you know,
16 when you get into these areas, these again
17 could morph into multiple rules, you know? So
18 these, though they look like just two rules,
19 they could end up, you know, driving our
20 agenda for the coming months and years, if not
21 for a long period of time.

22 My next slide is discussing the

1 excavation damage rule. I'm just going to
2 pass on this because Mr. Hall gave you a very
3 thorough presentation on this.

4 Just a quick note: Like he said,
5 you know, we anticipate getting the NPRM out
6 on this, you know, sometime in 2011. This is
7 again another significant rule as Jeff
8 mentioned and that's going to add to our time
9 to get it into the Federal Register.

10 On the liquid side of the house
11 one of the rules that the Liquid Committee
12 voted on and approved last December was the
13 issue related to Low Stress II, which was one
14 of our final PIPES Act mandates to regulate
15 low stress lines. We had done a Low Stress I
16 rule about -- I think we finalized it in 2008
17 and this was just closing out that PIPES Act
18 mandate. And we're hoping to get that rule
19 out in April. If you notice in some of these
20 dates I'll put seasons. It gives me a little
21 bit of time to meet the dates.

22 One of the other rules we're

1 working on is Excess Flow Valves. As you all
2 probably remember, under DIMP we adopted a
3 requirement to install excess flow valves in
4 single-family residences. We have an NTSB
5 recommendation that we add excess flow valves
6 to all the residences, or what we're referring
7 to as the multi-person dwellings. So we're
8 doing an ANPRM and possibly also a study or a
9 survey to look at what would be the impact of
10 requiring excess flow valves. How many would
11 have to be installed? Where should we do
12 them? What would be the cost impacts and the
13 like? So we're hoping to get that ANPRM out
14 by the summer of this year as well.

15 We just finalized just on February
16 1st what we'd like to affectionately refer to
17 as DIMP II or son of DIMP. And basically what
18 that did was that finalized the distribution
19 annual report form. In DIMP we did not adopt
20 the annual report form. We did it through an
21 additional comment time and through the
22 information collection process. And also we

1 adopted or finalized the new mechanical
2 fitting form through that process as well.
3 The forms were approved by the Office of
4 Management and Budget in January and the rule
5 was published on February 1st.

6 One of the things we also have on
7 our plate is what we refer to as our Plastic
8 Pipe Rule. You'll probably notice this has
9 not yet been added to the regulatory agenda,
10 but it is something we're looking at. We have
11 a team of people involved in this where we're
12 identifying all the issues we want for this
13 rule. We're looking at things related to --
14 we have staff recommendations. We have
15 petitions for rulemaking from the regulated
16 industry related to PA12, the 0.4 design
17 factor and an AGA petition on ASTM Standard
18 D2513. And we're hoping to publish that rule
19 sometime in 2011 as an ANPRM. We had
20 originally thought of putting the ASTM
21 standard in the next rule, but the team wanted
22 to include all the issues related to plastic

1 pipe in this one rule.

2 Another rulemaking we've initiated
3 and we're getting close to being able to
4 publish is what we're referring to as a
5 miscellaneous rule to deal with a bunch of
6 smaller petitions, recommendations from NAPSR,
7 internal recommendations. We also have an
8 NTSB recommendation in there that we're trying
9 to handle related to transportation of pipe.
10 We also have a lot of things in here related
11 to just staff stuff that we've identified
12 through the years. In time we've kind of
13 bunched together and should be coming out with
14 an NPRM in the next couple of months.

15 We're also starting up our next
16 standards update. We're in the throes right
17 now of trying to identify the standards that
18 should be included in the next standards
19 update rule. When we did the rulemaking last
20 time we ended up having to do a direct final
21 rule adopting two standards because we had
22 waited too long. We don't like to be in the

1 business of doing that. We want to get those
2 rulemakings moving a little bit more
3 efficiently. OMB and our Office of Secretary
4 does not like issuing direct final rules.
5 They like to go through the whole full
6 comment, notice and comment process and then
7 issuing your final rule. So they like to keep
8 us away from those direct final rules. So
9 we're trying to start this process up,
10 identify the standards, review the standards
11 for what we think is appropriate and then
12 issue our final rule.

13 And the last thing I was just
14 going to mention real quick is what we refer
15 to affectionately as regulatory review. The
16 President has issued an executive order,
17 13563, basically requiring DOT, all of
18 Government agencies in terms of pipeline
19 safety, to review the regulations to see if
20 there's anything that should be
21 removed/revised to lessen the burden, the
22 regulatory burden on regulated entities. The

1 DOT has actually published a Federal Register
2 notice asking for public comment. Comment
3 period ends April 1st. There was a public
4 meeting held at DOT that brought all parties,
5 all DOT stakeholders into the meeting from FRA
6 and FAA and unions; everybody that was at that
7 meeting was a stakeholder to DOT, and to
8 identify issues that should be revised.

9 So we're in the process of
10 reviewing our regs as well. We've identified
11 a couple things. Actually a couple of the
12 things we've identified are some of the things
13 in the Plastic Pipe Rule and the petitions
14 that we got, like the D2513 to be addressed
15 through the regulatory review process.

16 So, and that's all I have.

17 CHAIRMAN PEVARSKI: Thank you,
18 John. Is there any questions or comments for
19 John? Could you raise your -- thank you, Don.

20 MEMBER STURSMA: I guess I'll just
21 throw two questions out. First of all --

22 CHAIRMAN PEVARSKI: Could you

1 state your name first?

2 MEMBER STURSMA: Don Stursma. On
3 plastic pipe, talking about going to a 0.04
4 design standard; and I'm not going to get into
5 the merits of that, but I'm just wondering if
6 this political climate is a good time to be
7 proposing something that at least some people
8 will perceive as a lessening of a safety
9 standard.

10 MR. GALE: Well, no. No, just to
11 be aware, what we're saying is we're looking
12 at those items for consideration. We have a
13 petition on the 0.4 design standard and part
14 of that process, that rulemaking process will
15 determine should we even propose it. The fact
16 that it's part of that rule doesn't mean we're
17 going to propose it. Or at least we're maybe
18 -- since it's an ANPRM, we're just going to
19 ask for comment on what we should do or how we
20 should handle it.

21 MEMBER STURSMA: And on the
22 regulation review --

1 MR. GALE: Yes?

2 MEMBER STURSMA: -- you've had the
3 public meeting and so forth.

4 MR. GALE: Yes.

5 MEMBER STURSMA: Was there any
6 consistency or particular focus or direction
7 to the comments made particularly with regard
8 to pipeline safety?

9 MR. GALE: Well, I'll tell you
10 there was actually -- I was at that whole
11 meeting and no one was there to discuss
12 pipeline safety issues. There was issues
13 related to rail safety, hazmat safety,
14 aviation safety, but no one made a
15 presentation the pipeline side. I drank a lot
16 of coffee that day.

17 CHAIRMAN PEVARSKI: Any other
18 questions?

19 (No audible response.)

20 CHAIRMAN PEVARSKI: Okay. Thank
21 you. Move onto agenda item No. 2, which is
22 committee management with Jeff and Cheryl.

1 MS. WHETSEL: Good morning again.
2 And I just wanted to let you all know that the
3 materials in your books are actually
4 alphabetical, you just have to figure out what
5 name I put them under. And John's is actually
6 under rulemaking update. He calls it
7 regulatory update and I called it rulemaking
8 update. There's a chart of all of the rules,
9 not his particular presentation, but a chart
10 of all the rules so we have them.

11 So I'm just going to briefly go
12 through my slides here. We're going to talk
13 a little bit about what your purpose is. And
14 for those who are sitting on the Committee
15 that are old timers, I'm sorry you have to
16 listen to this again, but we are currently
17 undergoing actually a GAO audit for all of the
18 advisory committees, so we thought it might be
19 a good time to just kind of review the
20 process. And since we have so many new
21 members here, it might be a good idea for you
22 to know exactly what you're doing.

1 So the purpose of the advisory
2 committees. The committees primarily serve as
3 a peer review for all of DOT's proposed safety
4 regulations. And PHMSA is to submit to the
5 committees for consideration any proposed
6 natural gas pipeline safety standard published
7 in the Federal Register, and that's including
8 both new standards and amendments to existing
9 standards. And there are many authorities
10 that we have to actually work with, but here's
11 two of the major ones. And you all know that
12 the committees were established under Section
13 60115 of Title 49 and the statute actually
14 prescribes the duties of the committee and the
15 qualifications actually of the members that
16 are to serve. And the committees also have to
17 follow the provisions of the Federal Advisory
18 Committee Act.

19 The Federal Advisory Committee Act
20 was first enacted in 1972 and Congress sought
21 to ensure that the advisory committees provide
22 advice that is relevant, objective and open to

1 the public, that the committees act promptly
2 to complete their work and that they comply
3 with reasonable cost controls and record
4 keeping requirements. And as Jeff reminded
5 me, that includes no doughnuts. No doughnuts
6 except for GSA, who's next door apparently.

7 Federal agencies have
8 responsibility for oversight of the committees
9 and they have to adhere to all of the Federal
10 Advisory Committee Act standards. And the
11 General Service Administration actually has a
12 committee management secretariat that we have
13 to report to. There is actually an annual
14 report that we have to do and we do submit all
15 of our meeting materials to them.

16 Last time we went to renew our
17 charter, we were told that we had to change a
18 few things, and one of them is we had to
19 change Jeff's title. We used to call him the
20 executive director in our charter, but he's
21 now called the designated federal official,
22 and that was the joke that we were having

1 amongst ourselves the other day.

2 And as the DFO Jeff needs to serve
3 as the -- he serves as the Government's agent
4 for all matters related to the Committee's
5 activities. And by law he has to approve or
6 call all the meetings and adjourn the
7 meetings. He has to approve agendas and he
8 designates a committee chair prior to each
9 meeting if needed; that is, if we don't have
10 one already selected for long-term.

11 The next slide. This is me. And
12 I've never really figured out what to call
13 myself, but we're now calling myself program
14 manager. I'm supposed to serve as the
15 communication link between the Pipeline Safety
16 Office and the advisory committees and as a
17 resource for information on PHMSA programs.
18 And manage all of the committee meetings,
19 maintain the committee records and provide
20 support services for the operation advisory
21 committee and responsible for the organization
22 and logistics. And record keeping, just so

1 you know, the records of our meetings are
2 permanent records. They will always be there
3 forever and ever, boxed up in some strange
4 location. But we do have to docket everything
5 and everything does become public record.

6 The chairman's responsibilities
7 are he's designated by the Jeff, the DFO, and
8 would preside over the meetings. He guides
9 all the efforts in -- he or she, I should say
10 guides all the efforts in completing the
11 business of the Committee. And the chairman
12 can actually establish subcommittees subject
13 to approval of the DFO. And the chairman may
14 work with the DFO to establish priorities,
15 identify issues that must be addressed,
16 determine the level and types of staff and
17 financial support required.

18 Members' responsibility. Members
19 are duly appointed by the Secretary of
20 Transportation and they should attend all
21 meetings. This is a question that always
22 comes up. Members may not send a substitute

1 to sit at the table. You know, if you can't
2 make a meeting, you could send somebody to sit
3 on the outside and take notes for you, but
4 they would not have any voting rights,
5 wouldn't be able to sit at the table. And
6 your responsibility would be to gather
7 information as necessary to discuss issues
8 presented, deliberate and provide verbal or
9 written consensus advice to the administrator.

10 Membership selection. As you
11 know, members are appointed by the Secretary
12 of Transportation for a term of three years,
13 but members do serve until there is a
14 replacement. Some of you know this well. I
15 don't think we have too many longstanding
16 Committee members with this group, or do we?
17 A few. Andy. Not to mention any names. And
18 the qualifications are outlined in the
19 statute.

20 Members aren't compensated, but
21 they may be reimbursed for travel and per diem
22 expenses.

1 And in 2009 we did a little survey
2 of members and one of the things that we
3 discussed at that time was that members would
4 not serve longer than three terms, which is
5 equal to nine years. So that's our goal. We
6 are going to be putting in for the renewal.
7 The renewal of the charter is every two years.
8 So for the next renewal period, we are going
9 to change the charter to state that members
10 can't serve for longer than three terms.

11 Yes? Sure, go ahead.

12 MR. WIESE: Just a couple of
13 things on membership because I think it is
14 important. Had a good conversation with Sue
15 last night on this point. You know, we have
16 to say to you that you are appointed by the
17 Secretary, not by us. We nominate you for the
18 Secretary's consideration and you're
19 appointed.

20 As Cheryl brought out, you are of
21 course -- you know, part of the nomination is
22 that you represent a group. You know, clearly

1 the point of an advisory committee is to try
2 to funnel up perspectives and points of view.
3 So you are of course brought in and expected
4 to kind of reflect a broader constituency, but
5 I did want to impress on people that when
6 you're here and you're appointed, we really
7 look to you to render your best judgment.
8 It's not to advocate, you know, for -- and I
9 don't mean to be demeaning and saying lowest
10 common denominator, but it's not to do battle.
11 It's to help us give your best advice based on
12 your experience about what's the right thing
13 to do.

14 I don't mean it to sound preachy,
15 but there's a difference here between, you
16 know, being a partisan and being, you know,
17 elected as a partisan and coming on as an
18 expert. We're looking to you as experts. And
19 so we ask you to render your best judgment
20 about what's the right thing to do, not
21 necessarily be a partisan in the debate.

22 The other thing I wanted to

1 mention on membership, and I think it's worked
2 quite well is that over the years that I've
3 been involved with the Committee we've been
4 trying to elevate the level of participation
5 and did that on purpose because as I mentioned
6 to the Liquid Committee and perhaps a little
7 bit yesterday I think the role of the
8 Committee is evolving into more of a policy
9 advising capacity. And one of the things that
10 we hope to do in the charter when we, you
11 know, renew the charter is end up with a joint
12 charter and separate bylaws, but rename the
13 Committee to more reflect what I think its
14 role is increasingly is to provide policy
15 advice. And so we will have a rename the
16 committee contest. Always remember to start
17 with an acronym you can live with, you know,
18 and then work backwards. We've seen some
19 pretty bad acronyms in our time here.

20 So any rate, I did want to say
21 that I think it is important and I really --
22 we wrestled with this whole thing on term

1 limits, you know? People like Andy, you know,
2 who I've known since I came here -- you know,
3 I have total respect for Andy's advice. You
4 know, I usually count on Andy to say what he
5 means, you know, and I like that. I like
6 people to be straight, so I respect that. And
7 yet I know Andy's outside of the term.

8 So with apologies to members
9 who've really dedicated a lot of time and
10 effort and contributed a lot to us, the
11 decision there was a tough one. It was more
12 of a policy call. Say what's the right thing
13 to do for the future?

14 You know, you might want to have a
15 term limit on the DFO at this point. You
16 could probably do that. In fact, it might
17 self-select anyway.

18 But the other thing I wanted to
19 say about membership that I believe strongly
20 in is that participation is important. And if
21 you miss three in a row, I'll probably ask you
22 to leave. I've done that now with two

1 different members, you know, and won't use
2 names. But if they can't dedicate the time,
3 I understand. You know, it's not a personal,
4 hey, you know, you're bad and get out of here.
5 Just that I understand. But it is important
6 to us. So your participation is important.
7 And as Cheryl said, you can't substitute. So
8 we could be compromised if too many people
9 miss meetings. And I think the sectors that
10 you represent, their judgments could be under-
11 represented. So it is crucial for you to
12 attend.

13 I think our bylaws or charter
14 actually say that, don't they Cheryl? After
15 three? Okay. Just reiterating that.

16 And then it is helpful because as
17 we said, when we impose a term limit thing, we
18 do want to have overlap. You know, I think it
19 would be detrimental to our purpose for
20 everybody to leave at one time and have all
21 new members. So we'll phase this in as we go
22 forward. Would like to ask if for any reason

1 you need to resign that you try to work with
2 us in advance. Just give us a heads up. It's
3 nice to have it formal, but we, you know,
4 don't need that. I know Cheryl would like it.
5 For the records it would be good. But it will
6 also give us a jump start on the nomination
7 process for somebody to replace you. So I
8 think that's it.

9 I did want to tell you that as we
10 implement this -- and I know the Committee
11 actually was split. You know, we polled the
12 Committee on this; those who have been here,
13 and the Committee was split about whether to
14 put term limits in. So I do want to say I
15 think it was a tough call. No one should
16 reflect -- and particularly we picked on
17 Denise the other day and said she joined as a
18 summer intern on the advisory committee,
19 because she had been here I think is it 12 or
20 15 years? Yes, something like that.

21 Andy, how many years?

22 MEMBER DRAKE: I am probably at

1 nine.

