UNITED STATES DEPARTMENT OF TRANSPORTATION

**TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE MEETING**

Loews L'Enfant Plaza Hotel
490 L'Enfant Plaza, S.W.
Ballroom A
Washington, D.C.

Wednesday, May 28, 2003
1:30 p.m.

Technical Pipeline Safety Standards Committee Members

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Commissioner
State of Connecticut
Department of Public Utility Control

BEN P. ANDREWS, III
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Director of Codes, Metallurgical Services and Project Records
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Vice President, Engineering
Hartford Steam Boiler

JOHN SPENCER LEISS
Geologist
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Technical Pipeline Safety Standards Committee Members

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Office of Pipeline Safety Representatives

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MIKE ISRANI
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BARBARA BETSOCK
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CHERYL WHETSEL
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Participants

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El Paso Corporation

TERRY BOSS
Interstate Natural Gas Association of America

PHIL BENNETT
American Gas Association

Participants (Continued)

PAUL GUSTILO
American Gas Association

A G E N D A

A G E N D A

P R O C E E D I N G S

2:02 p.m.

Welcome

MS. GERARD: Welcome to a historic meeting of this Technical Advisory Committee. We have several initiatives before this agenda for the next couple of days, not the least of which is the vote on the Gas Integrity Management Rule and the Cost Benefits Study, and there are some other votes as well.

I appreciate your tolerance as we adjusted the agenda right up to the very last minute.

I wanted to say that, as we have a tremendous number of issues to discuss, that with the help of our counsel, Barbara Betsock, we provided you as a Committee as much guidance as we could about the evolution of our thinking up to current day. And it will be my request that in terms of style of moving the issue and discussion forward that we will say -- assuming that you understand the position that was provided in the documentation for the meeting, if you could assume that we're considering the factors as noted, please make your comments in addition to that or to amplify those positions.

We are trying not to go back to ground zero but start kind of from where we are in present day

since we've moved our discussions so much through our last meeting and other public meetings. So as much as possible, we will say, assuming that this is our position, are there any objections, and try to minimize the number of votes if we possibly can.

That okay with you, Madam Chairman Kelly?

CHAIRMAN KELLY: Certainly.

MS. GERARD: Okay. Well, I think -- do we have all the Committee members present that we're expecting, Cheryl?

Okay. Then, with that, I, Stacey Gerard, am turning the agenda over to our chairman, Linda Kelly, for management.

CHAIRMAN KELLY: Good afternoon and welcome. We're becoming fast friends we're meeting so frequently lately, but it's all been helpful.

We should begin with introductions, I think.

I am Linda Kelly, a commissioner from the State of Connecticut, Public Utility Control Authority and currently chair of this body.

And we'll start with Mike Israni to my right.

MR. ISRANI: I'm Mike Israni. I'm the program manager for Pipeline Integrity Management with OPS.

MR. THOMAS: Eric Thomas, Southern Natural

Gas Company, which is an El Paso company.

MR. ANDREWS: Ben Andrews, Oak Ridge Tennessee Utility District.

MR. COMSTOCK: Mike Comstock, City of Mesa, representing American Public Gas.

MR. COTTON: Rickey Cotton, Mississippi Public Service Commission.

MR. DRAKE: Andy Drake, Duke Energy Gas Transmission Company out of Houston, Texas.

MR. LEMOFF: Ted Lemoff, National Fire Protection Association.

DR. FEIGEL: Gene Feigel of Hartford Steam Boiler Inspection and Insurance Company, Hartford, Connecticut.

MS. WHETSEL: Cheryl Whetsel with the Office of Pipeline Safety.

MR. LEISS: John Leiss, Federal Energy Regulatory Commission here in Washington, D.C.

MR. WUNDERLIN: Jim Wunderlin, Southwest Gas out of Las Vegas, Nevada.

MR. PEVARSKI: Rick Pevarski, Virginia Utility Protection Services, Roanoke, Virginia.

MS. BETSOCK: Barbara Betsock, counsel for the Committee.

MS. GERARD: Stacey Gerard, associate

administrator, Office of Pipeline Safety, RSPA, DOT.

CHAIRMAN KELLY: I'd like to add just a few things to Stacey's requested procedure for the day, and I think it might be helpful to us because there is quite a bit to cover.

When we begin our discussions here, I'd like to open on the integrity management rules by requesting a motion to approve of or the language that Barbara says we have to use with respect to the rules, and a second. And that would allow us to open the discussion on the item, and as we approach each of the items for discussion here, we as a Committee then can then take action with respect to each item as an amendment to our position of adopting or approving or accepting the rule.

And to the extent -- just one thing that Stacey Gerard mentioned, to the extent that -- that the Committee or OPS and industry all agree on a particular matter, to the extent that the language is different from that in the published rule, we would still need to take action. But I'd like to just emphasize what she said earlier. To the extent that there is agreement, our discussion should not proceed as though there is not agreement.

Are there any comments on that? Is everyone

comfortable with proceeding in that fashion?

MS. GERARD: So, to clarify it from my standpoint, where we have provided a description of a position and considerations in the document we provided to the Committee for the meeting, the Committee should sort of pick up from that point and -- and say, you know -- I think you could say, assuming that this is OPS's position on the definition of high consequence areas bifurcation, does the Committee have any additional action that they want to recommend. No?

Can we -- can we proceed with the recommendations based on the documents we described?

CHAIRMAN KELLY: Well, we'll see what the Committee -- how the Committee reacts to it, but yes, we will follow the -- the order of issues because the agenda that's been put together by -- by OPS, I believe, has been to highlight the significant issues that have resulted from the earlier discussions that we have had. Certainly, to the extent that there are other issues, this does not constrain members of the Committee.

So once we get through the ones that are listed here on the agenda, I will ask for Committee members to raise any other points that they would like to discuss that pertain to the rule.

I will also ask members of the public if there are areas that they want to bring to our attention not listed here that pertain to the rule.

In fact, before we proceed -- and I know that as we proceed issues may come up, but at this point, do any members of the Committee have additional points that you would like to discuss with respect to the integrity management rule? You don't have to identify them. I'd just like to know if you do have them.

