



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 25, 2024

Mr. Cary Windler
Principal
Windler Ventures, LLC
40976 Westley Lane
Magnolia, TX 77354

Dear Mr. Windler:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA), dated June 29, 2023, you requested an interpretation of the Federal pipeline safety regulations in 49 Code of Federal Regulations (CFR) Part 192 with respect to the § 192.712(c) dent evaluation procedure notification requirement.

You asked if the code requires an operator to develop an engineering critical assessment (ECA) procedure, why does PHMSA require the operator to submit advance notification of the procedure before using it?

You stated § 192.712(c) requires operators to develop a dent evaluation procedure that includes how the operator will perform an ECA for dent evaluations. Also, you stated § 192.712(c)(11) requires operators to submit advanced notice to PHMSA in accordance with § 192.18 prior to using an ECA for dent evaluations. You believe these requirements may conflict with each other, and that normally if the regulations require an operator to develop a procedure, the operator can use that procedure without permission. The applicable regulatory language is reprinted below.

§ 192.712 Analysis of predicted failure pressure and critical strain level.

(a)

(c) *Dents and other mechanical damage.* To evaluate dents and other mechanical damage that could result in a stress riser or other integrity impact, an operator must develop a procedure and perform an engineering critical assessment as follows:

(1)

(11) An operator using an engineering critical assessment procedure, other technologies, or techniques to comply with paragraph (c) of this section must submit advance notification to PHMSA, with the relevant procedures, in accordance with § 192.18.

You asked PHMSA the following questions and PHMSA's response follows each question.

Question 1: If an operator has a fully developed dent evaluation procedure, which includes criteria for performing an ECA, does the operator need to notify PHMSA prior to implementing an ECA which follows the operator's procedure?

Response to 1: Yes, per § 192.712(c)(11), an operator using an ECA procedure must submit advance notification to PHMSA, with the relevant procedures, in accordance with § 192.18.

Question 2: If the answer to Question 1 is "Yes", then: Can the operator submit advance notification, including the relevant dent evaluation and ECA procedure, one time to cover all future uses of the procedure?

Response to 2: Yes, operators that comply with § 192.712(c)(11) to submit advance notification to PHMSA of an ECA and relevant procedures developed in accordance with requirements of § 192.712(c) may use the submitted ECA procedure for future dent and mechanical damage evaluations in a manner consistent with the parameters and limitations established by that procedure. Any changes made to the ECA procedure after submission requires the operator to submit advance notice of the new procedure in accordance with 192.712(c)(11).

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,

John A. Gale
Director, Office of Standards
and Rulemaking

June 29, 2023

To: Information Resources Manager

From: Cary Windler

Subject: Interpretation for 49 CFR 192.712(c)

I am requesting an interpretation regarding §192.712(c) and §192.712(c)(11). These code references appear to be slightly in conflict with each other. Normally if the code requires an Operator to develop a procedure, the Operator can use that procedure without permission.

- §192.712(c) requires Operators to develop a dent evaluation procedure which includes how the operator will perform an ECA for dent evaluations. This procedure, and therefore the ECA process, would be subject to PHMSA and state regulatory audits and must be sufficient to be compliant with §192.712(c).
- §192.712(c)(11) requires Operators to submit advanced notice to PHMSA in accordance with §192.18 prior to using an ECA for dent evaluations.

Question 1: If an Operator has a fully developed dent evaluation procedure, which includes criteria for performing an ECA, does the Operator need to notify PHMSA prior to implementing an ECA which follows the Operator's procedure?

Question 2: If the answer to Question 1 is "Yes", then: Can the Operator submit advance notification, including the relevant dent evaluation and ECA procedure, one time to cover all future uses of the procedure?

If you have any questions or need further information, please feel free to reach out to me. Thank you for your time and response.

Cary Windler, PE, Principal

Windler Ventures, LLC

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