2 MR. WIESE: Nine? Yes. So any
3 rate, it's a tough call. But again with your
4 indulgence, I think it's the right thing to do
5 for the future of the Committee.

6 So that's really what I wanted to
7 add on membership, Cheryl. Thank you.

8 MS. WHETSEL: I think one of the
9 key things -- we were actually split among
10 ourselves, too, about the nine-year thing just
11 because -- we went to a meeting recently and
12 I was -- you know, always joking with Jeff,
13 you know, it takes a long time. You know, but
14 we found out that it's not just, you know, our
15 Committee that takes a long time. There are
16 many committees in the department, and for
17 appointments it takes up to 11 months
18 sometimes to get people appointed. That's a
19 long time. Jeff just thought I wasn't doing
20 my job, you know?

21 MR. WIESE: By the way --

22 MS. WHETSEL: Now I have proof

1 positive --

2 MR. WIESE: For the record --

3 MS. WHETSEL: -- that I am doing
4 it.

5 MR. WIESE: -- I'd like you to
6 show that actually my record on appointments
7 is a lot faster than other people's.

8 MS. WHETSEL: I want to say we
9 miraculously have appointed six new members in
10 six months.

11 MR. WIESE: Miraculously. This
12 takes behind-the-scenes work, I got to tell
13 you.

14 MS. WHETSEL: You have no idea how
15 much work it takes. You know, we can write
16 the same exact appointment letter and it will
17 be rewritten 50 times before it gets to the
18 Secretary. It's so much fun.

19 Anyway, actually in the charter it
20 states that each committee should meet about
21 four times each calendar year. It's very
22 ambiguous the way it's written. And we

1 really, you know, have tried to have our
2 meetings when we need to conduct business and
3 not just necessarily, you know, four times
4 just to meet four times. And so, we hope that
5 they'll be lenient about that.

6 Also, you know, as stated in our
7 charter, committee members may be polled or
8 asked for comments on notices of proposed
9 rulemaking or other matters at any time
10 without formally assembling in one place.

11 The advisory committee charter and
12 bylaws that you've never heard of before are
13 prepared in accordance with the guidance
14 established by the General Services
15 Administration's Committee Management
16 Secretariat. The last time, like I said, we
17 went in October of 2010 to have our renewal
18 and they asked us to take out certain things
19 dealing with process, how the meetings are run
20 and that type of thing. They asked us to take
21 them out of our charter and to put them in
22 bylaws.

1 So you do have a copy of bylaws in
2 your book under committee management, and
3 we're not going to ask for a vote now on the
4 bylaws, but to give you guys an opportunity to
5 take a look at them and perhaps at the next
6 meeting we'll vote on the bylaws. Like I
7 said, they're renewed every two years.
8 Another process that takes forever to get them
9 renewed.

10 Reports. Members consider each
11 proposed rule and the draft regulatory
12 evaluation to determine the technical
13 feasibility, reasonableness, cost
14 effectiveness and practicability of the
15 proposal. That wording is specifically laid
16 out by statute. And there's always been some
17 confusion about what the report is. And the
18 report for the vote is the verbatim meeting
19 transcript unless there's some other document
20 provided by membership.

21 We went over this I think because
22 you already did a vote. Of course the

1 committee chair will let us know when we need
2 to make a vote. And any member, including the
3 chair, can make a motion for a vote.

4 We've also wanted to identify what
5 a quorum is because we've had numerous
6 questions about that. And a quorum in this
7 instance is a majority of the current members
8 of the Committee must be present at a meeting
9 to perform the Committee's statutory duties.

10 Expenses and reimbursement.

11 Expenses related to the operation of the
12 Committee are the responsibility of PHMSA's
13 Office of Pipeline Safety and all expenditures
14 are approved by Jeff. We don't have a budget,
15 by the way.

16 So as I said, there's draft bylaws
17 in the book. GSA actually asked us to take
18 out items 14 of our charter, appointment of
19 officers; and 15, meetings of procedures.
20 Primarily they wanted us to put it in the same
21 format as everybody else's charter so that
22 they would have an easier time reviewing them

1 when they came in for the renewals every two
2 years. So those items were taken out and put
3 into the bylaws, and other things just to help
4 members better understand what their roles and
5 responsibilities are under the FACA.

6 And the draft bylaws define open
7 and closed meetings, which we've never had a
8 closed meeting. We've never really needed to.
9 That would be, you know, if we were handling
10 specific information, you know, that was
11 proprietary and we didn't want the public to
12 hear about. But we would have to notice the
13 meeting and actually stated it would be closed
14 in advance and have the Secretary approve
15 whether or not it be closed.

16 Like I said, we defined forum and
17 bylaws. We described the roles and
18 responsibilities that I just went over, what
19 the federal officials do and the members. It
20 discusses what minutes and the records are.
21 And it also provides links to our committee
22 records. What the links are, I should say.

1 All of the records are available
2 on the website and the e-government site,
3 which the e-government site is where we docket
4 our materials and there are currently two
5 docket numbers associated with the advisory
6 committees. One of the dockets was opened
7 2009 and so all of the current information is
8 2009 up to now, and then all the previous
9 information is in another docket. And I put
10 the docket numbers in the bylaws, I believe.
11 If I didn't, I will. So, you know, there's
12 historical information and then there's a
13 current one. There were certain people who
14 had a really hard time, including myself,
15 finding materials in the old docket. And it
16 does get very cumbersome, so that's why we
17 decided to open a new docket. But all the
18 historical information is still there.

19 Let's see. Path forward.
20 Committee members will review and adopt the
21 new bylaws. And we are going to begin the
22 approval process for the new charter and

1 change item 12, which is current 12(f) in the
2 charter about term limits, and that's the way
3 it will read. And it will still state that
4 you can serve until you're successor is
5 appointed. And that is primarily because this
6 process just takes so long and we just don't
7 ever know how long it may take.

8 So, that's it. If you have any
9 questions or if you ever, you know, want to
10 ask me anything, give me a call.

11 MR. PEVARSKI: Thank you, Cheryl.
12 We have one question over here.

13 MS. FLECK: More a comment,
14 really. This is --

15 MR. PEVARSKI: State your name,
16 please.

17 MS. FLECK: -- Susan Fleck. In
18 discussions yesterday afternoon I kind of
19 wanted to understand the endgame on voting and
20 I wanted to understand if it was -- you know,
21 we had a vote yesterday. Everybody agreed.
22 It was kind of unanimous. Both committees

1 agreed on something. But I wanted to
2 understand whether that was binding on PHMSA
3 and if we vote on something does that mean you
4 will adopt what we say? Or since we are an
5 advisory committee, you just take that advice
6 and then act, you know, appropriately? And I
7 thought that would be a good discussion for
8 everybody to have.

9 MR. WIESE: I'll swing at that
10 one. And not to demean it, it is an advisory
11 committee, so it provides advice to us, to the
12 administrator and really to the Secretary.
13 That said, as I mentioned to Sue last night;
14 and I think people should understand this, we
15 take it pretty seriously and at least during
16 my tenure -- I cannot recall prior to that
17 honestly, but during my tenure we've never
18 overruled a committee vote. You know, we
19 fight pretty hard to maintain the sanctity of
20 what we agree to here.

21 There could have been
22 historically. I mean, Andy might remember.

1 Were there?

2 MR. DRAKE: I recall at least one.

3 I do not remember --

4 MR. WIESE: Yes. It would be
5 pretty rare that we wouldn't go with it.
6 Otherwise, it, you know, would demean the
7 effort of the advisory committee. So we'll
8 fight pretty hard to maintain a consensus that
9 we come to with this group. You know, I can't
10 promise you anything because I -- you know,
11 we're not the administration and they do have
12 the prerogative to vary, but yes, I think our
13 history is pretty good at backing up our
14 advisory committees.

15 MS. FLECK: Thank you.

16 MR. WIESE: Sure.

17 MR. PATES: Mr. Chairman, I just
18 wanted to read for you out of the Pipeline
19 Safety Statute. It talks specifically about
20 this and it says that when you receive the
21 standard, proposed standard, that the
22 Committee will issue a report. And it says,

1 "The Secretary shall publish each report
2 including any recommended actions and minority
3 views. The report is timely made -- if timely
4 made is part of the proceeding for prescribing
5 the standard. The Secretary is not bound by
6 the conclusions of the Committee. However, if
7 the Secretary rejects the conclusions of the
8 Committee, the Secretary shall publish the
9 reasons."

10 So, that's the formal process if
11 there are objections.

12 MS. WHETSEL: As a part of the
13 regulatory process, you'll see in the final
14 rule there is a section that actually speaks
15 to what the advisory committee decided. So we
16 do have to publish a little section in each
17 final rule that describes what the action of
18 the Committee was. And then as stated before
19 the final report is actually the docketed
20 materials.

21 MR. PEVARSKI: Question over here.

22 MR. WORSINGER: Rich Worsinger.

1 Not to rock the boat at my first meeting, I
2 believe there was discussion at the last
3 meeting I attended as a member of the public
4 on control room management. And if I recall,
5 it was the recommendation that control
6 management -- the definition was control and
7 monitor. What was published was control or
8 monitor. Is that correct? The preamble. So
9 there is a difference between what's in the
10 preamble and what's in the rule. And that was
11 a question I believe that Mike Bellman raised
12 -- and when we were asked for questions, and
13 we've never had that addressed or responded
14 to.

15 MR. WIESE: Happy to respond to
16 it, but I can't do it here because I honestly
17 don't remember that. You know, I know that
18 there was quite a bit of debate at the last
19 meeting on control room. That was quite a
20 contentious -- one of the most contentious
21 meetings I think we've had in recent history.
22 I honestly don't remember that, but I'm happy

1 to get you a reply.

2 So, John, if you'll work with me,
3 we will make sure that you -- okay, good.
4 Thank you.

5 MS. WHETSEL: I just wanted to
6 tell you, I will get you a copy of the 60115,
7 that portion of the Act. It's on the Web
8 site, but I'll make sure everybody has a copy
9 of it as well.

10 MR. PEVARSKI: Sue, do you have
11 another question?

12 (No audible response.)

13 MR. PEVARSKI: Okay. Any others?

14 (No audible response.)

15 MR. PEVARSKI: Okay. Thank you.
16 We'll move onto agenda item No. 3 with Linda
17 Daugherty. And before we get into that, Jeff
18 would like to do an introduction.

19 MR. WIESE: What fun to be able to
20 be right before Linda.

21 Many of you have been associated
22 with the Committee for a long time and you

1 know Linda. Linda has been here longer than
2 I have. I wanted to say by way of
3 introduction I'm really pleased to introduce
4 Linda. Linda has helped me immeasurably in
5 the past year. I chose her as my deputy for
6 National Policy and Programs. And while it's
7 a vague title, it's a huge portfolio. Linda
8 has a lot of the things that I did here for 10
9 years in her portfolio and amongst them are
10 the advisory committee and regulations
11 whatnot. But I think for those of you who are
12 new and haven't met her, I encourage you to
13 make acquaintances outside. You'll find Linda
14 to be very accommodating, willing to work with
15 you. But she's covered the gamut. Has been
16 a regional director, been an inspector, been
17 an enforcement. She couldn't keep a job in
18 OPS, so we eventually made her one of my
19 deputies just to keep her out of trouble.

20 So any rate, I'm pleased to
21 introduce Linda Daugherty.

22 MS. DAUGHERTY: Thank you and I

1 want you all to know that I started with OPS
2 when I was 12. Actually, I have been here
3 about 20 years, so like he said, I couldn't
4 keep a job.

5 I want to talk to you about a
6 variety of issues today. And by the way, hope
7 you all don't mind me staying here in my seat;
8 it's very comfortable. And if I had to walk
9 around mic, I'd be pacing really fast with all
10 the caffeine this morning.

11 Jeff said that we want to close
12 early today and so I'm going to do my best.
13 We're running a little bit early. If I talk
14 too fast, slow me down.

15 The other thing is that if you
16 have questions, what I'm going to do, if the
17 Chair will allow me, is I'm going to stop
18 after every topic and you can choose to see if
19 there's any questions. Because if I keep
20 rolling on, we may get so many different
21 issues they'll get kind of garbled.

22 I thought it was interesting,

1 notice where I'm sitting in proximity to Jeff.
2 One chair away. But I would note, you know,
3 he mentioned that NTSB hearing that he was on
4 the panel that asked questions. It was a
5 really unusual circumstance because what do
6 the people that ask questions do? They ask
7 questions of witnesses, right? And guess what
8 I was? I was a witness. So when everybody
9 was asking questions and it would come around
10 to Jeff, Jeff would say so, Ms. Daugherty, did
11 you really mean to say that -- or did you mean
12 to say rather that -- and then he would give
13 the correct answer. So hence why Cheryl put
14 me right here. I'm close enough he can --

15 But I want to talk to you about
16 emergency response plans and risk assessment
17 and records. And I flipped them around from
18 what's on your agenda, because I want to talk
19 about our emergency response plans first.

20 Now, I guess I should ask first,
21 how many of the Committee were here on Monday
22 and heard the liquid presentation? Okay.

1 Great. So this won't be new. For anybody who
2 was here, Alan spoke to basically the same
3 issues for the liquid guys. Slightly
4 different focus, but very similar information.
5 So for those of you that were here on
6 Wednesday, some of this is going to be repeat.

7 MS. WHETSEL: You do not have the
8 presentation.

9 MS. DAUGHERTY: Oh, this one you
10 do not?

11 MS. WHETSEL: You don't have this
12 presentation but I will email it to you, and
13 it will be docketed.

14 MS. DAUGHERTY: Okay. On November
15 third we issued an advisory bulletin. It
16 basically said, look, operators need to make
17 sure that they're communicating with their
18 local emergency response officials.

19 Now I'm starting with a very
20 controversial issue. This one brought up a
21 lot of questions because when we wrote the
22 advisory we used terms like operators must

1 share their plans with emergency officials.
2 What we were trying to communicate was that
3 there's certain important information that
4 pipeline operators need to let the local
5 emergency officials know about. In other
6 words, the pipeline company knows what they're
7 capable of doing in responding to an emergency
8 and the local fire department needs to know
9 that as well.

10 I can speak of one specific
11 circumstance. It was actually on a liquid
12 pipeline where that type of communication had
13 not occurred and something bad happened. It
14 was in Florida. And the fire department
15 showed up at the scene and the pipeline
16 company showed up at the scene and they looked
17 at each other and the pipeline company thought
18 the fire department was going to take care of
19 the matter and the fire department looked at
20 the pipeline company and said aren't you guys
21 prepared to take care of this? And neither
22 one of them was adequately prepared to handle

1 the circumstance. That's absolutely wrong.
2 The public is depending on us to be prepared.
3 And I'm talking about that as all overseers of
4 safety, whether you are with an official
5 emergency group, whether you're a pipeline
6 safety oversight, whether you're with
7 industry.

8 So the point of this advisory
9 bulletin is to say, operators, you need to
10 communicate. You need to reach out, do a
11 better job of talking to your local fire
12 department, police department, whoever is
13 appropriate. Make sure they know what you can
14 do and what you can't do. And if there are
15 aspects of your plan that you need to share,
16 do so. It was not intended to say that you
17 need to go make a carbon copy of your entire
18 plan and hand it to every fire official or
19 police department along the way.

20 Now, we know that there's been a
21 lot of confusion on this and we need to
22 communicate either through clarifying the

1 advisory response or somehow formally
2 clarifying. We are going to be checking on
3 our inspections to see to what degree people
4 have made changes or improvements, to what
5 degree they have addressed this issue.

6 Let's see here. I'm jumping ahead
7 of the slides.

8 There was also a question that --
9 and I think this has been a recurring theme
10 where industry and other folks, other
11 stakeholders have come to us and said, look,
12 you're going beyond your regulatory authority.
13 You are interpreting things into the
14 regulation that are not there specifically.
15 And every time someone says that, we have to
16 step back and look at it and say are we
17 meeting the intent and are we going beyond
18 what we legally can do? And in this case our
19 intent was not to go beyond the regulations,
20 but it was to clarify that because the wording
21 of the advisory may have gone too far, we will
22 have to take some kind of action or

1 communicate and clarify what that advisory
2 bulletin did intend.

3 Now, in preparing this slide I
4 realized we had a major oversight, and
5 unfortunately I hate it when I find it,
6 because it was solidly in my court and in my
7 portfolio. While we have -- boy, that's a
8 little really dull pointer, isn't it? See, if
9 I was in my walk-around mode, I could go up
10 there and be pointing at these things. But
11 that third bullet, we have talked to operators
12 about this where the oversight is. We have
13 not communicated to our states very well that
14 this is a change. So we may have a lot of
15 states that are enforcing the word of that
16 advisory bulletin, not the intent, and we need
17 to do a better job and communicate with them
18 on that. So what a way to start a
19 presentation, finding an issue.