MR. DRAKE: I have a couple issues that we -- we have discussed about -- you know, at the previous meeting we discussed a couple issues that are not on this agenda, and I just think to make sure that we close them formally that they would be brought on the -- onto the agenda somewhere. And it certainly may not -- we may be in total agreement, but just to close them on the record. Those are the issues about the overlap, the issue about prior inspections, and the issue about performance-based venue of compliance.

We have talked about them but there hasn't been any formal closure. And I don't know that we're actually at odds with each other on any of these things, but just for the purpose of continuity and clarity.

CHAIRMAN KELLY: Thank you.

Are there any other issues that Committee members would bring up at this point?

(No response)

CHAIRMAN KELLY: Are there additional issues that members of the public would like to bring to our attention?

(No response)

CHAIRMAN KELLY: Thank you.

I'd like to point out the fact that OPS staff has done a tremendous job of preparing us for this meeting. The written summaries that were sent to us, including the before and after considerations by OPS, the summation of comments received from the public both at our meetings and through written documentation, has been very helpful in allowing us to understand what the issues are that we're here to consider today.

Similarly, the information that AGA and INGAA presented to us that fully outlined their positions on the issues, which sort of helped us, you know, recall some of the issues that were raised at the prior meetings but put them in a -- in a different format was also very, very helpful.

So for the industry and for the staff, it's been very, very helpful for the Committee to have this information in advance.

Yeah. Are there any members of the Committee who either left their books at home or did not receive one before you traveled here? Because there are a few extras.

(No response)

CHAIRMAN KELLY: Good. Everyone has them and everyone has read them, and the exam will be at 4:00.

(Laughter)

CHAIRMAN KELLY: Now, before we get into our discussion and before Barbara tells us the wording we have to use for our resolution, just to -- before we get into the topics, there are -- I believe we have overall agreement on some very basic issues concerning this regulation.

From the various meetings that we've had and the comments that everyone has made, I believe everyone favors clarity over complexity in this rule. So when it's finally written we hope that there will be more clarity than complexity. I know that that's difficult to accomplish given the nature of this rule.

We all believe that it's important for the public to have an understanding of what is about to be undertaken.

And I believe, and most critically, we all believe that the focus should be on the earliest --

that we should focus the earliest and greatest energies on the areas where there is the potential for the greatest harm. And every person, government, industry, public, I believe has made it clear that we all start from the standpoint that no serious injuries or deaths are acceptable.

With that, Barbara, if you can tell us what our opening vote should -- resolution should be so that we can begin?

MS. BETSOCK: I understand you're going to be considering the cost benefit separately?

CHAIRMAN KELLY: Yes.

MS. BETSOCK: Afterwards. So, the opening one should be that the proposed rule is technically feasible, reasonable, and practicable.

CHAIRMAN KELLY: Is there a motion to that effect?

(No response)

CHAIRMAN KELLY: Well, let me say this. If we don't have a motion, we don't have discussion.

MR. ANDREWS: I'll so move.

CHAIRMAN KELLY: Is there a second?

(No response)

CHAIRMAN KELLY: Moved and seconded.

PARTICIPANT: Second.

PARTICIPANT: Wait, wait, wait.

MS. GERARD: -- say that. We're talking about the NPRM that was written several months ago without benefit of the additional --

MS. BETSOCK: The NPRM is what is on the table, and what I understand that the chairman wants to do is now have enduring discussion take up those issues and get the views of the Committee on those issues, which would be a perfectly acceptable way to go about approaching this.

CHAIRMAN KELLY: Moved and seconded.

All right. We will now commence discussion. And the first item regarding -- for discussion is high consequence areas.

Mr. Israni?

Briefing: Pipeline Integrity Management for Gas Transmission Pipelines in High Consequence Areas (NPRM)

MR. ISRANI: Okay. Thank you, Linda.

This proposed rule -- before I go to issues, just let me give you a quick brief for those who are first time coming here.

This -- this proposed rule was published on January 28th, and since then, OPS has participated in several public meetings to better explain the proposed requirements and hear the comments from industry,

public, and states. And OPS has heard issues raised at these meetings and discussed new ideas on how to resolve them.

A comment period on this proposed rule ended on April 30th, and we are going to consider comments that arrived after this comment period as far as practicable.

At the last TPSSC member -- meeting, we had addressed the issues that were raised at the public meetings and we also recently, as you heard before, mailed you a summary of comments that we have received so far. We also mailed you an issues paper with our analysis of comments and what our current considerations are on those major issues. And we also would like to -- in this meeting, our goal is to take the Committee's vote with the recommended changes.

And instead of going through all the comments, I have placed all these comments after each and every individual issue. So that way it'll be easier for you to figure out what comments we received, whether it was at the public meeting or it came to the docket as written comments.

So, we go to the first issue here.

And one brief statement before we go to this high consequence area issue. We received a total of 89

documents, and these 89 documents ranged anywhere from one page to 100 pages. So we have over 777 comments that we have received, 69 from industry, 10 from public, five from vendors, four from states, and one from federal government, which is NTSB.

Definitions

High Consequence Areas (Bifurcation)

(Slide)

MR. ISRANI: The very first issue that was raised in these meetings and what we are currently considering is the bifurcation option for building count. SIHO is the structures intended for human occupancy. And I have given the cite, 192.761, for your consideration.

The goal is here to identify those segments of the pipeline that present greatest potential hazards to people in order to focus integrity management efforts on those segments.

(Slide)

MR. ISRANI: So here are the questions:

Should a rule allow two options for building count: following the definition of high consequence areas defined by the final rule -- which we mean is the Class 3 and 4 location and the areas which are beyond 660 feet -- or using the potential impact circles along

the entire length of the pipeline?

And the requirements for identified sites would remain the same for both options.

(Slide)

MR. ISRANI: So this was the question. And to explain to you in a simplistic way, we say that one option is Class 3 or 4 plus potential impact circle with identified sites plus any potential impact circles in excess of 660 feet with 20 structures intended for human occupancy.

Or, other option is, potential impact circle with 20 structures plus potential impact circle with identified sites.