20 MR. WIESE: Semantics.

21 MS. DAUGHERTY: Yes, it's a
22 semantics issue. Yes. And the other thing is

1 -- Jeff is pointing out to me that a lot of it
2 was semantics and a lot of it was -- as he
3 always says, speed kills. We were in a hurry
4 to get message out and so we typed up what our
5 intent was and we didn't step back and see how
6 someone else might read it. So that is
7 something -- we do fully believe that
8 improvements need to be made and how operators
9 communicate emergency response information and
10 plans. What we don't intend is that they
11 carbon copy their entire emergency response
12 plan and hand it over to every single
13 emergency response official. That would be
14 inappropriate and most fire departments and
15 police departments probably wouldn't want it.

16 MS. WHETSEL: They wouldn't have
17 time to read it.

18 MS. DAUGHERTY: I'm sorry?

19 MS. WHETSEL: I said they wouldn't
20 have time to read it.

21 MS. DAUGHERTY: Yes. Yes, it's
22 too big. Yes. Yes.

1 MR. PEVARSKI: Linda, if you
2 would, we do have a question.

3 MR. STURSMA: Oh, yes, I think you
4 all know -- that big --

5 MR. PEVARSKI: State your name,
6 please.

7 MR. STURSMA: Don Stursma. The
8 county sheriff's department might get a dozen
9 of those. Yes, that's going to help. But my
10 main question is whether you consider these
11 emergency plans to be a public document
12 accessible to the public upon request to
13 review, because if so, some of those may
14 contain some, you know, confidential
15 information like home and out-of-office -- or
16 names and contact information for employees
17 and maybe some other things that are better
18 not in the public domain or could even be of
19 use to, you know, vandals or terrorists.

20 Anyhow, I guess the question is
21 whether you consider that the emergency plans
22 are public documents that the members of the

1 public are entitled to examine.

2 MS. DAUGHERTY: That is a very,
3 very good question, and I'm actually going to
4 talk about that in some depth maybe in the
5 next set of slides. Will you be patient with
6 me? I do promise to answer it.

7 By the way, isn't there a
8 committee rule that Don can only ask easy
9 questions? He gets two? Okay. That was one.
10 But we will come back to that.

11 Another thing that someone told me
12 that I really liked, they said don't meet the
13 fire department officials for the first time
14 at the scene of the fire. That's a really bad
15 thing. You know, if you operate a natural gas
16 or hazardous liquid pipeline, they should know
17 where you are and you should know what they
18 can do, and you ought to have some kind of a
19 relationship.

20 I would say if any of you listened
21 to the NTSB hearings, I actually felt bad for
22 the fire chief, the San Bruno fire chief.

1 They asked him some difficult questions and he
2 was put on the spot about, so, Fire Chief
3 Haag, I think it was, you know, didn't you
4 know there was a pipeline there? Why didn't
5 you know there was a pipeline there?
6 Shouldn't you know there was a pipeline? Put
7 him on the spot. But I would say there was
8 an equal responsibility to the pipeline
9 operator to go say, hey, fire department,
10 we're here and this is what we are.

11 So, I think I'm going to move on
12 here. Okay. Can I pause and see if there are
13 any questions on the advisory bulletin and
14 emergency response?

15 MR. BELLMAN: This is Mike
16 Bellman. I noticed you had talked about
17 talking with NAPS, and I assume that was
18 before the guidance was issued. Or that's
19 after? So you're still going to issue
20 advisory guidance and advisory bulletins
21 without any kind of other review or --

22 MS. DAUGHERTY: Well --

1 MR. BELLMAN: -- this Committee or
2 the ATA and those agencies?

3 MS. DAUGHERTY: Usually advisory
4 bulletins are done on an immediate emergency
5 basis. Usually. And they are not always
6 coordinated outside of the department. They
7 are sometimes when we do reach out. In this
8 particular case I do not believe we did,
9 unless I'm corrected here. I don't believe
10 that we reached out to NAPSR. On some issues
11 we definitely should and could have. In this
12 it was a case of speed kills. I mean, I'm
13 just being honest. It's one of those things
14 where you have to turn something around
15 quickly. And we did it and we put it out.
16 Now we have to step back and say we need to
17 clarify.

18 And the other point I was trying
19 to make there is even after we realized that
20 there was a lot of confusion, we still have to
21 go back to our state partners and say -- you
22 know, own up and say we made a mistake in how

1 we worded this. So if you're interpreting it
2 literally, there could be an issue.

3 Uh-oh, this is --

4 MR. WIESE: No, no, I just wanted
5 to add something. I just wanted to point onto
6 your question. There's no requirement for us
7 to advise. I mean, to work with the --
8 particularly with the industry on this. It's
9 a regulatory matter, so it is fully within our
10 discretion.

11 That being said, this was a case
12 of a lot of heat being directed on us to issue
13 something quickly. Speed does kill. I think
14 we fully understand that a large part of an
15 emergency response plan is internal to the
16 company. Clearly the fire department has no
17 value in getting that information. You know,
18 what they need to know; I think it's spelled
19 out fairly clearly in the regulations, they
20 need to know how do you communicate? Right?
21 What are our individual capacities so that
22 they know who's going to handle things. And,

1 you know, it doesn't get a lot more complex
2 than that.

3 So, I agree entirely with, I
4 think, the points that other members have made
5 here and I've spoken to a lot of them. By the
6 way, we work for a fire official now, and I'm
7 glad, you know? Tim Butters' got a real
8 practical sense of what's doable and what
9 needs to be done. We will just say that we
10 may have to clear this up yet. I still see it
11 as semantic. I know everybody reads "plan" as
12 the emergency response plan an operator has
13 that has to be handed over like that. We say
14 the nicest thing we can do to ourselves is say
15 plans, what are your plans during emergency
16 response?

17 But you are going to come back to
18 the FOIA issue that Don has, because we feel
19 pretty strongly about that, too. So, okay.
20 Sorry.

21 MS. DAUGHERTY: Actually I believe
22 that that's going to come up on the next panel

1 when we talk about data. So if you're patient
2 with me, I will cover it.

3 I'm sorry?

4 MR. STURSMA: I have to leave a
5 little early to catch my plane, so I hope you
6 put that first.

7 MS. DAUGHERTY: Do you want me to
8 go ahead and --

9 MR. STURSMA: Yes, please.

10 MS. DAUGHERTY: Yes? Okay. I'll
11 go ahead and cover it.

12 Okay. So you raised a very good
13 issue, the question of transparency and what
14 information can and should be released and
15 available to the general public. And as you
16 all are probably aware, the administration has
17 made it very clear that under FOIA everything
18 should be released if there's a doubt. Only
19 in very clear-cut cases were exemptions
20 applied such as for the Privacy Act, personal
21 names, home phone numbers, Social Security
22 numbers, you know, things that are protected

1 by the Privacy Act, or items that are clearly
2 security related and those have to meet a
3 fairly high hurdle can be protected. There is
4 a set of FOIA exemptions, and I won't go
5 through all of those, but let's just say that
6 we are told to release everything. If in
7 doubt you release it.

8 So we have been asked on the
9 liquid side to release oil spill response
10 plans, and that's actually the parallel to
11 these emergency response plans, Don.

12 On the gas side you have emergency
13 response plans. On the liquid side they have
14 emergency response plans, but they also have
15 facility response plans under the Oil
16 Pollution Act. And under that Act pipeline
17 companies are required to provide those, to
18 submit those to the Federal Government.

19 Facility response plans, not
20 emergency. He's right. Let me be very clear
21 on that. Operators are required to submit
22 facility response plans under the OPA Act to

1 the Federal Government. Neither gas nor
2 operators are required to submit emergency
3 response plans to the Federal Government.
4 They're two different animals. Okay?
5 Everybody with me on that, because it's an
6 important point?

7 So I'm going to talk about the
8 facility response plans first and then I'll
9 talk about how it relates to the emergency
10 response plans.

11 We have received several Freedom
12 of Information Act requests for complete
13 release of facility response plans. And I'm
14 going to say it pretty soon; we call them
15 internally OPA plans. Okay? Just so you
16 know. So we've done a partial release. We've
17 released certain information, but we withheld
18 information like worst-case discharge amount,
19 worst-case discharge location and some other
20 key information, which we felt should not be
21 released for security reasons. If someone
22 wanted to target a pipeline, we didn't want to

1 say here's where you can do it and do the most
2 damage and here's how bad it will be. So we
3 withheld that information.

4 That has been challenged by
5 several folks. This is an issue that has also
6 come up in Congressional hearings. It's come
7 up in a variety of other communications with,
8 you know, various stakeholders.

9 There's two sides to this coin:
10 The public's right to know, the public's right
11 to say did this pipeline operator who operates
12 in my backyard, have they done a good job?
13 You know, are they adequately prepared to
14 respond to something if something bad happens.
15 On the other side is do we really want to put
16 this information out there where the bad
17 people can get to it? So, you know, we juggle
18 this. And we're currently in the middle of a
19 big decision on, you know, whether those plans
20 will be released.

21 As it relates to the emergency
22 response plans for gas and liquid pipelines,

1 we do not require submission of those plans to
2 the Federal Government, therefore they are not
3 in our hands. So we would not be in a
4 position where someone could ask us to release
5 this, because frankly we do not have them.
6 However, some states I understand do require,
7 under their own state law do require operators
8 to submit those plans. Those plans may
9 include some sensitive information. Don
10 mentioned personal information; home phone
11 numbers, where people live. That information,
12 at least on the federal side, is protected
13 under Privacy Act.

14 There is some information that may
15 not be a good idea to release, but that is
16 something that each state is going to have to
17 deal with under their state law and their
18 Sunshine laws, the FOIA laws. We would not
19 support releasing information that could be
20 used to damage facilities, however, there is
21 a transparency issue. So there is a balance
22 of what needs to be provided to emergency

1 officials.

2 Now, I want to make it very clear:
3 Providing information to people that have a
4 need to know, the LAPCs, the fire departments,
5 the police departments, that's a totally
6 different manner than providing a complete
7 emergency response plan to Joe Smith because
8 he just wants to know.

9 MR. WIESE: I did want the
10 Committee to know that it's being debated
11 beyond us. I mean, the Senate has actively
12 taken up under consideration a requirement for
13 all emergency response plans to be submitted
14 to us and then to be posted online. I only
15 say that for your information and your own
16 reflection on it. I think Linda has, you
17 know, pretty articulately laid out what our
18 point of view is. Operators have
19 responsibilities. There's probably a need for
20 communities to understand what's going on, but
21 they're represented by emergency response
22 officials. So again, I can't say that we're

1 speaking for the administration on that one.
2 We would have to say that's more of an OPS
3 point of view. Thanks.

4 MR. PEVARSKI: You have a
5 question, Mike?

6 MR. BELLMAN: Mike Bellman. A
7 couple of issues. Under the TSA and the
8 security issues we have security-sensitive
9 information and we can classify information
10 that way and I don't know if that falls into
11 this issue as well, but --

12 And then one other point is I
13 guess the emergency response advisory bulletin
14 had some language about making sure you
15 conduct emergency drills and all.

16 MS. DAUGHERTY: Yes.

17 MR. BELLMAN: Is that something
18 that's also going to be considered in a
19 revision to the advisory bulletin or is that
20 something that you feel is still necessary?

21 MS. DAUGHERTY: We do believe that
22 drilling a plan is part and parcel of having

1 a good liaison with your emergency response
2 officials. Now, nowhere do we say how often
3 that should occur. Should that occur on a
4 yearly basis? I don't know. I'm familiar
5 with situations in which many companies will
6 come together and say, hey, we're going to do
7 this massive drill so the fire department
8 doesn't have to show up to 15 different drills
9 in the space of a few months. Things like
10 that work out well. But I believe that in
11 whatever clarification we do we would probably
12 not remove that request for drills. That we
13 believe is already covered under our
14 regulations.

15 Now, what was the other part?

16 MR. BELLMAN: TSA.

17 MS. DAUGHERTY: TSA. I was
18 wanting to forget that one. That one is a
19 real sticky issue and I'm going to watch my
20 boss real closely. He's going to keep me to
21 the line. In dealing with the facility
22 response plan issue, we had reached a point

1 within our department where an appeal had been
2 made that we release all the information
3 contained in a plan, including worst-case
4 discharge, worst-case discharge location. We
5 went to our administrator and our
6 administrator said -- she was at the point to
7 make a decision and she said go to Homeland
8 Security, go to TSA and ask them. So we did.
9 And they basically said -- I'm dancing here --
10 they basically said this is an issue you need
11 to decide we don't want to make an official
12 determination on at this point in time,
13 which --

14 MR. STURSMA: Yes, it's not -- I'm
15 sorry.

16 MS. DAUGHERTY: I'm going to get
17 myself in trouble.

18 MR. STURSMA: I'll jump in real
19 quickly to save Linda and just take the egg on
20 my face. You know, it's not SSI; that's
21 clear. And if it was SSI, by the way, it
22 would have to be locked up, and there are a

1 lot of provisions under -- we know that
2 because we danced perilously close to that
3 with the NPMS and we went through this whole
4 SSI debate. So clearly; and I've talked to
5 the head over there, they're not inclined to
6 rule on this. We went over there. We sent
7 our attorneys over there. We said don't you
8 see? Again, Linda and I were lobbying for an
9 outcome that we thought should happen, and I
10 don't think they're going to stand up on this
11 one.

12 My boss wants me to send a letter
13 and ask them for a formal position. I hate to
14 do that because they've already told me what
15 their position is, and they really don't want
16 to go on record with it. But we may end up
17 have to, because this appeal is like this
18 close to being resolved the way we would
19 prefer it not be resolved. So, yes, I just
20 wanted to make clear though, Mike, it's not
21 SSI. We've already gone down that route. And
22 if it was, it has to be handled a totally

1 different way. There are rules about the
2 handling of SSI information. Sorry. We went
3 there though. We tried.

4 MS. DAUGHERTY: Thanks, boss, for
5 bailing me out.

6 MR. PEVARSKI: Susan, do you have
7 a question?

8 MS. FLECK: Susan Fleck. We've
9 been getting increasing pressure from the fire
10 departments as we go through having our
11 discussions with them about emergency response
12 plans and doing our training and, you know,
13 liaison-type meetings. And what they're
14 pushing for now; and I don't know if
15 everybody's seeing this, is they want detailed
16 maps of all of our pipes within their
17 territories and they want addresses and
18 grading of every single leak so they can keep
19 an eye on them. Just so you know, this is
20 what's happening in the northeast, and it's a
21 pretty strong press, and it's from more than
22 one community.

1 So opening, you know, up
2 transparency I believe is important. I think
3 transparency -- everybody should know what's
4 going on, but it's getting down a level of
5 detail that's a little frightening for us.

6 MS. DAUGHERTY: That's a very good
7 point. And one of the things you see when you
8 become more and more transparent, there's so
9 much good that comes out of that because --
10 and we see this with our data; this is why
11 it's in my data discussion -- is that when you
12 present information out to the public, people
13 go look at it and say, hey, wait a minute,
14 you're missing this trend or your data is not
15 right here, or, hey, wait a minute, agency,
16 why aren't you doing something about this?
17 And it's a very good accountability measure.

18 On the flip side, you get a lot of
19 people that say, hey, I don't think you're
20 doing enough. And when you have a couple
21 million people saying I don't think that's
22 enough, even though they may not be well-

1 informed on the issues, then it gets really
2 scary because then how do you manage -- that
3 would be like managing regulatory oversight by
4 committee. How do you do that? You know,
5 you've got to be very careful. So there's a
6 fine line there. And can you imagine if every
7 fire department or every individual wanted to
8 do that? Like, what if every citizen wanted
9 to do that? It would just become overwhelming
10 very quickly.

11 (Off microphone comment.)

12 MS. DAUGHERTY: Yes, it is.

13 MR. PEVARSKI: Don, do you have a
14 comment?

15 MR. STURSMA: Changing the subject
16 completely for a second, we've been focusing
17 on the emergency response plan release of
18 information forced into that advisory
19 bulletin. There was one other piece in there
20 that I don't know if other people have taken
21 exception to, but at least I sure do and
22 others in NAPSRS do, and that's the part where

1 it says that emergency response drills are
2 required by RP-1162. And we think that's an
3 incorrect interpretation. It is certainly one
4 method of complying with certain requirements
5 recommendations of that bulletin, but it is
6 not a specific requirement that you have to do
7 emergency response drills with local
8 responders.