So this tells you what bifurcation is, what are the two options being looked at. And it includes all pipe within any circle meeting criteria.

That part, second bullet, includes all pipe within any circle meeting criteria we're going to cover later on when we go to C-FER equation. What we mean is, you know, that the segment of the pipeline which will impact high consequence areas is being extended.

(Slide)

MR. ISRANI: Comments that we have received on this bifurcation option.

I would just summarize the key to give you

just what comments we have received.

On the bifurcation option, from the industry, they uniformly support this option.

From the states, there was comment that we should consider Class 3 and 4 locations and the potential impact circles for other areas. This was from one of the states who still wanted to consider our old option of Class 3 and 4 location portion of the pipeline, meaning -- they mean that that's the only option that should be allowed.

And from the public, they support for the option, option of choosing either class location or this circle approach.

(Slide)

MR. ISRANI: And this is what we are saying, what our current position is, what we are considering.

Allow bifurcation option for building count.

So, on that one issue, I think I'll stop there.

This is our current position, and now we can open the floor for Committee members to have any suggestions, recommendations, or to accept this option.

CHAIRMAN KELLY: And before we begin the discussion, let me make a recommendation -- through the reluctance of the motion and the second and -- Mr.

Drake, I believe you made the motion -- perhaps we add to the end of it, "subject to recommended changes that may occur during the course of the discussion." Do you find that acceptable?

MS. GERARD: That's what I would --

CHAIRMAN KELLY: Okay. All right.

So, now, are there questions from the Committee on the presentation by Mr. Israni?

MR. ANDREWS: Ben Andrews. Mike, have you established the building count? You say options for building count. Are you recommending a building count at this point?

MR. ISRANI: That's one of the items. I think that's the second item.

MR. ANDREWS: You said it, though, in your presentation --

MR. ISRANI: Okay. Yeah, we did -- did say potential impact circle with 20, and that's our second item that we're going to discuss. But, yes, that's what we are currently considering.

CHAIRMAN KELLY: Any other questions by Committee members or comments by Committee members? Dr. Feigel?

DR. FEIGEL: Gene Feigel. Mike, what's going to be the impact of the modification you're proposing

on the -- on the C-FER equation back in Number 3 to what -- what the high consequence areas are that you're dealing with right now? I mean, what's the -- I mean, the two obviously are linked. What's the practical implication of that going to be in, say, in a worst case?

MR. ISRANI: Well, I think it would be better when I discuss that C-FER part because I have some diagrams to show you how we are going to cover that. Yes.

CHAIRMAN KELLY: Are there any other comments on the definitions and the bifurcation by Committee members? Mr. Drake?

MR. DRAKE: Just for the purposes of clarity, it appears that for the large diameter pipes that have potential impact circles outside the current corridor width that there isn't really a bifurcation, that you're obligated to count houses using the circle and not use Class 3, is that --

MR. ISRANI: Yes.

MR. DRAKE: That's correct?

MR. ISRANI: That's correct.

CHAIRMAN KELLY: Any other comments or questions by Committee members?

(No response)

CHAIRMAN KELLY: Any comments or questions by the public?

(No response)

CHAIRMAN KELLY: Is there a position that the Committee would want to take on this particular item? Yes, Mr. Lemoff?

MR. LEMOFF: Would it be appropriate for a motion to accept this option?

CHAIRMAN KELLY: Yes.

MR. LEMOFF: I make that motion.

CHAIRMAN KELLY: Is there a second?

PARTICIPANT: I second.

CHAIRMAN KELLY: And -- and the motion, by the way, in accepting the option is to amend the -- recommend this as an amendment to the proposed rule.

Is there any further discussion on that? Yes?

DR. FEIGEL: Well, I'm going to abstain at least because I see enough linkages between some of these issues. I just -- I can't -- I don't think at this point you can make an informed, intelligent vote on breaking these up. Now, I mean, that's -- it goes back to why I asked Mike the question a minute ago. I just think there's enough linkage here that -- to, you know, parse these out the way we are, we -- I -- again,

I'm repeating myself.

I just can't make an informed vote. Thank you.

CHAIRMAN KELLY: Is there any further discussion?

(No response)

CHAIRMAN KELLY: All in favor of this change, say "aye."

(There was a chorus of "ayes.")

CHAIRMAN KELLY: Any opposed?

(No response)

CHAIRMAN KELLY: Any other extensions -- abstentions? Dr. Feigel?

(No response)

CHAIRMAN KELLY: Thank you.

All right. This is adopted as one of the recommended changes.

Population threshold.

HCA - Population Threshold

(Slide)

MR. ISRANI: In the population threshold, our goal is to identify those portions of a pipeline that present the greatest potential hazard to people in order to focus integrity management efforts on those segments.

(Slide)

MR. ISRANI: The question is, should the criterion for determining population density component of a high consequence area be based on 10 or 20 buildings intended for human occupancy within the impact circle?

(Slide)

MR. ISRANI: And these are the comments we received and that we have heard at the public meetings.

Industry is all in favor of using 20 building criteria.

There was a state which commented about using 10 building criteria. This was a written comment.

And we have a public supporting 20 building criteria. There was one person at the public meeting who supported that.

And there were some written comments on these high consequence areas. Some comments were that we should include critical infrastructure -- that came from the state -- that we should include bridges, power transmission centers, highways, highway intersections, parks, recreational areas, and railways.

Then there was a comment from public that we should use 10 buildings versus -- 10 versus 20 people for outside gathering areas, meaning they wanted to be

even more conservative for the outside gathering areas. They wanted to consider 10 people gathering, not 20 people gathering. These were additional comments that we received.

(Slide)

MR. ISRANI: But let's focus first on the building option. Our current position is that 20 buildings intended for human occupancy occurring within a potential impact circle is a criterion for defining high consequence areas.

And any recommendations from the members?

CHAIRMAN KELLY: Thank you.

Any comments or questions from members of the Committee? Mr. Lemoff?

MR. LEMOFF: Yes. If I can ask Mike to kind of fill me in. Looking at the numbers, it appears the states were at opposition to everyone else on this, so to speak. Can you give -- pass along some of the reasons the states felt that 10 was the correct number?

MR. ISRANI: There were four states which have commented on the integrity rule in general, and there was one state which objected to this criterion. Their comment and argument was similar to what we had initially said for 10 buildings, meaning the 10 buildings was mathematically equivalent to having Class

3 locations having 46 buildings. And they also had -- you know, the 20 building criterion, they had similar concerns, that, you know, it may not cover many of the pipelines, particularly low-stress pipelines.

And we are going to address the low-stress pipeline issue later on, what -- how we are considering that option.

And they -- other than that, this was the opinion that we are trying to be too lax on this and we should be more conservative on the building count.

MS. GERARD: Let me -- let me try that another way. At the last meeting, I think Mike put up some diagrams that showed that if you took the sliding mile that's in the regulation today and created four 640-foot circles in that and divided the population count of 46 among those four circles, with a little bit of scatter in between the circles and the rectangle of the sliding mile, that the number that you would find within the circle was 9-point-something and decimal dust and that that is the current basis for Class 3.

However, that assumes that you have an even spacing between the distribution of the buildings, which is not really the case in reality and was one of the reasons why we moved to the number 20, because you really don't have an even scatter pattern anywhere.

So it's really a hypothetical, but I think that's what Mike was saying as to the reason why the state that commented recommending 10, was they were holding to the value that it was more like the population density consistent with the value we have in Class 3 today.

CHAIRMAN KELLY: Further discussion by Committee members?

(No response)

CHAIRMAN KELLY: Any comments by members of the public?

(No response)

CHAIRMAN KELLY: Is the Committee willing to accept the position -- the current position of OPS on this matter?

MR. DRAKE: I'd like to make a motion to accept the proposal as defined by Mike.

CHAIRMAN KELLY: Is there a second?

MR. ANDREWS: Second.

CHAIRMAN KELLY: All in favor?

(There was a chorus of "ayes.")

CHAIRMAN KELLY: Any opposed?

(No response)

CHAIRMAN KELLY: Any abstentions?

(No response)

CHAIRMAN KELLY: Thank you.

Move on to impact radius.

Impact Radius (C-FER)

(Slide)

MR. ISRANI: Impact radius. Here, the goal is to assure that identification of high consequence areas includes the population at risk from potential pipeline accidents.

(Slide)

MR. ISRANI: And the question was, should the additional safety margin be applied to potential impact circle radius calculated using the C-FER equation?

If you recall, at the last meeting we were discussing that we should have some additional safety margins provided over the C-FER equation to take care of the -- this actual explosion patterns that we have seen in some of the recent accidents which -- which tend to be irregular in shape. And the C-FER circle would cover most part of it in an offset setting.

But in some of the recent cases, we've found the accidents tend to be more elliptical in shape. They go beyond the circle areas. And -- and particularly -- in particular, we refer to the Carlsbad accident where the offset distance for the accident was within the C-FER circle radius but the distance from

the point of explosion to where the accident occurred was beyond the circle.

(Slide)

MR. ISRANI: So we -- this was a question, and the comments we have received on this one is, you know, industry's current position, as you may have seen in the booklet that was sent by INGAA, is that adding the length of pipe addresses the elliptical impact shape.

And the -- one of the comments from state we had was the margin is needed, meaning, as we said earlier, that, you know, we feel that -- before this new concept came about that we should have a safety margin to account for all the irregular shapes of these explosion footprints.

Public comment was not to add margin if it would cause any confusion in determining the impact circle.

NTSB commented on this issue. They are in favor of having some margin but they -- their main concern was that so long as we considered the horizontal jetting of these in the C-FER equation, then -- that was the main comment, that this would eliminate a lot of the problems that we have seen going beyond the circle. And that's what we have considered, you

know, after industry's proposal here.

(Slide)

MR. ISRANI: So our current position is that we use the C-FER radius without additional safety margin to define potential impact circle to define an HCA. And then, extend the length of the pipeline segment that could potentially impact an HCA on either side by one additional radius to meet our concern for elliptical shape of explosion footprints in many accidents.

To make this easier for you, I have a couple of slides to show you. Let's go to those slides.

(Slide)

MR. ISRANI: Okay. Here's one example of -- this is just a hypothetical example of irregular shape of this elliptical -- perimeter that you can see here in the red line. So, for example, if -- if there's a church here, the identified site, and you go with a sliding circle, you'll see at this point you touch the church here and at this point you touch this church in the example here. So your high consequence area under the old C-FER equation method would be HCA, which is from the center line of this circle to center line of this circle. So this -- would have an HCA.

And what is being recommended now by industry

and what we are seriously considering is to add this additional radius all the way to the end of the circle so we can cover the explosions or anything happening beyond the -- the center line of this pipe. And as you can see in this diagram showing, that if there's an explosion at this point, which is beyond the HCA boundaries, it -- it can still impact the -- the identified site. So using this additional radius for the pipeline segment, we can pretty much satisfy our concern.

(Slide)

MR. ISRANI: Another example -- this was an identified site. Another example is when you have multiple buildings. For example, if you have several buildings and you are having a sliding circle and you consider 20 buildings in a circle, in this case also you will see from center line of this point to center line of this point, your HCA would have been at this branch.

So, if you have an explosion beyond this, this irregular shape shows you -- this irregular shape was based on some of the incidents that we have seen recently, how it kind of goes almost along the pipe -- path of the pipeline. That's mainly due to the jetting of the -- the fire or the gas which is released in the

direction of the pipe. So, the pattern tends to be this way and it can still impact quite a lot of high consequence areas.

So, by including this additional radius on either side, we can pretty much satisfy our concerns. That's what we are trying to achieve and that's what even industry has proposed in this.

CHAIRMAN KELLY: How does that compare with using the flux factor, 4000 btus?

MR. ISRANI: Okay. Now, if we were to use a 4000 flux factor, we would have had a bigger circle all along the pipeline. So we may have covered, you know, a larger area but we probably would have achieved the same length of the segment of the pipe. So we are receiving the same -- like X through Y will become the pipeline segment that will affect an HCA. By using a bigger circle, using -- you know, we would have gone beyond the last circle. We would have been somewhere in this.