9 MS. DAUGHERTY: We do believe that
10 there is a requirement that operators
11 communicate and liaison and make the officials
12 aware of those capabilities, and generally it
13 will include drills. Now, if there is some
14 specific wording that we need to be careful --
15 there may be some alternatives. But also in
16 192 and 195 there are provisions for drills.
17 So -- including preplanned responses. Now,
18 you can argue the point whether a preplanned
19 response is a drill or not, and we can debate
20 that. I mean, that could be a huge debate.
21 But, you know, I think the point is you've got
22 to look at the intent. You've got to look at

1 what you're trying to achieve. If a drill
2 will accomplish that, then there shouldn't be
3 a whole lot of resistance to that. If there's
4 an alternative that will meet that intent, you
5 know, that's a possibility.

6 MR. STURSMA: I don't think
7 anybody's disputing the merits of drills. The
8 question is whether drills are a specific
9 requirement or not. And quite frankly, local
10 police and fire departments are already
11 overwhelmed with information people think they
12 ought to have, things they ought to know,
13 sources they ought to have. I mean, I know we
14 have operators who have trouble just to try
15 and schedule an annual meet and greet with the
16 local responders. Their volunteer fire
17 departments, they don't have time for another
18 stinking meeting. So not only is -- you know,
19 you could argue whether drills are a
20 requirement or not. You have the issue of
21 whether the local people are even interested
22 because it's another demand that they don't

1 have time for.

2 MS. DAUGHERTY: You know, I hear
3 what you're saying that it's one more thing on
4 a busy schedule. Well, first if all, you
5 can't force a fire department to participate
6 in a drill. You can't. You can offer it and
7 you can ask them to.

8 But the second part of it is --
9 well, I should segue and say that, you know,
10 we have asked our attorneys and our attorneys
11 say that, yes, they are required. So maybe
12 that's a legal issue, you know? The other
13 part of it is if you would go and you would
14 ask the fire captain Mr. Haag -- was he a fire
15 chief -- fire chief in San Bruno -- and you
16 would ask him he'd say, no, I didn't know it
17 was there. If you could rewind 18 months and
18 do a drill with PG&E, would you? And I bet he
19 would say you bet your booty.

20 You know, hindsight -- you know,
21 as it is with all of us -- by the way, please
22 strike that bad word out of the -- you know,

1 hindsight is really -- it's an eye opener and
2 it's also 20/20. We all have a lot to do and
3 we have to prioritize what's important. And
4 a drill, when you've not had an incident, a
5 drill just seems like another thing to do.
6 But if you look ahead, a drill could save
7 somebody's life. And I'll be kind of -- I'll
8 be preachy here and say, you know, everyone
9 talks about the family drills. Do you drill
10 your family, you know, what to do in the event
11 of fire? How many -- well, yes, Sue does.
12 But not everybody does. But I bet there are
13 some families that wish they had.

14 So and it's our job as -- I would
15 imagine that in our job as safety regulators
16 it's our requirement to push for doing those
17 things. It's our job to say, look, this is
18 something you need to do. Make time for it.
19 Figure out a way to do it, whether it be group
20 drills, whatever.

21 MR. PEVARSKI: Richard, do you
22 still have a question?

1 MR. FEIGEL: Linda, I don't think
2 anyone would disagree that we should learn
3 from the past, but the implication -- what
4 you're saying is that we should manage risk
5 programs with 20/20 hindsight is a whole
6 different issue. I mean, that's not risk
7 management, because then you've got this
8 binary set of decisions, you know, we either
9 do or we don't.

10 And there is -- you know, to Don's
11 point, or the implied point there, I mean,
12 when you're trying to manage a whole set of
13 priorities, there's got to be some rational
14 way to prioritize that stuff, and you can't do
15 that, you know, with headlines and 20/20
16 hindsight.

17 MS. DAUGHERTY: I would suggest
18 it's not risk management. I would suggest
19 it's lessons learned, hard lessons learned.

20 MR. FEIGEL: That is not what I
21 heard you say. It is a sore point.

22 MR. PEVARSKI: Any other comments?

1 (No audible response.)

2 MR. PEVARSKI: Okay, Linda.

3 MS. DAUGHERTY: Okay. Moving on
4 to a less controversial issue; and I know I'm
5 way behind time here, we issued another
6 advisory bulletin and this came on the heels
7 of a recommendation to u from NTSB. NTSB is
8 in the middle, as are we, looking into the
9 causal factors of the San Bruno incident. And
10 it quickly became apparent that there were
11 some record issues.

12 Now, I don't know how familiar
13 everyone is here; and I can't go into a lot of
14 detail, but just is everyone generally aware
15 of what's going on with San Bruno and PG&E and
16 the incident? Yes? Okay. Good. So I won't
17 spend a lot of time.

18 But basically, what the advisory
19 bulletin said is, look, if you are basing how
20 you establish your maximum allowable operating
21 pressure or your risk assessment methods based
22 on data that may be not correct, unknown, may

1 have some gaps and holes, you need to be
2 really careful. It basically says, look, if
3 you're not sure of this information, then you
4 cannot use it as a basis for determining your
5 allowable pressure. You cannot use it to
6 determine your risks or your threat
7 identification. You need to go back and take
8 a hard look if you have unknowns in your
9 system. Because if you make presumptions, it
10 could have a very bad outcome.

11 Now, I understand that PG&E right
12 now is -- what do they call it, the Cow
13 Stadium? The Cow Palace? Never heard of that
14 before. Big. And they have all the records
15 and they have like 300 people going through
16 records trying to figure out if the records
17 are sound. A lot of work and a lot of effort.

18 Now the reality is most of the
19 pipelines in the country will built prior to
20 the establishment of the federal regulations
21 and some of the state regulations. They were
22 built prior to the 1960s. Matter of fact,

1 over 50 percent; and I have a chart later on
2 -- over 50 percent of the pipelines were built
3 in the 1950s and the 1960s, which means that
4 when those lines were built they were built in
5 accordance with the standards and best
6 practices at that time, not in accordance with
7 some federal regulation that said you had to
8 keep records. So some of the records are
9 missing. So there are a lot of unknowns.

10 When the rule came out in 1970, it
11 looked back and said, wow, you know, we need
12 to have a way to determine maximum allowable
13 operating pressure. And it gave a provision
14 which allowed people to use the maximum
15 operating pressure occurring the five years
16 prior to the rule because most of those lines
17 were new, relatively new. They were, you
18 know, 10, 15, 20 years old. Now we are a long
19 ways down that road and those pipelines are
20 now 50 or 60 years old. And whether we can
21 rely on the same information kind of runs to
22 a grandfathering issue, which you know, it's

1 a subject of great debate right now.

2 But anyway, this particular
3 advisory said you need to check your records.
4 You can't assume things. You need to go back
5 and make sure that you're building your risk
6 assessment, your threat identification on a
7 sound foundation. And that's what that one
8 generally covers.

9 So we've had some comments from
10 operators. And again, the issue came up that
11 said, look, you're doing rulemaking through
12 interpretation again. Then to go back and
13 make sure you can actually issue this advisory
14 bulletin. And so, you know, we're looking at
15 that and trying to figure out, you know, if
16 our rules do prohibit it. We believe we're on
17 pretty solid ground saying, look, you know, if
18 you're going to base a safety decision on
19 records, you ought to know that those records
20 are good. You know, so it's pretty basic.
21 But there may be some issues that we'll need
22 to address.

1 Okay. So, in July we're going to
2 have two workshops that are going to touch on
3 these issues. They're going to be back-to-
4 back. Actually, there's three workshops. I
5 should have put the other one. First is going
6 to be a workshop, a two-day workshop with
7 international regulators. We're going to
8 bring in regulators, pipeline safety
9 regulators from around the world and talk to
10 them about what they're doing to keep a safe
11 pipeline infrastructure. The next day we're
12 going to talk about seam issues, you know, how
13 -- like seam pipe. First it was going to be
14 ERW pipe. And then we said, no, wait, we need
15 to expand that to look at all types of
16 longitudinal seams on pipelines and see what
17 the technology and challenges are. And then
18 the next day -- and there's a typo on this
19 slide -- the next day the risk assessment and
20 records keeping workshop will look at the
21 things like how are you assessing your risks
22 and on what data?

1 And I will tell you that if you
2 were to go back and look at our findings of
3 the integrity management programs through our
4 inspection results over the last eight years,
5 you will find that a lot of operators are
6 missing -- are not doing very well on their
7 risk assessment, which is one of the reasons
8 we set up this workshop. We need operators to
9 do a better job of identifying risks and how
10 they assess those risks and what tools.
11 Sometimes we're missing the boat.

12 Now I understand yesterday that
13 John Porcari and Cynthia talked about the
14 action plan. That is basically ruling my life
15 right now, so I'm going to just mention it and
16 then I'll move on real quick.

17 There was a lot of bad things that
18 have happened over the last few years. This
19 is Marshall, Michigan. Big spill.
20 Environmental damage. Really bad. Really
21 bad. San Bruno. Allentown. I mean, there's
22 -- I think the pictures show it. You know,

1 these are the reasons why we're here, to
2 prevent this from occurring. When I see these
3 pictures, I think about, you know, family.
4 That could be next to the family.

5 So we all have a responsibility to
6 look at the issues, to look at, you know, is
7 there a common thread? Are we missing
8 something here? Are we looking at the right
9 data? Are we acting on the right information?
10 You know, what are the things that are causing
11 the industry to make the decisions they are?
12 Are there rate constraints? Are there budget
13 constraints?

14 One of the big issues that we're
15 looking at right now is the outsourcing
16 challenges. As the Federal Government, we
17 look at anybody who's working on or on behalf
18 of a pipeline company as an employee of that
19 pipeline company. It doesn't matter if it's
20 a subcontractor of a subcontractor of a
21 subcontractor. If you're working on that
22 pipeline, you're an employee of the company,

1 the Federal Government.

2 Where this becomes an issue is
3 that there are a lot of companies that are
4 laying off people because of economic
5 constraints or changes and they're getting rid
6 of a lot of their employees and contracting
7 things out. And when you do that, you may end
8 up with issues as far as oversight of those
9 contractors. You are not dealing so much with
10 your own employees. You're dealing with
11 people that don't have that same ownership
12 issue as you might. So there are different
13 challenges. Different risks come into play.
14 We saw some of that during the construction
15 over the last few years.

16 Let's see. I need to speed up
17 here a little bit.

18 There's a lot we have to learn,
19 and we're going to cover some of this in these
20 workshops that are coming up. This advisory
21 notice basically -- and all of these give you
22 a peek into what we're thinking about and what

1 we're worried about and what we're trying to
2 address. Okay. That's the end of that one.

3 MR. PEVARSKI: Any questions?
4 Comments?

5 (No audible response.)

6 MR. PEVARSKI: Okay.

7 MS. DAUGHERTY: Wow.

8 MR. PEVARSKI: Do you have another
9 topic?

10 MS. DAUGHERTY: No. The ANPRM for
11 gas transmission; yes, I have one more.

12 MR. PEVARSKI: Excuse me?

13 MS. DAUGHERTY: I have one more
14 presentation.

15 MR. PEVARSKI: Is this part of the
16 panel, or is this --

17 MS. DAUGHERTY: No, it's the
18 ANPRM.

19 MR. PEVARSKI: Okay. Go for it.

20 MS. DAUGHERTY: Okay. So you may
21 have heard that we issued an advance notice of
22 proposed rulemaking for hazardous liquid

1 pipelines.

2 Cheryl, I believe everyone has the
3 handout on the ANPRMs in the book?

4 MS. WHETSEL: Should have a
5 briefing paper. Let me look.

6 MS. DAUGHERTY: There's a gas one
7 and a liquid one.

8 MS. WHETSEL: The risk assessment
9 and records management one?

10 MS. DAUGHERTY: No.

11 MS. WHETSEL: No?

12 MS. DAUGHERTY: Briefing papers.

13 Okay. Well --

14 MS. WHETSEL: Yes, I don't think
15 you got it. I'll see if I have any extra
16 copies, but I'll be sure and give it to you.
17 It should be under the tab hazardous liquid
18 pipelines risk assessment, but I don't think
19 we have it.

20 MS. DAUGHERTY: Yes, instead of
21 wasting time, it should be in your book, but
22 if it's not, we'll get it to you.

1 Let me just roll on here and let
2 you know that we issued a ANPRM on the liquid
3 lines and it basically opens up a number of
4 questions to stakeholders. They're very high
5 level and it asks everyone, are we doing
6 enough? Are our regulations strong enough?
7 Do they need to be expanded or modified?

8 We are about to issue one on the
9 gas side. So I can tell you that we have
10 developed a draft and it's going through
11 internal circulation. I can't be real
12 specific because the administration may change
13 it, but I will tell you that it poses two
14 different types of questions; one set related
15 to integrity management and one set related to
16 non-integrity management regulations. The
17 other very important point here on both the
18 natural gas ANPRM and on the hazardous liquid
19 ANPRM, we do not presume answers to these. We
20 pose questions that we think need to be asked,
21 but we don't assume that we know what the
22 answer is. That is up to the stakeholders to

1 provide us input.

2 And so if you represent -- this
3 group represents a very diverse stakeholder
4 community. It's really important that those
5 communities, the public, the industry, the
6 states, everyone jump in and say here's what
7 we think is the right thing to do. Jeff
8 mentioned that we need this group's advice on
9 what is the right thing to do, which I'm sure
10 we'll be coming back to you on this particular
11 one in the future.

12 But here are questions related to
13 integrity management: Should we change the
14 definition of an HCA? We've seen proposals
15 to say, look, HCAs, you need to expand those
16 everywhere. The entire pipeline should be an
17 HCA. All those additional requirements should
18 go the entire length of the pipeline. But
19 then you have another view that says, look,
20 wait a minute, if you do that, then you're
21 taking away the focus of resources on the most
22 significant areas where people and the

1 environment can be the most greatly harmed.

2 So there's two different viewpoints there.

3 Things like preventative and
4 mitigative measures. You know what we found
5 out when we go out and we look at these
6 integrity management programs? Operators are
7 not necessarily doing a good job on
8 identifying these preventative and mitigative
9 measures. A lot of times they're taking
10 credit for things that they'd already done and
11 they're not really pursuing these
12 aggressively.

13 The third bullet is probably going
14 to be the most controversial, and it has to do
15 with repair criteria. If you look at the
16 integrity management rule, it designates a
17 certain repair criteria for anomalies or for
18 -- I have to be careful what term I use, but
19 we'll say anomalies within an HCA. That
20 repair criteria is not the same as the repair
21 criteria outside of HCAs. It is actually --
22 we would consider it less stringent. Now that

1 is not common sense. It goes against common
2 sense. You would think that the repair
3 criteria would be more stringent inside of
4 HCAs.

5 However; and this is the analogy I
6 use, if you have a daughter who's driving a
7 car and she has tires on her car, and she's
8 living at home and you can look at those tires
9 every few months and see the status of those
10 tires. And they start to wear, but you think,
11 you know, those have still got a good six
12 months left on them. You probably won't
13 replace those tires yet, because you're
14 monitoring them. What you do under the
15 integrity management where you're monitoring
16 that pipe or those anomalies. However, if
17 your daughter suddenly is going to go away
18 four years to a school and you won't see that
19 car for four more years and you know your
20 daughter's not going to be looking at those
21 tires, you might decide to replace the tires
22 and get brand new ones before you send her

1 off. The idea being that in an HCA you're
2 monitoring those conditions. You have
3 additional safety factors applied through
4 different activities. So you might not need
5 to repair that pipe to its full strength right
6 away. You can watch it and monitor the
7 condition.

8 Very controversial issue. There's
9 a lot of good points going either direction.
10 Expect that one will be an interesting
11 discussion sometime in the future, probably
12 six months or a year from now when the group
13 meets again.

14 The other thing has to do with
15 data and risk assessment. I talked about the
16 need for that and we'll talk about it a little
17 bit. You know, data is important, but are you
18 using the data you have? What's the point of
19 gathering data if you're not adequately using
20 it? And are operators using it? Is it based
21 on sound records? There's a lot of
22 information related to that one as well.

1 Risk models. Should the federal
2 government be prescriptive about the type of
3 risk models applied? That's another difficult
4 one. You have some pipeline operators that do
5 a great job of applying those models. You
6 have some that do not. Does the federal
7 government need to be more prescriptive?

8 Same thing with assessment methods
9 in the last bullet. We see pipeline operators
10 that will say, look, you know, on the
11 assessment methods integrity management says
12 you can hydro-test, you can ILI, you can use
13 ECDA as a complementary. You can do different
14 types of assessments -- or direct assessment.
15 I shouldn't have said ECDA. Using direct
16 assessment.

17 What we're finding is that some
18 operators will say, you know, I got a pipeline
19 out here and it's not real easy for me to
20 hydrostatically test because of operating
21 constraints. And gosh darn it, I can't ILI it
22 because it's going to cost me too much money.

1 So I'm going to go for direct assessment.
2 Well what if your direct assessment options
3 don't meet the risks, don't align with your
4 risks? Is that an acceptable answer? And we
5 would say it doesn't. But some operators are
6 going that route. So it may be appropriate
7 for the federal government to be more
8 prescriptive on what assessment methods you
9 can use. This is likely to be a very
10 controversial issue.

11 What we want to hear from the
12 stakeholder community is, what do you think?
13 Do you think we need to be more prescriptive?
14 Do you think we need to use stronger
15 enforcement when we find an operator that's
16 missed the boat? Do we need to be more
17 aggressive? Are regulations good the way they
18 are? So we'll see how that turns out.

19 Questions not related to integrity
20 management. Valve spacing, the need for
21 remotely or automatically-controlled valves.
22 This came up several times in congressional

1 hearings. It came up at the NTSB hearing. I
2 suspect that we will hear a lot more about
3 this even outside of this ANPRM. If we don't
4 receive a directive to do some studies from
5 Congress, I would be surprised.

6 Corrosion control. That continues
7 to be one of the leading causes of incidents.
8 Are our regulations tight enough? Do they
9 need to be modified, tightened up? And how
10 will we tighten them up?

11 I already talked about
12 longitudinal weld seams. We have that as a
13 workshop.

14 And then also here's one that's
15 kind of unusual we threw in there.
16 Underground gas storage. A few years ago in
17 Hutchinson, Kansas they had some old wells
18 that ignited and you had these flames in
19 Hutchinson, Kansas shooting up and everybody
20 said, oh, my gosh, what is going on? These
21 are old wells. Well, it turns out seven miles
22 away there was an old storage -- not old. It

1 was an underground storage facility. I don't
2 know how old it was. And gas had migrated
3 apparently through the substrata over to these
4 old wells. They had fire shooting up in this
5 town.

6 Well, the federal government
7 federal regulations have -- and Jim will
8 correct me if I'm wrong, but we have
9 jurisdiction over underground storage caverns,
10 but we don't choose to regulate that. Okay.
11 That's one of those provisions where Congress
12 says we can go down hole, but we have chosen
13 not to establish regulations to do so. What
14 we have done is we have worked with the IOGCC;
15 got it right, Interstate Oil and Gas Compact
16 Commission, and they have standards that apply
17 to these facilities. We worked with NAPSR and
18 our state partners and said, okay, NAPSR, do
19 you agree we should defer to these and just
20 not touch this knowing that these storage
21 facilities are going to comply with the IOGCC
22 rules? And we agreed at that time, yes,

1 that's a good way to go.

2 Well, there has been some movement
3 that maybe that needs to be reconsidered. And
4 so we're --

5 MR. WIESE: Can I jump in?

6 MS. DAUGHERTY: Yes, please.

7 MR. WIESE: I will just jump in
8 for one second to say we've actually had --
9 when this originally arose following
10 Hutchinson, Kansas and an NTSB investigation,
11 long work with the Interstate Oil and Gas
12 Compact Commission, you know, as I crudely
13 interpret that whole thing, it was they said
14 down hole is us. Anything beyond, you know,
15 the above hole would be you, you know? And of
16 course then again we see the closer you get to
17 the well head, the more the states are
18 interested in covering that domain.

19 So, IOGCC was -- the story here
20 was Kansas regulated when we didn't. The
21 court threw out their case and their
22 jurisdiction. It's associated with interstate

1 gas movement, but it could have broader
2 implications. Kansas wants the authority
3 back. I know that we could probably get some
4 comments from Mr. Martin on this, but Kansas
5 went to the IOGCC because I told them to. You
6 know, I said, you know, I don't want to fight
7 with all the states. You were part of the
8 IOGCC when you guys told us to stay away from
9 it, you know? So let's get their take. And
10 they said they were going to study it this
11 year.

12 So the deal is IOGCC is actively
13 studying it. I think that INGAA has taken
14 that matter up under consideration. We are
15 basically -- we want to support our state
16 partner where we can, but I don't want to do
17 it one at a time, you know? Want to get a
18 sense. And actually, with the NAPSRS side, for
19 what it's worth, while there was a resolution
20 -- and it's my sense that it's not universally
21 supported in NAPSRS. So we'll have to talk
22 more with our state partners on that. But I

1 don't know if the INGAA contingent wants to
2 talk about it.

3 MEMBER MARTIN: This is Dan
4 Martin. You know, Jeff, I mean, I think we
5 know it's an item that's come back up and it's
6 being revisited. So I guess I would just
7 leave it that the INGAA membership is looking
8 at that, trying to put some information
9 together at the request of some of your folks
10 to provide you with some information on our
11 position and what we think we should do about
12 it in support. So that's being worked on at
13 this point.

14 MS. DAUGHERTY: A couple more
15 things that may appear in this ANPRM, has to
16 do with management of change. QMS, quality
17 management systems. This relates back to some
18 issues we found on construction. Now we know
19 that the industry and some stakeholder groups
20 have worked really hard on developing some
21 good practices and addressing the issue, but
22 we're putting that out there to see if we need

1 to do some regulation or what is the
2 appropriate route?

3 The grandfathering of facilities.
4 That one is a real sticky issue and basically
5 it says if the regulations back in 1970
6 allowed certain facilities to be grandfathered
7 in without doing certain tests or different
8 examinations, should that exemption still
9 apply now 40 years later? It's a question.
10 I don't know what the answer is. I can see
11 both sides of the story. Some people say if
12 it was good enough then, what has changed?
13 These pipelines are still good. They're still
14 stable, you know? Other people would say,
15 yes, but we're 40 years down the road. Forty
16 years is a long time, especially when a lot of
17 these pipelines were designed originally for,
18 you know, 50-60 year life. So that's a
19 question we're raising. Like I said, we are
20 not presuming answers. We are asking the
21 question.

22 So we've already talked about

1 this. One thing I would mention; John alluded
2 to this earlier, we put out the ANPRM and we
3 get all these comments back and then we have
4 to kind of massage the comments and put them
5 in buckets and figure out what they're telling
6 us. And then based on what we get back, we do
7 some more talking and we decide which one
8 we're going to notice of proposed rulemaking.
9 Something like this you could have multiple
10 NPRMs come out of it, and that's going to
11 create a lot of work. So we're just going to
12 have to wait and see how things happen.

13 I think that's it.

14 CHAIRMAN PEVARSKI: Susan, do you
15 have a question?

16 MEMBER FLECK: Susan Fleck.

17 Actually I have two questions, and I only had
18 one and you just gave me another one.

19 The first question is because of
20 the broad range of issues here; I mean, these
21 questions they're all over the place, would we
22 go with a longer comment period perhaps from

1 the normal 60 days? Because you're going to
2 have to get a lot of different people around
3 to kind of pull things together.

4 CHAIRMAN PEVARSKI: John?

5 MR. GALE: Yes, just real quick.
6 On the liquid ANPRM, we actually started with
7 a 90-day comment period and then ended up
8 extending it by 30. So we ended up with 120-
9 day comment period for that rule.

10 MEMBER FLECK: Okay. We might
11 need that. The second issue is the point you
12 just brought up; multiple notices could come
13 out of this. The integrity management program
14 was supposed to be a systems approach. And I
15 would fear that if you start coming out with
16 and sort of going after a bunch of issues
17 independently, it could become very
18 complicated and you might start missing the
19 overall intention of integrity management as
20 a program, as a system. And it might make
21 more sense if it looks like a lot of different
22 things are coming out of this to kind of pull

1 back and maybe look at Subpart O as a whole or
2 take a more holistic approach to it. Just a
3 thought.

4 MS. DAUGHERTY: That's a very good
5 comment, and I do believe that that's well
6 worth looking into; and we'll talk to John
7 about it. There is a split between -- and the
8 question's between those questions that would
9 impact integrity management and those that
10 would impact our prescriptive type. So but
11 thank you very much. Very good point.

12 CHAIRMAN PEVARSKI: Andy?

13 MEMBER DRAKE: This is Andy Drake
14 with Spectra Energy.

15 You've certainly got a lot of
16 things on the agenda there, you know, some
17 very significant events as well. Are there
18 going to be -- you mentioned a couple
19 workshops. I mean, things on the seams and
20 things on risk assessment. Are there going to
21 be other workshops to talk about some of these
22 other contentious issues you identified? I

1 mean, some grandfathering issues and things
2 like that. Because I mean, somehow there has
3 to be a vetting out of the pros and cons, the
4 impact, you know, the cost issues, how this
5 plays out.

6 MS. DAUGHERTY: I think that's
7 really going to come out of the comments.
8 Once we get the comments in, then I think
9 that's something we have to consider, how we
10 fully vet out what the issue actually is. We
11 may get a lot of comments that say, yes,
12 remotely-controlled valves are an issue. So
13 then we're going to have to do some more
14 digging and figuring out what we really need
15 to address. So I would suspect that there
16 will be a dialogue. I don't know what form
17 that will take, though.

18 CHAIRMAN PEVARSKI: Go ahead,
19 Andy.

20 MEMBER DRAKE: Just kind of a
21 follow-on. I know you weren't here yesterday,
22 but we presented some things that we're trying

1 to do inside INGAA in action plans, things
2 that we see are relevant, some about valves
3 even; and it's a question as much as anything.
4 We have energy trying to skate to where we see
5 the puck going. You have some energy on some
6 things that you see. I know once we do the
7 ANPRM there becomes this, you know,
8 responsibility to stay apart from one another,
9 but how do we work collegially on that without
10 violating some, you know, separation issues,
11 you know, ex parte? Because I think it is in
12 everybody's best interest.

13 And I think we wrestled a little
14 bit with that yesterday about is this
15 committee or some forum where it's
16 transparent, all the stakeholders are
17 involved, you know, there's notices, there's
18 those kind of things? We've wrestled with
19 this in the past when we were doing integrity
20 management. We were in some kind of NPRM
21 state. I think that's an issue. It's a
22 question more than anything, because I think

1 the hope is is to enlist as many stakeholders
2 constructively towards where this is going in
3 an open forum. We're wrestling with the same
4 question. It's just how. So, it's a question
5 that maybe doesn't even need to be answered.
6 It's just a question.

7 MR. WIESE: Just a couple of quick
8 comments. I think some of it, Andy, will
9 start with the Secretary's action plan,
10 getting a public debate about what's going on
11 there. What do people think needs to be
12 pursued? I think there will be pressure,
13 whether it's congressionally or otherwise, for
14 some prescriptive elements within the plans.

15 You know, I'll be honest with you,
16 my experience with integrity management is
17 that it evolves, you know? And first you have
18 problems identifying, you know, all the HCAs.
19 We can show you statistically. You know, then
20 that passes. You know, then people have
21 problems with getting all their policies and
22 procedures in place. Then that passes. You

1 know, then they have problems with getting all
2 the assessments and repairs done. Then that
3 passes. Then next step is the preventive and
4 mitigative measures, you know? And you can
5 almost see in the rounds of our inspections
6 where this wave moves down and people get on
7 top of it.

8 So I'm trying to be supportive
9 here and saying I think integrity management's
10 working, but I wouldn't be surprised to see
11 some direction launch in from the top that
12 says but we need some assurance faster on a
13 few things so we're going to want to go move
14 prescriptive on that.

15 So I would just say the ANPRM is
16 meant to foster the debate. I think we'll
17 have a lot of forums. And what we might
18 consider doing -- subcommittees, I have to
19 research that with our attorneys and all that.
20 I don't know if they're considered public
21 meetings per se and we have to transcribe
22 them.

1 MS. WHETSEL: Yes.

2 MR. WIESE: They are?

3 MS. WHETSEL: They're bound
4 exactly as the other --

5 MR. WIESE: Do we do notice,
6 Federal Register notice and all of that?

7 MS. WHETSEL: I'll have to check
8 on the notice piece.

9 MR. WIESE: Okay.

10 MS. WHETSEL: But they do have to
11 be --

12 MR. WIESE: Because that's
13 cumbersome.

14 MS. WHETSEL: You know, you have
15 to representative from each group and they
16 have to --

17 MR. WIESE: And also work with my
18 attorneys, because I'm not sure if we really
19 are bound after an ANPRM. We certainly are
20 bound after the NPRM, you know? But after an
21 ANPRM you're just asking questions and
22 gathering information and having a meeting.

1 And if we have to do it publicly to talk about
2 what did it say and what's the information?
3 What do really need to do? I think we're wide
4 open to the idea of additional workshops to
5 the extent that our capacity will allow us.
6 There's a fair amount on our plate right now
7 and pulling those workshops off is no minor
8 feat. So, yes, let's keep the Committee
9 engaged on that because that's pretty broad-
10 ranging activity.

11 What Cynthia said elsewhere was
12 the administration's legislative proposal is
13 meant to deal largely with statutory
14 constraints. The ANPRM is meant to say what
15 authority do we have now that we're not
16 exercising? And so, you know, I think it is
17 intended -- some of those things will fall
18 out. You know, God, I don't anticipate every
19 single thing we ask in an ANPRM will become an
20 NPRM. So if it is, John's got --

21 MR. GALE: I hope not.

22 MR. WIESE: Yes, John has full

1 employment opportunities. But, you know, it's
2 important to have a public dialogue. That's
3 one format for gathering comments in a public
4 way. So anyway, not to prattle on.

5 CHAIRMAN PEVARSKI: Richard, you
6 have a question, comment?

7 MEMBER FEIGEL: Jeff, in your
8 opening remarks and then again just in the
9 past few minutes you alluded to the
10 probability that, you know, there are going to
11 be more prescriptive solutions that are --
12 everybody wants to have the fix du jour. Have
13 you looked at what the health and safety
14 executive has done in the U.K. with their
15 safety cases? That's a whole different legal
16 and regulatory regime and I don't pretend to
17 be an expert on what they have done, although
18 I have some familiarity with it. And I think
19 demonstrably there have been safety
20 improvements since they have instituted that
21 approach in the upstream activities in the
22 North Sea.

1 And, I mean, for those of you who
2 aren't familiar at all with it, I'll give the
3 10-second version. I mean, it clearly places
4 the responsibility for general compliance
5 where it belongs, with the owners of the
6 assets and those that have in fact -- no
7 offense to the regulators, but have the
8 technical expertise in the right regulatory
9 regime to respond. I would suggest that I
10 recognize that, you know, this is going to be
11 a long slog, that you know, we're not going to
12 get quick fixes out of looking at implementing
13 something like that.

14 But I would challenge PHMSA and
15 this advisory committee to look very closely
16 at what HSE has done in the U.K. and to look
17 at that with an open mind about a much better
18 regulatory regime than continuing to pile more
19 prescriptive rules and more inspection on
20 which demonstrably in many other industries in
21 the long haul have not worked that well. They
22 are politically popular, technically very

1 questionable.

2 MR. WIESE: I'll be happy to swing
3 at that one since I spent 15 years in the
4 offshore oil and gas end of things and the
5 regulatory. I was there when Piper Alpha
6 happened. Hundred and seventy-eight people as
7 I remember perished in that. You know,
8 horrific. You know, I was around. I knew the
9 people in the HSE when the Lord Cullen Report
10 was being put together that led the safety
11 case. And I know what other people are doing
12 to experiment with safety case internationally
13 as well as domestically. Lot of pros to
14 safety case. Lot of cons to safety case. So
15 depending on the risk that you're focused --
16 when you got a couple hundred people on a
17 fixed platform with almost no way out, you
18 know, and only minutes of survivability in
19 that kind of water, boy, you better be sure,
20 you know?

21 But if you're operating a system,
22 you know, and it's say for example the one

1 that's out in the middle of the desert,
2 different matter. But just to make that point
3 to you that we're not ignoring safety case,
4 we've been dancing with the Canadian National
5 Energy Board for a number of years, and it's
6 really been very productive. We invited in
7 the Mexican CRE -- yes, I can't remember
8 Alejandro's last name right now -- last year
9 and actually found that fairly productive.

10 This year before these two
11 workshops -- and may be of interest to others
12 here, we're coinciding that week, we have a
13 two-day meeting and we're inviting the Brits,
14 the Australians and the French to come in to
15 meet with us for two days with the Canadians
16 and the Mexicans and talk about these kinds of
17 alternate regulatory approaches. And we've
18 invited them to come to these workshops and
19 sit there and briefly address how they deal
20 with those matters.

21 So, Gene, I'm not minimizing your
22 comment. I think it's very relevant to look

1 out and see how others approach that. When
2 the prescriptive stuff comes in over the top,
3 as you've seen before, it's typically driven
4 by the U.S. Congress, you know? So, it's hard
5 to manage that.