This would be -- our HCA would have ended here. And by a bigger circle, we would have covered, you know, sort of like this. And it would -- it would have covered this HCA, but we are concerned -- but offset-wise, we would have been a much bigger circle. And then, you know, the -- as we found, there are more

and more -- along the length of the pipeline.

So this is just one example, and I believe Andy can give more comments on this.

CHAIRMAN KELLY: Thank you.

MR. DRAKE: In a letter to the members, and I appreciate your indulgence as we are -- such a turbulent issue here as we're trying to close this. I submitted an e-mail that tried to articulate this position and the logic from it.

But just for history purposes, it's important to understand that the team, which the DOT was a part of and others, the states, that originally started off on this C-FER circle business understood the elliptical nature of most failures historically and -- but for the purposes of modeling chose to use a circle because it was a little easier to use a circle as a model. And in order to preserve the conservatism, they -- they made the model a little bit bigger in width than in length.

And the heat flux factor was one element in that equation, but the constants in the equation were used to help dial the number in when comparing against the actual field data, the actual incident data over history.

But the net effect out was that you could change out the -- you know, to some degree you can

change out the heat flux value but you'd have to change the constants in the equation to make the circle fit -- the circle fit an elliptical pattern.

And -- and that's wy we kept coming back to the issue about validating against field experience, because it's not real relevant what heat flux factor you use is because you're going to use the constants to dial in the number to make a circle fit an ellipse. But in either heat flux scenario, the circle isn't an ellipse. And the size of the circle is going to change based on the constants.

So, the -- the proposed -- the proposal that we're dealing with here is to use the circle, you know, as it's dialed in with the heat flux factor and the constants and the whole string of issues that are embedded in that formula to expect that it's projecting an extraordinarily -- extra confidence on width. But there is a potential to under-project the length, and so to take -- take care of that, you know, that -- that issue that's just fundamental to the design regardless of the heat flux factor, we're making this proposal to add length down the site, you know, to pick up that more elliptical nature.

But the two are kind of related, I guess, you know, but the bottom line is the circle was

fundamentally chosen because it's a little easier to use a circle to model than the real elliptical nature of it. But in order to compensate for that, we -- you know, we bulked the circle up a little bit and tried to fit it.

And that's why those bars that were showing the impact radiuses -- there were four bars -- it was trying to show all these different elements, the length ones and the adjacent ones and where people were and where the damage -- the burn rates were, to try to pick up, is the tradeoff in balance. You know, are you trading length -- you know, axial versus, you know, perpendicular nature of this model. Is it picking up the reality of the situation.

So, I offer that just for a little bit more background. I welcome any comments or questions that might exist about how we ended up with an ellipse, but that was the intent.

CHAIRMAN KELLY: Thank you.

Dr. Feigel?

DR. FEIGEL: I don't have any technical issues with this. I'm struggling with how you're going to codify the language in the final rulemaking that will make it evident what you're trying to do and easily understandable by everybody and enforceable and

so on and so forth because, quite frankly, I mean, the current position -- I understand that's not regulatory language. It's a description of where you are.

And what I see in this slides, I'm totally bamboozled as to how I would implement that, not having been intimately involved in developing it.

MS. GERARD: (In progress) -- as we've described how an operator would implement this. In the past the concept would have been to, you know, create a formula using the constants of, you know, the diameter and the heat, the energy, and create a circle appropriate to the size of that energy and run it along the pipeline and determine how many places there were that met the population threshold.

So now, instead of running a circle, we're going to describe the proportions of an ellipse and you're going to run an ellipse along the pipeline. No?

MR. ISRANI: No, no.

MS. GERARD: Okay.

MR. ISRANI: No.

MS. GERARD: All right.

MR. ISRANI: No.

MS. GERARD: Make a point.

MR. ISRANI: Let me -- let me say this. In our proposed rule, we -- we did indicate, you know, how

-- what high consequence areas or what C-FER equation is. We did not say methods of how you determine this. We just said use sliding circle, but we did not show you this -- how the circle -- sliding circle touches the point of the church and then that's the stop point and then you go to other end. By sliding circle, this touches -- we never explained that in the rule.

This was explained more in terms of -- in our subsequent workshops that from center point of this to center point, that becomes your HCA segment. If -- standard also showed this kind of diagram, the sliding circle where it, you know, where it touches the identified site and the other identified site, the center line from here to here is an HCA segment.

All we are saying here, instead of center line, we are saying that the first circle and the last circle that touches the identified site, we go from one end of the circle to the other end. X and Y becomes your segment that can impact an identified site, an HCA.

MS. GERARD: What's the difference between that and what I said in practical terms?

MR. ISRANI: Well, you were saying the elliptical shape of the explosion, which is what we have considered for some explosions but which is not

always the case.

MR. DRAKE: What the difference is, is that you will use the C-FER circle to -- to define an HCA. You will pass it down there knowing that it has an elliptical tradeoff. But to help counterbalance that, to -- once you've identified an HCA, you define the boundaries, the extent of it, by adding this -- this issue that has more of an elliptical nature to it.

So, once you figure out where it is, you add these radiuses to each end that give it more of an elliptical consideration.

MS. GERARD: Well, what if --

MR. DRAKE: It's a safety buffer that you're adding. Once you define the HCA, you add this to the boundaries of it to give yourself a little bit more safety buffer to take into effect this elliptical nature or potential.

MS. GERARD: What if you looked at the circle and the population inside it was 18?

MR. DRAKE: It's not an HCA by --

MS. GERARD: But in the extra link there were two more houses.

MR. DRAKE: What we're trying to do, I think, is add some conservatism here to deal with a very small percentage of the incidents that do actually exceed the

-- the axial prediction of C-FER. The C-FER model was built, as I said, to try to take into consideration that tradeoff fundamentally. And it's only a very few incidents in history that are even showing a capability of exceeding it axially down the pipe. And that -- that's the issue.

CHAIRMAN KELLY: Mr. Lemoff, you had a comment?

Mr. Moore, I'll get to you when the Committee's finished.