6 MS. DAUGHERTY: I'll add just
7 something really quick. I'll keep it very
8 brief.

9 I was just at a meeting --
10 invitation to go to a meeting with OSHA, EPA,
11 Coast Guard and BOEMRE over at CEQ and --
12 sorry, that's the Council on Environmental
13 Quality. And one of the issues that they
14 wanted to talk about was safety case. And
15 their idea was should all the federal
16 regulatory oversight agencies get together and
17 look at shifting to safety case approach? So,
18 I mean, there's just something that is being
19 discussed.

20 CHAIRMAN PEVARSKI: Mike, you have
21 a comment?

22 MEMBER BELLMAN: Mike Bellman,

1 City of Richmond. I guess from your
2 presentation, because you flashed up a picture
3 of a distribution incident in the middle of
4 that conversation, I'd be interested to know
5 what your thoughts of how this is going to
6 impact distribution integrity management. Of
7 course, we haven't had a chance to implement
8 it yet and I hear things like, well, we're not
9 doing well on risk assessments and kind of
10 that whole idea of, are we going to be given
11 a chance to implement a program, put it in
12 place, see how it goes before we're tied into
13 the prescriptive-type regulations and all?

14 MS. DAUGHERTY: The ANPRM is for
15 gas transmission lines only. So there may be
16 some distribution lines that get impacted
17 because they have transmission lines, but it's
18 primarily geared towards the big transmission
19 lines. We recognize that with DIMP rolling
20 out you all have got your hands full. So, I
21 mean, that's a clear understanding. That's
22 not to say that as we go and we learn and we

1 move down the road there might be some
2 implications down the road, but not right now.

3 MEMBER BELLMAN: And then as a
4 follow-up, you know, it's the same issue with
5 the records issues and the MAOP and all of
6 those kind of things that the preamble for the
7 DIMP regulation said that there was no
8 intention of us having to go back and dig
9 through large amounts of records to justify
10 some of the knowledge of the system. And so,
11 if that's a change, then you know, I think
12 that would need to go through the regulatory
13 process there.

14 MS. DAUGHERTY: I hear you. I
15 don't have an answer for that, but I
16 understand your concern.

17 PARTICIPANT: (Off microphone.)

18 MS. DAUGHERTY: Yes. Yes, as he
19 was saying is this AMPR and this specifically
20 focused against transmission.

21 CHAIRMAN PEVARSKI: Any other
22 comments?

1 (No response.)

2 CHAIRMAN PEVARSKI: Well, looking
3 around this room I think there's a number of
4 us that are over 50, so we'd like to have a
5 quick 15-minute break. I know we're behind
6 schedule here, but -- and for those of the
7 non-committee members, if you come in when the
8 committee meeting is back in place, could you
9 please hold the door so it doesn't slam shut?
10 I think it's a little distracting to committee
11 members. Thank you.

12 (Whereupon, the above-entitled
13 matter went off the record at 11:09 a.m. and
14 resumed at 11:27 a.m.)

15 CHAIRMAN PEVARSKI: All right. If
16 everybody could take their seats, we'll go
17 ahead and get started with agenda item Number
18 4, which is the panel discussion. And I'll
19 turn it over to Linda, I guess, to start with.

20 MS. DAUGHERTY: I bet you're
21 excited to hear more from me talking. I
22 promise I will go fast and I promise -- this

1 presentation is way too long, so we're going
2 to flip through some slides really quick.

3 The panel is about safety record
4 and initiatives. And so, I love this slide.
5 This slide is the one that Jeff often refers
6 to about how, you know, our safety trend is
7 getting better and, you know, we have an
8 overall decline. I love the comment someone
9 -- and I now repeat it and I don't know who
10 originally said it, that said you're, what,
11 three times more likely to be struck by
12 lightning than to die in a pipeline incident.
13 I was like, wow, what an impressive sound
14 bite. So this is really great. However,
15 guys, the reality is no matter how good our
16 safety record is, we have to deal with the
17 results of this.

18 And for those of you that -- these
19 have gone -- we've seen a lot of these
20 pictures. I'm backing up, so I'll explain
21 what they are. This is Deepwater Horizon. I
22 will tell you that Congress and the public,

1 general public do not see a difference between
2 offshore drilling and the on-shore pipeline
3 industry, nor do they see a difference between
4 oil and gas offshore not related to pipelines
5 and the rest of the pipeline industry, some of
6 which is offshore. To the world, that is the
7 oil and gas industry. And so, we have to deal
8 with some of the issues raised there, whether
9 we might like it or not. That was reflected
10 in some hearings that we went to when
11 Administrator Quarterman was asked questions
12 about Deepwater Horizon and she had to explain
13 over and over that's not us. We don't have
14 anything to do with that.

15 This is Enbridge. We are involved
16 with this. This is a federally-regulated
17 hazardous liquid pipeline that failed last
18 year. Pictures of the repercussions. And my
19 attribution slide there went away; who took
20 these pictures. These are not my pictures.

21 San Bruno. San Bruno. Guys, no
22 matter how good our safety record is, that is

1 not a good indicator of performance. We
2 always say these are the anomalies but we
3 still have to address them. Our safety record
4 is good, but that does not have much influence
5 on someone who's lost their home or their
6 family.

7 Allentown.

8 So here's a list of some accidents
9 that have occurred over the last year, ones
10 that were significant enough that caught a lot
11 of attention. And there are more accidents
12 that occur every day, and we all know this,
13 those of us sitting around this room.

14 General statistics. I'm going to
15 fly through this stuff, guys, and you'll get
16 a copy of this.

17 Okay. Pipeline incidents overall.
18 If you look at the numbers, overall they're
19 going down. On all these slides, the light
20 blue is gas distribution, the medium blue is
21 gas transmission and the yellow at the bottom
22 is liquid. And we left them all on here for

1 comparative purposes. The spike around 1995
2 I believe was the San Juan, Puerto Rico
3 incident in which 33 people were killed.

4 Look at that. Downward trend.
5 Liquid spills with environmental consequences.
6 Thing about data -- now this one's hard to
7 read, but it basically -- you can look at it
8 leisure later on, but it basically talks about
9 the different types of causes. On the right
10 hand side you can see the corrosion,
11 excavation damage. You can see how those are
12 trending individually and by case. There
13 might be a better way to represent that, but
14 that's for serious incident causes.

15 Okay. So, you know, I flashed up
16 a bunch of charts and I said our overall
17 safety trends are good, but yet we have some
18 anomalies. Well, you know, when we look at
19 safety trends, those safety trends, those
20 charts are only as good as the quality of the
21 data that we use to create them, and we spend
22 a lot of time and effort to make sure our data

1 is good. Is it 100 percent? No, it will
2 never be 100 percent, but we have worked over
3 the years to take different steps to get it
4 better.

5 We're finally pretty sound on our
6 enforcement records. Our internal records we
7 had to go through and clean out. The
8 accident/incident reports that we received
9 from pipeline operators, we had to go through
10 and make sure there were not transcription
11 errors. And then an even greater event, we
12 had to go through every -- and we now do this,
13 every time we get a report, we look at it and
14 say does this make sense with what we know?
15 We send it to our region offices and they say,
16 well, gee, this guy's reporting that they had
17 zero property damage, but I know I saw a lot
18 of destruction out there. So we'll call him
19 up and say is this right? We'll email him and
20 say do you need to file a supplemental?

21 Now, having said that, we've
22 implemented a system where operators can

1 submit supplemental reports and they can enter
2 the information. You know, we recognize that
3 sometimes when you go to civil litigation
4 after an incident, there may be some things
5 your attorneys say, don't put that in there,
6 not right now, you know? So there is often
7 some reasons why our data is not current, is
8 not where it needs to be and it's a constant
9 struggle trying to get that information. So
10 when we do data analysis, it accurately
11 reflects what's occurring so we can do trends,
12 so we can spot emergent safety issues and so
13 that we can address some of the safety
14 concerns and questions we receive.

15 There are a lot of things that we
16 don't know. And we have to identify part of
17 the action plan that the Secretary is putting
18 out is to look at our infrastructure and say,
19 what do we know about the infrastructure?
20 What does it tell us and what do we not know?
21 And for those things that we don't know, what
22 information do we need to collect? And if we

1 collect that information, by gosh, we better
2 use it. So that's some of the things we're
3 doing.

4 One of the biggest issues we have;
5 and I bet everybody that owns a company here
6 -- it's not about going through and cleaning
7 up once and you're forever done. It's about
8 setting up a process so you keep your data
9 current and clean. We had a big push. We
10 went through and cleaned everything up and
11 then three years later we looked back and
12 said, oh, my gosh, we let things kind of fall
13 through the cracks and we had to go back and
14 do another re-clean.

15 Transparency. Spent a lot of time
16 this morning talking about transparency. I'm
17 not going to go through it again. What I will
18 say is this: we put a lot of information on
19 our stakeholder communication Web site. If
20 you have not had an opportunity to look at
21 that, I highly encourage you to do so. You
22 can look at all sorts of things like incident

1 trends and enforcement actions and state-by-
2 state information. And we're going to have
3 infrastructure information up there. There's
4 a wealth of information. And the general
5 public can access it. The media can access
6 it. And you know what, you can, too, and it
7 can tell you a lot.

8 I talked about the SSI issues and
9 the FOIA issues. We talked briefly about that
10 this morning.

11 The program initiatives, I have
12 several slides. Suffice it to say that
13 there's a lot going on right now in our
14 inspection program. We have changes to our
15 enforcement program. We've just done massive
16 training throughout all of our regions to get
17 us more consistent. One of the major
18 complaints that we hear from both the industry
19 and -- well, just a lot of stakeholders is
20 that we're inconsistent, that because we are
21 dispersed through different offices, that we
22 aren't consistent in how we apply our

1 enforcement and our inspection criteria. And
2 so we're doing a lot of training to improve
3 that.

4 Talked about the advisories. We
5 continue to issue advisories as issues come
6 up. Sometimes we're pressed to issue those
7 pretty fast and they go out. We maintain a
8 list of those on our Web site so you can see
9 sequentially all the different things that we
10 have tried to deal with.

11 John talked about a regulatory
12 program; I won't cover that.

13 A couple things that we did this
14 last year: PIPA guidelines. Best practices
15 for land use planning. That's so important
16 and we're trying to push that to get people to
17 refer to that when they're making decisions on
18 land use, and we welcome any help that you can
19 give us in advertising that. That is an
20 important report and it is the result of a lot
21 of stakeholders getting together and thinking
22 about how to address some of the challenging

1 issues.

2 Talked about the workshops.

3 One thing you may be aware of; I
4 don't know if Jeff mentioned this -- am I
5 getting feedback here really bad?

6 The PG&E risk assessment review in
7 conjunction with the California PUC. What I
8 will tell you is that we are sending people to
9 assist the California PUC in a in-depth review
10 of their risk assessment as it relates to how
11 they implemented their integrity management
12 plan. And this obviously is a precursor to
13 our workshop that's coming up in July. That
14 is going to be a very in-depth review and I
15 think PG&E is willing to have a some good
16 discussions with us. Nevertheless, we're
17 sending in quite a team to look at those
18 records.

19 You've already heard about the
20 safety awareness action plan. It's a call to
21 action. We have already initiated
22 communications with the likes of the governors

1 and the FERC Commissioner and various NARUC
2 commissioners, letters going to NARUC
3 commissioners and to NAPSR and to advocacy
4 groups and technical groups, and just about
5 every stakeholder that we can imagine. And I
6 think it was mentioned yesterday that you all
7 are invited to the forum that's going to be on
8 the 18th. We're doing a Web site. And the
9 end result, we're going to have a report to
10 the nation about the health of the pipeline
11 infrastructure and to start assessment of what
12 needs to be done.

13 One of the major issues that's
14 going to be discussed in the April 18th forum
15 is, you know, the Secretary said we need to
16 invest in our infrastructure for future
17 generations. We've been riding on this
18 infrastructure for decades. Some of this was
19 installed prior to, you know, this century and
20 it's still in place. It may be working fine,
21 but we need to make sure that it is fit for
22 service. And anyway, so that's a very

1 important thing.

2 The other side of that issue is
3 cost recovery and rate issues and how this can
4 be paid for, because this is going to be a big
5 hit in our economy right now.

6 Not going to go through all of
7 this. Basically it's the repair
8 rehabilitation and sometimes replacement.
9 You've already heard about some of this.

10 This is the last slide I have.
11 And, you know, on this slide we talk about
12 age. Everybody talks about the aging
13 infrastructure, but it's not always about age.
14 And the example I use is, you know, you may
15 have a '55 Chevy or '57 Chevy that you have
16 done great care and feeding of that vehicle
17 and it may be in perfect shape and good to go.
18 Now that would not compare to a '57 Chevy
19 that's been in a junkyard and not maintained.
20 Pipeline's the same way. If you take very
21 good care of it, it could be in really good
22 shape and able to perform just like it was

1 brand new. If you haven't maintained it, it
2 could be a problem.

3 This chart, which is the last one
4 I have, just shows the type of pipe by decade.
5 It's kind of light on the top, but if you'll
6 notice in the 1950s and sixties, the post-war
7 era, huge boom. The country was growing. Big
8 manufacturing push. Population growth. And
9 so we installed a lot of pipelines in that
10 era. If you look at the 1970s there was a
11 lot. So you look at those decades and you
12 say, okay, here's the relative age of our
13 pipelines. That's prior to our code. Do we
14 need to take action and change any of that?

15 I'm going to pass it over to --

16 MS. SAMES: Want to take questions
17 first?

18 MS. DAUGHERTY: No.

19 MS. SAMES: Okay. Very quickly.
20 I'm going to cover three items, the diversity
21 -- I'm here to speak about distribution, so
22 I'll cover the diversity of the distribution

1 infrastructure, safety record and ways the
2 industry is working to actually improve that
3 safety record.

4 Little bit about AGA for those of
5 you that aren't familiar with our
6 organization. We were founded back in 1918;
7 represent about 199 companies -- about --
8 about 200, and those companies deliver about
9 91 percent of the gas in the U.S.

10 Talking about infrastructure,
11 there's about 2.4 million miles of natural
12 gas. If you look down there, you see 2.1 of
13 the 2.4 is distribution. About 1.2 million
14 miles of main, 860,000 of services, about
15 1,400 operators. These operators are
16 extremely diverse, so let me get to some
17 slides, and let's start with materials.

18 We'll show this also to our NAPSR
19 friends because they requested that we update
20 some of the slides from the DIMP Phase I
21 report. This is one of them.

22 This is focused on material. And

1 what you can see here is how the material has
2 changed over the decades: 1991, 2000 and 2009.
3 Far left corner bare steel going down. In the
4 middle, coated steel going up on mains. But
5 the big jump is really in plastics. And for
6 those of you that have followed plastics,
7 you've noticed that there has been staggering
8 development improvements over plastics, kind
9 of like what we've seen with computers from
10 the seventies until now. You've seen
11 something very similar with plastics and
12 therefore a lot more going in.

13 Now, if you go to services, what
14 you'll see is really almost all the new
15 services that are going in. The vast majority
16 are plastic. And for those of you that may be
17 relatively new, mains are what's going down
18 the middle of the street for the most part.
19 The services are the lines that are going to
20 your homes.

21 Let's talk a little bit about
22 incidents on distribution. And this is the

1 20-year trend. I'll jump on the next slide to
2 a five-year trend to show a bit of the
3 difference.

4 Unlike transmission lines,
5 corrosion is not a significant factor.
6 Excavation damage is. Looking at the 20-year
7 trend, you also see incorrect operation and a
8 number of other factors.

9 All other causes, we're always
10 looking for a way to reduce those and we know
11 that as companies get better information,
12 those 29 percent go into other pots.

13 Jumping to the five-year, what are
14 the differences? Well, you see that we're
15 making progress on excavation damage. That is
16 a great thing. And if you look at the CGA
17 DIRT Reports, I believe there estimates are
18 we've reduced excavation damages by about 50
19 percent over -- is it the last five years?
20 It's been a significant number. So great work
21 on all of our part to get the word out on
22 excavation damage.

1 You also see incorrect operation
2 going down. And I'll credit the PHMSA OQ Rule
3 for that and the work that the industry has
4 done on its own in other areas to reduce this.

5 What's going up? Other outside
6 force. Most of those are vehicular damage.
7 Linda was talking about the quality of the
8 data and the need to analyze the data. I
9 firmly believe that in this area we need to
10 break it down into two parts. I know when I
11 speak to my operators that there's probably a
12 number there that the operator has the ability
13 to affect, you know, by putting maybe some
14 additional protection around the meter,
15 placing the meter in another area. In other
16 instances that meter was in an area that you
17 would have never expected a vehicle to hit,
18 but some how or other they did, whether it be
19 through a drunk driver, a medical condition,
20 carelessness or some other factor. I'd like
21 to see this one investigated just a little bit
22 further.

1 How do we improve safety? I'm
2 going to cover five areas and I'm going to fly
3 through the first two, but I don't want us to
4 lose focus on things that are working to
5 improve pipeline safety like distribution and
6 excavation damage.

7 So distribution. Just as a
8 reminder, this is just now going into effect,
9 operators have until August to get the plans
10 in place and begin implementation. It's going
11 to effect over 2 million miles of pipeline and
12 over 1,400 operators.

13 Okay. So here's the seven
14 elements of DIMP. You have them on your
15 slides. I know they'll be available for
16 others who don't.

17 Let's jump to excavation damage.
18 Once again, leading cause still of
19 distribution incidents. And unfortunately
20 where there's excavation there's usually
21 people.

22 Here are some of the solutions

1 that we've all been working on to prevent
2 excavation damage. And I'm very pleased to
3 see PHMSA moving forward with the notice of
4 proposed rulemaking in this area.

5 And then here are the nine
6 elements that we've all been really pushing.

7 So I mentioned I was going to go
8 through those fast.

9 Let me now focus on the things
10 that the industry, the distribution industry
11 has been working on. And I'm going to start
12 with our Board Safety Committee. This was
13 actually put in place five years ago I
14 believe, maybe a little bit longer. Before
15 that we had a Board Safety Task Group, and
16 that was in existence for a few years.

17 One of the four elements that they
18 focus on is pipeline safety, but we're also
19 focused on employee safety, contractor safety
20 and safety in the home. We developed a safety
21 mission statement. That actually was started
22 well before San Bruno, but it was finalized

1 after San Bruno just timing-wise.

2 We hold an Executive Leadership
3 Safety Summit where we bring in our board
4 members, our CEOs and our key leaders involved
5 in safety into a room to discuss lessons
6 learned from incidents, do round tables, bring
7 in external speakers that can help us improve
8 as an industry, similar agencies. Last year
9 I think we had United from the airline
10 industry talking about safety. We've had the
11 NTSB, the Chemical Safety Board, DOT and many
12 others.

13 And we also created a Safety
14 Information Resource Center, which includes
15 case studies where companies can share lessons
16 learned. It also includes the DOT advisories.
17 A lot of that is open to the public. The case
18 studies are not. There is a few things that
19 we want to keep amongst the industry, but a
20 lot of that information is available for
21 anyone who would like to look at it.

22 We also have a best practice

1 program. This was actually started back in
2 1994, I think 17 years ago. This identifies
3 procedures of the top performing companies and
4 innovative work practices, things that are a
5 little bit out of the normal that others might
6 want to possibly use. We focus on three
7 areas; benchmarking, round tables and
8 questionnaires. I'll go into each of those.

9 So our study areas, we actually
10 have three best practice programs. We focus
11 on three areas; transmission, distribution and
12 supplemental gas, three separate programs all
13 doing those three separate elements. And what
14 I listed here are just a few of the topics
15 that we have covered recently. It's a
16 continuous process. We have subject matter
17 experts that are helping to develop the data
18 packets. We collect the data. Those subject
19 matter experts analyze the data, look for
20 things that don't quite look right so we can
21 go back to the company to make sure that what
22 they put down was correct.

1 That leads to identifying
2 companies in top quartiles. We share that
3 information through workshops; develop
4 reports. Companies can then benchmark
5 themselves against similar companies or the
6 industry as a whole. And basically what you
7 see is an evergreen process, constantly using
8 that information to do more and better.

9 This gets a little bit into the
10 benchmarking, what we collect, statistical and
11 cost data, looking for operational
12 efficiencies, safety improvement areas. And
13 as I mentioned, it allows us to identify our
14 top performers.

15 Round tables. We take the results
16 of the benchmarking into round tables, have
17 companies that were top quartile or those
18 unique practice companies do presentations for
19 the rest of the industry. From the round
20 tables -- this is done by topic, so damage
21 prevention may be a topic. Repair replacement
22 may be a topic. It's done usually three to

1 five per year. We ask the members at the
2 round table to identify the key challenges
3 that they're facing for that particular topic.
4 Following that they vote on the top priorities
5 for those challenges.

6 From those top challenges we then
7 identify the best practices to address those
8 challenges. What are individual companies
9 doing that they consider a best practice to
10 address that particular challenge? So at the
11 end of the day you have dozens upon dozens
12 upon dozens of best practices that you can
13 possibly utilize. But they go a step further.
14 They actually rank those best practices to
15 identify the top best practices for the
16 industry. That information is shared.

17 And then we also have
18 questionnaires. These are more the
19 intangibles. It's not a class factor. It's
20 not a data point. It's more of a process or
21 a procedure and that information is also
22 shared.

1 Other ways that we work to improve
2 safety. I just took a snapshot of what we did
3 in 2010. Sixty-five forums. These were
4 technical committee meetings, workshops, tele-
5 conferences, AGA events. Those AGA events
6 brought in about 2,700 members. That's a lot.

7 We have 16 technical committees.
8 They cover a whole wide range of issues. If
9 it's involving operations, we have probably a
10 committee that's addressing it. We publish
11 nine publications. Did 80 SOS's.

12 SOS's are unique problems that a
13 particular company is trying to address and
14 they want input from the rest of the industry.
15 So if Sue had a particular issue that she
16 needed to address, we would get the SOS. We
17 would send it out to our members. Members
18 send responses back to Sue. Sue provides a
19 summary. She gives it back to us. We
20 distribute to the rest of the industry. It's
21 a great way of sharing information.

22 And then we have a list of board

1 priorities. This has been an ongoing list of
2 priorities. It's evergreen. It constantly
3 changes. We completed 90 of them last year.

4 And that went really fast, but I
5 guess we're holding questions to the end. So
6 I'll turn the mic over and the pointer to
7 Terry Boss.

8 MR. BOSS: Thank you, Christina.
9 I want to talk about the safety performance of
10 natural gas transmission pipeline system. The
11 particular group that I belong to is INGAA,
12 Interstate Natural Gas Association of America.
13 Approximately 25 members, 180,000 miles --
14 189,000 miles of natural gas transmission
15 lines out of 300,000, and you can see how it
16 augments with AGA on the layout on that thing.

17 One thing I wanted to show here
18 was I'm focusing primarily on the metrics that
19 are going on right now in the system. One of
20 the metrics is a lot of the programs that
21 Christina was talking about, but this has been
22 a continuous improvement process from some of

1 the original work that was started in 1955 on
2 reporting. Some of those sayings -- we did
3 have the regulations in 1970 that started
4 tracking activities that the companies are
5 doing. And then there have been incident
6 reports and annual reports that have been
7 modified throughout the years. So it's a
8 continuous improvement on understanding the
9 performance of the system as we move through
10 this eras on the operation of the pipelines.

11 I did want to talk about
12 performance metrics, and I've kind of worked
13 them down the line. The most significant
14 metric that people are worried about are the
15 serious incidents as defined by PHMSA.

16 They have another category
17 underneath that which are significant
18 incidents that has got a lot of important
19 property damage, et cetera, like that.

20 Underneath that category that
21 would encompass more of these things are the
22 reportable incidents that may be significant,

1 may be serious, but there's more of those.

2 Under that we we've got leaks that
3 are reported. This is very similar on an
4 annual report to the PPTS system that they're
5 doing on the liquid side that we do have on
6 that.

7 And then there are precursors to
8 some of these events happening. Those are
9 some of the anomalies that are picked up in
10 the reporting on say the integrity management
11 program on that.

12 And finally, there's a bucket of
13 activities that we do. And you saw a laundry
14 list of things that AGA does for activities.
15 There's also activities that PHMSA does on
16 inspections like that. So those are also a
17 performance metric on that. So there's a wide
18 range of performance metrics, but they do fall
19 in kind of a continuum of importance on that.

20 I pulled out one graph out of a
21 report that was done in 1965 as a result of
22 the Magnuson Act and the line that tends to be

1 heading down the side is the rate per 1,000
2 miles of significant events that happen on
3 natural gas transmission lines from 1950 to
4 1965. And you can see a trending down on that
5 line compared to the line that's going up
6 that's showing how many transmission lines are
7 being built.

8 If you take an approximate
9 comparison to that, this is our significant
10 incident rate that we have right now. Linda
11 mentioned about the infrastructure as an
12 average getting older and you can see even
13 though the infrastructure is getting older,
14 the number of significant incident rates per
15 1,000 miles is still going down.

16 You cannot read these things; and
17 you will get this in the Web broadcast of
18 that, but what we've done is we've tried to
19 take the significant incident, or the
20 information that we've had from reportable
21 incidents and categorize them by a few of the
22 fields that are out there. The fatalities

1 that occur, the industry fatalities versus the
2 public fatalities, the property damages that
3 are kind of occurring and trended them for the
4 last -- since 2004, I think, or 2005 on that
5 sort of thing where we've had that information
6 available on the new forms.

7 Down on the last line is
8 essentially the last year we had in there. Of
9 course one of the most significant incidents
10 we have out there is the San Bruno incident
11 and you can see how it impacts the statistics
12 very much on that one particular incident.
13 And as Jeff was mentioning we actually had a
14 fairly good record for this last year except
15 for that one particular incident. And that
16 does show the impact on a particular incident
17 and why the focus of the integrity management
18 program was in high consequence areas because
19 of those kinds of impact.

20 Diving down deeper into some
21 particular things, I'm going to show you a
22 combination of the statistics from the annual

1 reports, which takes the leak reports plus the
2 incident reports and show them by cause so you
3 can see some of the effect.

4 The first one I'm going to be
5 talking about is corrosion leaks in natural
6 gas transmission pipelines. This is from a
7 period of 2002 to 2009; we don't have the
8 annual report for 2010, but you can see the
9 rate of corrosion leaks that are going on --
10 on the whole transmission system are going
11 down. I would attribute that to quite a bit
12 of work that's going on in the integrity
13 management program both within high
14 consequence areas and outside of high
15 consequence areas with a lot of the over
16 testing that's concerned.

17 The next level points I want to
18 show up right now are the actual significant
19 incidents that were caused by corrosion. And
20 you can see the very small quantity of those
21 as compared to the actual number of leaks out
22 there.

1 And then finally depict the number
2 of serious incidents due to corrosion causes
3 on there. And you can see a very, very low
4 number, almost zero all the way through here
5 of which really caused serious incidents. I
6 think it's a way we need to be continuing to
7 analyze some of this information and trying to
8 figure out what we are doing and what is
9 effective.

10 I'll shift now to materials/welds
11 on pipelines. You can see with the same scale
12 on the side the number of events that are
13 happening are significantly less that's
14 happening on the corrosion side, but there is
15 a downward trend on those sort of things, too.
16 If you do look at the significant accidents on
17 that, again a very small portion of those end
18 up being significant, but you are seeing a
19 little bit higher number on there on the
20 significant incidents. And then I do have the
21 corresponding serious incidents because of
22 that cause. So that gives you kind of a

1 perspective on that.

2 The next one I'm showing you is
3 now the external excavation damage-type things
4 that are going on there. Not near as many
5 leak-type of events on those sort of things,
6 but if you start looking at the significant
7 and then you look at the serious incidents,
8 quite a high percentage of those incidents
9 result in some kind of serious things out
10 there. So we're trying to focus our
11 resources. And, you know, the end game is to
12 prevent all incidents, but if you're looking
13 at that, the serious ones are very, very
14 important to manage that. And that's why our
15 focus is so much on excavation damage on those
16 things.

17 Moving down to the next level,
18 which is the integrity management program;
19 this is taken from the PHMSA Web site, and at
20 the time I'd done it we had 2009 preliminary
21 data on this sort of thing. I want to point
22 a couple things here that will come up on

1 circles. The number of miles of transmission
2 pipe out there. This is the number of miles
3 of HCA piping that was tested using the
4 criteria within the HCAs. And then this is
5 the amount of testing that's going on
6 primarily with ILI devices and using the B31A
7 criteria for the repair on that. So you can
8 see a significant amount of work is going on
9 without -- within or without outside of HCA
10 areas and that's kind of reflected in the
11 performance results on the leaks and so on
12 like that.

13 Also in the yellow I've
14 highlighted the rate that we are finding
15 either scheduled or immediate repairs that are
16 occurring in those areas.

17 On the next chart we've got a
18 small amount of data that's starting to occur
19 on the reassessment results. And what I've
20 shown here is what the per mile rate that
21 we're showing on the reassessment results.
22 And the yellow down here compares what the

1 results were on the baseline. So you can see
2 a significant reduction as we're coming into
3 the reassessment results. So the methodology
4 that we're working, the timing that we're
5 doing is definitely covering these. So we're
6 eliminating precursors that are out there that
7 possibly could result in some issues.

8 Okay. Finally, I want to wrap up
9 here in saying that as we're continuing
10 improving in areas, as mentioned, there's new
11 PHMSA incident reports, annual reports on
12 that. I might want to point out that on the
13 incident reports we're going up from 240
14 fields per incident that we have to fill in to
15 876. Not all 876 are being filled in. On the
16 annual report we're going from 220 to 517, and
17 that's by state. So there's a lot of
18 information out there. What I plotted up on
19 those charts and what you traditionally see on
20 those is probably a hundredth of the
21 information that's out there. So in some
22 respects it's a lot of the effort looking at

1 the information we have already to do those
2 sort of things.

3 There is more information being
4 presented on the PHMSA Web site on activities
5 for transparency on that so you can judge the
6 activities that are going on. More needs to
7 be reported up there. Lot of the PHMSA
8 inspections are now starting to be covered.
9 And we do have voluntary industry efforts
10 going on. As Andy mentioned, the Datcomp team
11 put a little bit more transparency on some of
12 the activities on that and we are trying to
13 correlate our activities with the events that
14 are happening to be sure that we're doing
15 effective methods to control some of these
16 issues. So, I'll wrap it up at that.

17 MR. WEIMER: All right. Well,
18 mine's coming up. There it is.

19 Jeff asked me to do this Tuesday,
20 so I only had a few days to put this together,
21 but glad to do it. And I think he asked me to
22 do this to talk a little bit about kind of the

1 public perspective on some of the same safety
2 record and initiatives.

3 Through October last year the
4 Pipeline Safety Trust was quoted in 2,200
5 stories and 750 different media outlets. That
6 was my full-time job doing Pipeline 101 to
7 reporters, which was quite an education, to me
8 also. So when you Google pipeline safety, I
9 think PHMSA's Web site comes up first and the
10 trust's comes up second or third. And we
11 answer the phone more than PHMSA does, at
12 least to the media, which is a mistake I learn
13 to -- try to --

14 PARTICIPANT: You'll learn.

15 MR. WEIMER: -- correct soon. One
16 of our real basic beliefs is real truth in
17 advertising, and I just want to point out a
18 problem with the agenda, a truth in
19 advertising thing with the agenda. If you
20 look at the top of your agenda and the way it
21 was advertised, this meeting today is supposed
22 to be happening in the Potomac Saloon. Well,

1 the reason I flew across country is because I
2 thought we were meeting in a saloon. And I
3 got here and found out it was a salon, and
4 that's a significant problem.

5 The industry has two sets of
6 records that it's judged on, and one of them
7 is really a lot of the data that Terry and
8 Christina were sharing with you, that, you
9 know, there's a low and decreasing probability
10 of event. This picture of this pipeline
11 running past these homes is made it into a lot
12 of publications, but when you look at the
13 statistics, you know, for a gas transmission
14 line based on the last 10 years of significant
15 incident data, that's 660-foot section of
16 pipeline has the -- you know, you would expect
17 to find a significant incident happening there
18 once every 35,000 years. So that's one record
19 that we all are judged on.

20 The other record; and Linda
21 mentioned this too, is the consequences of
22 things that happen. Unfortunately I think the

1 consequence record is winning more of what the
2 public is thinking about and certainly what
3 the media is thinking about than the actual
4 data record. And so I think this graph
5 represents more. When the press calls me out
6 of the blue and wants to talk about pipelines
7 what they always start with is that assumption
8 there at the bottom that there's increasingly
9 frequent incidents because of our aging
10 infrastructure and no one's paying any
11 attention to this. So that was a lot of my
12 Pipelines 101. And I think the industry, the
13 trust, the regulators all did a pretty good
14 job of addressing the aging infrastructure
15 thing, that age is not the primary problem
16 here. Age is an indication of things you have
17 to keep an eye on, but it's not -- our
18 pipelines are just not rotting in the ground.