MR. LEMOFF: I fade in and out of thinking I understand what's being said. Could I ask someone, perhaps Mike or someone else, to take that flip chart and just kind of draw some pictures? Because I'm not sure if the HCA is a square -- a rectangular shape or actually an oval shape. So perhaps someone could draw a picture that would be worth 500 or so words, maybe more.

(Pause)

MR. ISRANI: ABC Pipeline. This is one of the methods of determining the HCA. Using C-FER circle, and this -- this will be C-FER radius or would be C-FER radius which will be same as Point 69, square root of PD squared.

Maximum operating pressure, maximum allowable

operating pressure, and damage around the pipeline. You calculate this radius. You draw the circles, and you see where you touch the identified site, slide the circle, and where you touch the other end of the circle.

So, this -- this would have been identified -- this would have been the HCA -- as far as HCA is concerned, this would have been the rectangle for -- that you consider an HCA. From here to this point.

All we are saying is to consider this additional segment -- we're talking about this one and this one -- because some of the patterns that we have seen, elliptical pattern of this. Even if there's an explosion at this point, which otherwise was outside the HCA, would impact this -- this unit. So now you're -- you're still considering HCA to be this zone and this pipeline segment -- additional pipeline segment is a segment which is impacting this high consequence area.

MS. GERARD: What I'm understanding from this for the first time is that the only thing that you're considering the additional half radiuses for is that the -- is not for defining the HCA but in doing the assessment.

MR. ISRANI: Right, yeah. The whole idea is

that segments that can impact an HCA.

MS. GERARD: Okay. So this proposal doesn't change the HCA definition, it only extends the mileage on the pipeline that is going to be required to be assessed.

MR. ISRANI: This, in other words --

MS. GERARD: I'm really glad we had this little talk.

MR. ISRANI: Yeah, yeah.

(Laughter)

MR. ISRANI: Just like in the -- let me say, just like in the liquid rule we had the pipeline segment that can impact an HCA and those segments could be beyond what we had originally identified within the HCA, here we are considering this as additional --

MS. GERARD: Could affect.

MR. ISRANI: -- could affect an HCA.

MS. GERARD: A failure could affect --

MR. ISRANI: So --

MS. GERARD: -- that additional mileage of pipe --

MR. ISRANI: Yeah. So far --

MS. GERARD: -- half radius length --

MR. ISRANI: Right.

MS. GERARD: -- additional --

MR. ISRANI: Right. So segment that impacts an HCA would be considered from this point to this point. But for the HCA counting purposes, they would consider these circles as the -- as the HCA identifying circles.

MS. GERARD: So it extends the amount of mileage that's required to be tested in a similar way --

MR. ISRANI: Yes.

MS. GERARD: -- to what the liquid industry assesses --

MR. ISRANI: What could impact.

MS. GERARD: -- that's outside the HCA but could be affected.

MR. ISRANI: Right.

MS. GERARD: So they have to assess it.

MR. ISRANI: This is what we're considering now.

MS. GERARD: Okay.

CHAIRMAN KELLY: The square that you've drawn, just for comparative purposes -- I mean, I think we called it a rectangle, but whatever. That is under the original C-FER model, so that would have been reflecting the heat flux factor of 5000 btus?

MR. ISRANI: This would be reflecting 5000,

yes.

CHAIRMAN KELLY: And if it were 4000, you would have --

MR. ISRANI: Yeah. If it was 4000, you know, so then we would have bigger circles. So that means we would have -- for example, your impact circle would have been much bigger -- would have been bigger. And then, center line of that would have been -- that would have been here. So then, this would have been your HCA.

So, in other words, you are gaining more mileage, but this additional real state was the concern also because that would have added a lot more housing units, a lot more mileage on the pipeline. A lot more HCAs as units.

Let me -- let me --

CHAIRMAN KELLY: That otherwise should not be taken into account.

MR. ISRANI: Right.

MS. GERARD: Right. We think we would have been picking up more population but not the right population.

MR. ISRANI: Right.

MS. GERARD: Because of the typical patterns that occur.

MR. ISRANI: And we were originally suggesting which would have gone 15 percent more or 12 percent more from original circle. So that would have shifted the center from here to somewhere here. Right now we are saying add this additional entire radius.

MS. GERARD: So, if you were adding up all the mileage, you would expect more mileage to be tested using this methodology than if we had changed the heat flux?

MR. ISRANI: Well, we are not totally sure because bigger circles may have picked up some more. You know, like if there was a -- for example, if there was a church here at this point, a bigger circle would have picked up that which now we are not picking up, so --

MS. GERARD: We don't have any real way to know it.

MR. ISRANI: Yeah. Right, yeah.

MR. DRAKE: But the point is, is that C-FER circle is -- is conservative on width.

MR. ISRANI: Yeah.

MR. DRAKE: And making the circle just bigger just makes it extraordinary conservative on width, which is the wrong population. So extending the length deals with the issue about how the model functions

against reality better than just making a bigger circle. It's already way conservative on width because the fundamental design was to use a circle to pattern an ellipse. So the circle is already way big on width trying to catch the axial nature of the failure. So making the circle even bigger just makes it even wider than it -- way wider than it needs to be.

So the point here is that this change was made to try to pick up with the fundamental design of the model where the -- where the issue is, which is down the pipe, not off the pipe. Does that make sense?

CHAIRMAN KELLY: Mr. Lemoff?

MR. LEMOFF: So, the way I'm currently understanding it is that this change does not affect how you pick the high consequence area, how you determine the high consequence area. What it does is it increases the amount of pipe that has to be looked at once you have a high consequence area.

MR. ISRANI: That's absolutely right.

CHAIRMAN KELLY: Any other comments or questions by Committee members?

(No response)

CHAIRMAN KELLY: Mr. Moore?

Oh, I'm sorry. Yes, Mr. Thomas?

MR. THOMAS: Yeah, a question related to how

this language translates into the rule. As we consider this, we talk about safety margin. Those terms are used in this. And I'll assume that term does not translate into the language in the rule. The rule itself will simply be the parameters of the equation, how it would calculate high consequence and so forth.

MS. GERARD: This really, I think, more properly would have gone under the assessment section.