19 We look at some of the data a
20 little bit differently. We tend to look at
21 the significant incident database, because
22 it's a larger data set and it's a pretty fine

1 line between -- you know, a significant
2 incident can turn into an incident with a
3 death or a hospitalization pretty easily.
4 This just is the three main types of
5 pipelines. And you can see that the Liquid
6 Committee is doing a much better job
7 controlling these things than this committee
8 is. Distribution is pretty stable, and for a
9 number of reasons that we probably could have
10 a long discussion about just even inflation
11 gas transmission, significant incident data
12 tends to be appearing to trend up a little
13 bit.

14 If you look just at the serious
15 incident data, you know, it certainly is going
16 down with gas distribution and it's going down
17 slightly, as Terry pointed out, on the
18 transmission side also.

19 This one I pulled out because
20 we've been spending a lot of time trying to
21 look at what's going on in high consequence
22 areas probably because of integrity

1 management. And when you look at the
2 significant incidents going on outside of HCAs
3 versus inside of HCAs, there is a little bit
4 of difference. You know, certainly the
5 incidents are increasing at a slightly higher
6 rate outside of the HCAs and they tend to be
7 stable within HCAs.

8 This slide I didn't find too much
9 interesting. When I showed this to the liquid
10 guys, this was the more interesting slide we
11 found, that on the liquid side, outside of
12 HCAs significant incidents seemed to be
13 decreasing and inside HCAs it seemed to be
14 increasing, which is counter-intuitive to what
15 you would expect to find.

16 One of the things, we look at cost
17 data and talking with reporters, and I always
18 pay attention to stories. And this is a quote
19 of the Minneapolis newspaper last week where
20 there was an explosion. And one of the things
21 the public really reacts negatively to is when
22 what's being told they think is being spun.

1 And this quote said, you know, very unusual,
2 very rare. No one will disagree with that.
3 And then they went on to say what we hear from
4 the industry over and over again about natural
5 gas incidents are caused by contractors
6 hitting utilities and third-party damage.
7 Well, when you look at all pipeline incidents,
8 that's certainly true. When you look at
9 significant incidents on transmission
10 pipelines, which I think this was; although
11 it's not totally clear what happened in
12 Minneapolis yet, to me anyway, through the
13 media, that's not particularly the truth.

14 Since we didn't know whether it
15 was a transmission line or a distribution
16 main, I pulled up the Minnesota data and
17 looked at both transmission and distribution
18 causes in Minnesota and excavation damage
19 isn't the leading cause for either in
20 Minnesota.

21 And finally, just a couple last
22 slides. You know, certainly past performance.

1 It's like the stock market; we can look at all
2 this past performance, but that's in the past
3 and it might not particularly guarantee what
4 we're going to see in the future. So there's
5 a number of initiatives going on that I think
6 is trying to make sure that the downward
7 trends in most of these incidents continue in
8 the right direction on into the future.

9 And just to talk about those a
10 little bit, you know, we have heard about
11 aging and problematic infrastructure. You
12 know, age may be more of a concern with
13 certain types of distribution lines, the cast
14 iron and those types of things, but there's
15 lots of initiatives going on to mitigate those
16 things.

17 We talked about records. You've
18 heard a lot about that today, too. Just do
19 companies know what's in the ground? That was
20 a basic assumption that the public understood
21 part of integrity management, you understand
22 your system.

1 Lots of new initiatives about
2 technology. How can we develop better tools
3 for assessing things like crack and seam
4 problems.

5 Leak detection probably applies
6 more to the liquid side than the gas side, but
7 frequently the public hears people talking
8 about how they have state-of-the-art leak
9 detection. And then all of a sudden a
10 pipeline will spring a leak and go for 12
11 hours before somebody catches it.

12 And then just the age of the
13 pipelines, which we've talked about. That,
14 you know, often we'll hear quotes about how
15 pipelines will last forever. I'm not sure
16 anybody really believes they'll last forever.
17 A very long time versus rotting in the ground,
18 and probably a very long time is closer.

19 One of the other issues; and we've
20 heard about it yesterday a lot, is new
21 development and new pipelines are putting more
22 people in close proximity to pipelines. And

1 there's quite a few initiatives dealing with
2 that, too. Certainly the whole damage
3 prevention thing. As you put pipelines and
4 people closer together, you're going to get
5 more damage prevention. So it's great that
6 groups like CGA are really pounding on that,
7 And it seems like those incidents are going
8 down.

9 The whole PIPA effort is a way to
10 try to give local government some tools so
11 they can become better safety partners. And
12 then public awareness, just ensuring that the
13 messages that a lot of the companies are
14 spending millions of dollars to get out to
15 public and local officials and first
16 responders really are being heard and taken
17 seriously.

18 And then finally, you know,
19 there's lots of things about natural
20 consequences; ground movement and those types
21 of things, and there's even initiatives going
22 on with those that are underway or need to be

1 underway. Just can you engineer for ground
2 movement? Are pipelines being sited in the
3 right place? Oftentimes I've been looking at
4 some pipeline plans on the West Coast where
5 pipeline operators are proposing to put
6 pipelines through hundreds of landslide areas.
7 Well, if you site a pipeline in a landslide
8 area and then the land slides, I'm not sure
9 you can blame that on Mother Nature.

10 Valves and leak detection. Lots
11 of talk about that. Lots of it being driven
12 by San Bruno. And then we've already heard --
13 Linda's talked about spill and emergency
14 planning and making sure those plans are out
15 there and that they're robust enough to assure
16 the public that the equipment and training is
17 good and in place. I think that's all I've
18 got. I guess we can take questions.

19 CHAIRMAN PEVARSKI: Any questions
20 from the Committee on the panel? Gene?

21 MEMBER FEIGEL: I'd just like to
22 make a comment. At risk of engendering the

1 ire of all the panelists, the number of data
2 points for a lot of those types of losses or
3 whatever are small enough that the confidence
4 intervals around those are pretty large. And,
5 you know, I'm not making that up. That's just
6 the laws of statistics. You know, and again,
7 the numbers are what they are, but I think it
8 would be useful, frankly, if -- not
9 necessarily for, you know, media broadcast,
10 but at least the technical people who are
11 looking at that, you know, plot the confidence
12 intervals around a lot of this data just to
13 see what they are.

14 MR. WEIMER: Right, and I meant to
15 mention that when I showed the slide, because
16 when you look at I think serious incidents on
17 gas transmission lines, you're dealing with
18 numbers under 10 each year. So it doesn't
19 take very many to make the graph do all kinds
20 of weird things.

21 MR. BOSS: Yes, I agree with you,
22 Gene. That was the purpose of putting the

1 leaks up there. The leaks, even though
2 they're different than a rupture and include
3 a rupture, there's nothing in there about the
4 consequence factor on that. Any of the
5 significant or serious incidents introduces a
6 consequence factor in there and that effects
7 the distribution of the probability of it
8 happening. It happens to happen in an area
9 where there is a consequence. And there are
10 a lot less of those out there. And that was
11 the purpose of kind of mixing that data in
12 there, to see if we are effective or not on
13 some of those things.

14 MEMBER FEIGEL: Just, you know, to
15 kind of follow up on what I think Terry is
16 saying, another interesting way of looking at
17 this would be what -- in my industry we would
18 call a loss cost, you know, in effect the
19 product of the frequency and severity, and
20 that would help in some respects normalize
21 that.

22 Now, I recognize that that doesn't

1 necessarily take into account all the human
2 factor in loss of life unless we're willing to
3 make the leap of loss costing life also. But
4 at least on the property damage side of it, I
5 think it would be useful to plot it that way,
6 too.

7 MS. DAUGHERTY: Just a comment. I
8 would agree --

9 CHAIRMAN PEVARSKI: Can you just
10 state your name first, please?

11 MS. DAUGHERTY: This is Linda,
12 Linda Daugherty. And just to comment, you're
13 correct. You're dead on. We have hired a
14 couple of statisticians in our data analysis
15 group and our data gives them fits because it
16 is such small grouping. And, you know, they
17 try to use it to give us trends and pulling
18 out of it is very, very difficult. So I would
19 agree with everything you just said.

20 MS. SAMES: Christina Sames, AGA.
21 Except possibly for distribution. Because
22 there are so many miles of distribution lines,

1 you do have more incidents. When I was
2 looking at Carl's slide, I was actually
3 curious whether or not it took into account
4 the hundreds of thousands of miles that have
5 been added on distribution in conjunction with
6 those incidents because we have had a lot more
7 lines go in. So I think my trend line's going
8 down a little bit. It's still steeper.

9 MR. WEIMER: Christina, if you did
10 it per mile of pipe, it would be different.

11 MS. SAMES: Yes.

12 CHAIRMAN PEVARSKI: Any other
13 comments?

14 (No audible response.)

15 CHAIRMAN PEVARSKI: Okay. Thank
16 you. We'll move on to just having a open
17 discussion from any committee members.

18 Gene, do you still have a -
19 Thought you were jumping at the bit here.

20 Any questions/comments from the
21 committee members. Okay. We'll open it up to
22 non-committee members. For non-committee

1 members, if you have a question or comment, if
2 you'd just raise your hand. Are you a non-
3 committee member, Rick?

4 MR. KUPREWICZ: A member of the
5 public.

6 CHAIRMAN PEVARSKI: Okay.

7 MR. KUPREWICZ: Just some --
8 couple of observations that might be helpful.
9 As I've represented I'd say -- fair to say
10 parties on both sides of the fence, some of
11 them PHMSA's probably had FOIA requests on,
12 not at my suggestion, however, there is a
13 point where the frustration for the public
14 gets so high that -- okay, call your Senator.
15 And, you know, there's other ways to have the
16 communication process.

17 A couple general observations on
18 emergency response plans from a perspective of
19 a neutral person in the public, you're way
20 overworking this issue. Take a deep breath.
21 Some of this conversation happened with the
22 liquid guys earlier this week. Your emergency

1 response plans literally should be less than
2 a page. Now not all the public's going to
3 accept that. There isn't a lot of information
4 in there that, you know, you really have to
5 keep secret.

6 We're in the middle of this.
7 Washington State has a very liberal public
8 records, public meeting, public discussion
9 acts. Some our clients within Washington
10 State -- and we also have a very aggressive
11 Department of Ecology for various historical
12 reasons. And a lot of their records are
13 publicly available on oil spill response
14 plans.

15 A couple things we see is this
16 confusion between -- well, the liquid people
17 -- the oil spill response -- and it
18 transitions over to the various other public
19 agencies or public organizations or public
20 individuals who think emergency response plans
21 are the same as oil spill response plans. And
22 in the emergency response plans, you know,

1 nobody wants to get a book. They want -- the
2 whole idea of emergency response is usually
3 focused on people and then property, and it's
4 fairly brief. So within your organizations if
5 your contacts for your local fire departments,
6 whoever, and even the public people, city
7 governments, is longer than a page, you may be
8 way over reacting to this. In a lot of cases
9 you're trying to do the right thing, so you
10 think more information is better. That's not
11 how it works in a -- if you've ever been in a
12 true emergency where you're incident commander
13 and telling the fire department to do, you'll
14 understand. You don't get buried in the
15 details. It's a much higher level.

16 So that's my advice to the
17 Committee to think about from a public -- and
18 again, I'm speaking as a person who's been on
19 both sides trying to get people to kind of
20 reach common ground. The last thing the
21 public wants you to do is waste your time and
22 resources on this nefarious information that's

1 just getting in the way.

2 And I think things like the San
3 Bruno Fire Department, a lot of that could
4 have really gone away with, you know, a couple
5 conversations. You don't have to have them in
6 spill response plans or first response plan,
7 but there's ways to kind of get everybody to
8 raise their level on that. Anyway, that's
9 just some fatherly advice and I'll let it go
10 at that as a member of the public.

11 CHAIRMAN PEVARSKI: No other
12 comments, I'll turn it over to Jeff for a wrap
13 up.

14 MR. WIESE: I'm cognizant, at
15 least one person here I know has a 2:00 p.m.
16 flight, so I'll be extremely brief.

17 I couldn't let some of the
18 comments go. First of all, I wanted to
19 appreciate the panel coming. I think that's
20 just our toe in the water on that
21 conversation. And this could be -- I want the
22 Committee to think about it. This could be

1 one of those topics we talk about coming back
2 to with a subcommittee, right, where we just
3 have a few people get together and say we've
4 all got different data sets. We're all do
5 different analysis. Can't we get together and
6 agree on the data sets that we think we would
7 all sign on and say is good and drive that
8 onto the public domain? You know, we can work
9 on the ones we still disagree on, but where we
10 can find unanimity on our analysis, I think
11 we'll have some strength. So that's something
12 to think about with a subcommittee.

13 And I would just add that I think
14 frequency and rates are important. We have to
15 think about it, but as Linda's photos
16 document, and we all know -- I mean, everybody
17 here at table knows we cannot deny the risk,
18 you know, and the potential, you know, for
19 incredible tragedy, you know, when people are
20 near these facilities. So it's nothing that
21 anyone in this room takes lightly and I know
22 that given your service and your willingness

1 to do this stuff. But from a public
2 standpoint, I know that that's scaring a lot
3 of people.

4 And just to Rick's point; because
5 we struggle with this all the time, you know,
6 who really speaks for the public, you know?
7 Knowing, you know, the public voice -- as a
8 regulator you struggle with this all the time.
9 So I appreciate Rick's constant involvement
10 and advice on this stuff. But we'll get
11 people who -- you know, there are advocacy
12 groups out there who have a hard bent agenda
13 and yet they claim they're speaking for the
14 public. But their advice, you know, is way
15 out on one spectrum. You'll get people whose
16 advice is on the other spectrum. Trying to
17 find somebody who said I think I've got a good
18 sense of what cross-section of public really
19 wants, truth be told, very little public's
20 even interested or knows, you know? It's the
21 ones who were near a failure, and their view
22 is skewed. So I've heard of that -- emergency

1 responders for years, you know, about we need
2 to do more. And we're committed to it.

3 By the way, promo for Pipeline
4 Emergencies 2.0 we'll be coming out to a web
5 site. You'll all have access very soon.
6 That's about, you know, emergency responders.
7 It ought to be part of your emergency plan,
8 your public awareness plans and make sure fire
9 departments know about the availability of
10 that stuff.

11 So any rate, we're all for all
12 that. And it is a struggle to figure out who
13 speaks for the public sometimes. And so, any
14 rate, I'll close on that rhetorical point.

15 I do want to -- a couple of quick
16 reminders before I let you go. Your advice
17 has been requested on a couple of things.
18 Cheryl can correct me, but I think we're wide
19 open to your advice on the charter as we go
20 forward, and particularly the bylaws. I know
21 you just saw the bylaws, right? So anything
22 that -- you know, it's not exactly the most

1 exciting reading material in the world, but
2 we'd welcome that.

3 I personally want to start that
4 name that committee contest, so if you have
5 any contests -- start with your acronym. Work
6 backwards. Be relevant.

7 Remind you about the Secretary's
8 plans. And we informally invited you. We'll
9 follow up. Linda and I will follow up with a
10 letter to you inviting you formally, you know?
11 This is not really committee business, but
12 you're clearly, you know, major stakeholders
13 in our world, so you're invited to attend on
14 April 18th.

15 And then also, the last thing I
16 was asking for ideas for the subcommittee. I
17 proposed several for you, but I'm not
18 constrained by that. Help us think about
19 that.

20 Those are really the formal
21 remarks I wanted to -- always be remiss if I
22 didn't close by saying thank you first and

1 foremost to the committee members and to your
2 organizations, frankly, who pay for your time,
3 you know, and your transportation. I know
4 it's a significant investment of time and we
5 appreciate it.

6 Also wanted to thank Rick. Threw
7 him into the role of chair. Kind of an
8 interesting concept. He did a great job and
9 I appreciate it. I knew he would, so that's
10 why I asked. Been around him enough.

11 I'd like to thank the OPS staff
12 because they kind of sit in the background.
13 You don't see it a lot, but you know, whether
14 it's Cheryl who you interface with or Cameron
15 who's been sitting here for three days helping
16 us get all these presentations. John, Dana,
17 Kay, Linda, my colleague, to the public who's
18 interested enough to come out and listened to
19 this. And probably lastly for this panel, for
20 Christina and Carl and Terry for taking time,
21 you know, to come out and share that with us,
22 your views and get the juices flowing.

1 So with that, I'll thank you for
2 your service. I'll close. Maybe turn it on
3 to Rick. He can formally close it. Wish you
4 safe travels home.

5 CHAIRMAN PEVARSKI: I get the
6 pleasure of formally closing. If everybody
7 remembers, take your tags and leave them for
8 recycling. And have a safe trip back home.

9 (Whereupon, the above-entitled
10 matter went off the record at 12:24 p.m.)

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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: Technical Pipeline Safety
Standards Committee

Before: US Dept. of Transportation

Date: 03-25-11

Place: Arlington, VA

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