MR. THOMAS: Okay. I was just trying to make sure that the safety margin --

MS. GERARD: Although you're defining -- you are defining --

MR. THOMAS: -- language didn't somehow get into the rule.

MS. GERARD: Right.

MR. THOMAS: I think it would have been inappropriate there.

CHAIRMAN KELLY: Where is OPS recommending that this be placed?

MR. ISRANI: We put the slide out how we are recommending. This is not the true language.

MS. GERARD: She means in the structure of the rule, but we haven't written the rule yet.

MR. ISRANI: Oh, okay. Right.

MR. DRAKE: There is some merit to

considering this as an HCA issue because it does define -- the HCA -- the purpose of the HCA is to define the scope of where you do the assessment, and this is integral to defining the scope. It defines the length.

MS. GERARD: But it's not changing the definition of the HCA.

MR. DRAKE: No, but it does define --

MS. GERARD: The definition of the HCA remains the same. What is changing is the assessment process.

MR. DRAKE: No, it defines the length of pipe that has to be assessed, period, which is the --

MS. GERARD: I'm agreeing with you.

MR. DRAKE: -- which is the function of the HCA definition.

MR. ISRANI: It defines -- it defines the pipeline segment that can impact an HCA, that realistically can impact an HCA.

CHAIRMAN KELLY: Dr. Feigel, did you have a comment?

DR. FEIGEL: No.

CHAIRMAN KELLY: Any other comments or questions by Committee members?

(No response)

CHAIRMAN KELLY: Mr. Moore?

MR. MOORE: (Off mike) Thank you, Ms. Kelly.

I -- initially when you guys bamboozled -- Dr. Feigel. And I hated to --

(Pause as Mr. Moore moved to a new seat with a microphone)

(Laughter)

CHAIRMAN KELLY: Just make yourself comfortable there.

MR. MOORE: I've learned in all these public meetings in the last four months that you do what you have to do to get your point across, I guess.

I was trying to help Dr. Feigel in the bamboozlement comment that he had. In the package that the Committee members received a couple weeks ago -- this is what my package looks like. I'm assuming the Committee received one that's very similar -- in Tab 11, on page 8 and 9, there is recommended rule language that reflects the prior three agenda items that were discussed by the Committee, and two of them were voted upon. And it reflects this discussion as well.

Inside that discussion, integrated into it, was the issue of 4000 versus 5000 embodied in the equation for the C-FER equation. The acceptability of the C-FER equation itself is the option for bifurcation, the use of 20 instead of some other number

for the number of structures investigated and protected, a definition for identified site which the Committee may want to discuss further before we get done today, the issue of extrapolation, which is the next agenda item, and the concept of the ellipse, if you make one minor language change in the handout that was made.

And so, all the discussion points and agenda items did not have specific regulatory language in them, but it would be embodied at this location in the handout the Committee may want to consider.

Tab 1 has the list, but if you look on page 9 of Tab 11, at the top of page 9 under Subsection C, second line and third line where it says the word "center" in both cases. You substitute the term "outermost edge" in both cases, and that would be the regulatory language to reflect the --

MS. GERARD: Where are you, Daron?

MR. MOORE: I'm on Tab 11.

MS. GERARD: Page 9.

MR. MOORE: Page 9, Subsection C at the top of page 9, second line and third line.

By the way, my name is Daron Moore, spelled D-A-R-O-N for the record. From El Paso, out of Houston, Texas.

To reflect the ellipse discussion that was just taking place, you would substitute in lines 2 and 3 of Subsection C on page 9 of Tab 11 the term "outermost edge" for the word "center" in both cases. Lines 2 and 3.

And I have two other comments as well, if it's okay to make those now --

CHAIRMAN KELLY: Yes.

MR. MOORE: -- Ms. Kelly, thank you.

We had a mention a while ago about a half radius on each end. In actuality, for the record, it's a full radius on each end as calculated by the particular pipe parameters in place. So I didn't want to have the Committee think that it was only half as much as what it actually would be added on.

And the final comment is that I presented in a public meeting on April 25th some data specific to Tennessee Gas Pipeline, which is one of the El Paso Corporation subsidiaries, where we had an average HCA length based on what we had run at 20 houses and 5000 btu, et cetera, on the equation.

And if you add the full radius on each end as proposed here in the language, you would be effectively tripling the mileage in the HCA definition for Tennessee Gas Pipeline, which would de facto triple the

amount of pipe miles which would be expected and managed for greater integrity along the pipeline system.

So this elliptical concept is not a small thing at all. It winds up addressing many more people and many more miles of pipe, which is what some of the fundamental goals as mentioned earlier in this meeting today as being a goal of this Committee for this rule. I wanted to make sure the Committee understood the largeness and the amount of pipe that was going to be added for integrity by this language change for ellipses.

That concludes my comments. Thank you.

CHAIRMAN KELLY: Thank you.

Do Committee members have any questions of Mr. Moore?

(No response)

CHAIRMAN KELLY: Thank you.

Are there comments from other members of the public?

(No response)

MS. GERARD: I guess the -- the difference that I have with Andy, the way he explains this, I think of the high consequence area definition as the government's way of saying, where would the

consequences be so great that it's worth adding protection, and that we would define those areas. And we define those areas as a place that within a circle of dimensions defined by C-FER where there are 20 SIHOs, that the definition of the high consequence area is all the places among -- besides the identified sites, it is all those places where the concentration of buildings meets the threshold of 20.

And that's why I don't think that -- based on what you explained to me here today, that's why I don't think that the affected pipe segment is part of the definition of a high consequence area. You defined the high consequence area when you recommended that the 20 building threshold be the threshold we use to define when the consequence is high enough to add protection because you explained to me that you don't run the ellipse down the pipeline, you still are running the circle down the pipeline.

And so, I'm just trying to make sure that I understand what we've defined as a high consequence area. It's those identified sites and those places where there's a concentration of 20 buildings inside the circle. But we're prescribing that when you do your risk assessment you add this additional mileage into the risk assessment process.

So I -- I bifurcate that in my mind because one's a definition we're setting a value. We've said today our value is any place there's 20 buildings within a certain impact zone of the pipeline, that defines the places we're going to add protection. And then when you start to do your assessment process, you add additional mileage into the assessment process.

Am I wrong?

MR. ISRANI: That part would be difficult unless, you know, we say that these are the segments which impact HCAs because we --

MS. GERARD: That's -- yeah, I agree with you. These segments --

MR. ISRANI: Yeah, right. These segments --

MS. GERARD: But when we asked the liquid industry to determine what segments could be affected, that wasn't part of the definition of HCA. That was part of the risk analysis. And to me, this is part of the risk analysis, the assessment. And as a result of doing that, you know, you -- you pick up that mileage and protect it.

CHAIRMAN KELLY: Mr. Thomas?

MR. THOMAS: I think I'd say you're technically correct. I'd also say my expectation is the industry goes downstream using this rule. In the

common terminology, HCA will mean the entire length of pipe that is going to be looked at. I just think we'll start using it that way to include the extra --

MS. GERARD: Well, the reason I'm having this conversation now is because I know in reality implementing the existing Class 3 and 4 is a nightmare and I don't want to repeat the mistakes of the past. And so that's why here in this room at this time I'm just trying to get it straight, you know.

So -- and that's why we split the definition from the rule in the first place, because we were trying to get something done. We defined a definition of what's our value here, what are we trying to protect, what is a high consequence enough -- what's a high enough consequence it's worth adding protection. Not the entire pipeline, it's those places on the pipeline where there is this concentration of population density to meet this threshold within the area of an explosion.

When you go to do your protections, you're going to add this additional mileage because it could also be affected.

I mean, years from now I just don't want to be in the same place where we've had problems that nobody calculates the sliding mile the same way. And

so we're -- I'm just trying to get your advice on -- on, you know, synchronizing on a concept here.

To me, the place that we've defined as the high consequence area is the people. Where are there this many people. If it was a liquid pipeline, where would there be environmental. It's -- it's the value that we've set here. We've raised the standards to add these additional population as getting protection. It's the people, not the pipe.

But you test the pipe. And so when you go into your assessments, we -- we're requiring you to add additional mileage of pipe as part of the assessment process because of what we know about the experience of the way pipelines fail.

MR. DRAKE: In the context of the use of this definition beyond just that for scoping where to do work on integrity management, you are correct. I agree. I mean, I've always just looked at it in the context of a scoping vehicle to determine where to do IMP. But if there is a purpose beyond that, then -- then you're right, separate the two.

MS. GERARD: Well, when all is said and done, oversight agencies will say, how many more people were protected. We raised the safety standards today, we've added protections in these places where these people

are, and in addition to that, they'll ask, well, what total percentage of the pipe is going to be tested. And we'll be able to say as a result of this discussion here today we're somewhere between double and triple the amount of pipe we require to be assessed, which from a public standpoint is a very big deal.

We didn't change the population density threshold, we changed the requirement for how many miles of pipe is going to be tested.

CHAIRMAN KELLY: Mr. Leiss?

MR. LEISS: Yeah. I just -- it seems to me that -- I agree with everything that's been said here. I understand it. I think in line perhaps with what Dr. Feigel said earlier, though, I think -- the way I read it anyway, if you use the wording that was -- that was quoted under these tabs for -- that INGAA provided and the other agencies, the other company -- company organizations, I think that it actually changes the HCA definition, which is what you're not intending to do.

So I think you need to definitely look at the wording --

MS. GERARD: I want to be clear that all the work that's been done to advise us is very important to us, but what we're not sitting here doing is writing the rule language.

MR. LEISS: Right.

MS. GERARD: What we're doing is getting a record of the advice that this Committee and the public is giving us on how to write the rule.

CHAIRMAN KELLY: Any other comments or questions by Committee members?

(No response)

CHAIRMAN KELLY: So we'll leave the final wording on this to our Counsel Betsock, but I believe the concepts are clear from the discussion.

MS. GERARD: I appreciate the Committee's indulgence. I'm a little dense on these matters, as you can see.

CHAIRMAN KELLY: No, this is -- this is helpful to all of us.

Is the Committee interested or -- to -- in accepting the position of OPS on this matter or with changes?

MR. LEISS: I move that we accept the proposed change.

CHAIRMAN KELLY: Second?

MR. DRAKE: I would second.

CHAIRMAN KELLY: Is there any further discussion?

(No response)

CHAIRMAN KELLY: All in favor?

(There was a chorus of "ayes.")

CHAIRMAN KELLY: Any opposed?

(No response)

CHAIRMAN KELLY: Any abstentions?

(No response)

CHAIRMAN KELLY: All right. Then this change is accepted as well.

And I should add that Dr. Willke has joined us.

Welcome.

Extrapolation.

Extrapolation (HCAs)

(Slide)

MR. ISRANI: Population extrapolation. Here, our goal is to avoid imposition of unreasonable burdens while assuring consideration of entire population at risk for potential pipeline accidents in high consequence area identification.

(Slide)

MR. ISRANI: The question is, should a rule allow an operator to use data regarding the number of buildings within 660 foot -- 660 feet of pipeline, which is available now to operators because of the existing definition of class location, to infer,

meaning extrapolate, the building density in a potential impact circle larger than 660 feet?

And the second part of the question is, should this be limited to an interim period of five years to allow operators to collect this additional data on buildings beyond 660 feet?

Just, I'll explain that under our class location, we have 660-foot threshold currently and we were concerned about larger diameter pipeline which could have impact beyond 660 feet. So we had this additional proposed requirement to consider these buildings which are beyond 660 feet which is applied to only large operators, operators with pipeline 30 inches and 1000 psi. Beyond that, they will have this circle -- impact circle which would go and impact the buildings there.

So -- so this -- the question was, they don't have this data available right -- right away and may not have this data for -- for those buildings beyond this. Should they be given some time? In the meantime, they can extrapolate the data from what they have currently under 660 feet.

(Slide)

MR. ISRANI: Comments that we received from the industry, that we allow this for -- until December

17, '07, which is based on from -- from the time when the Act was written. So by the time the rule comes out, it will be about four years.

And there were no comments on this issue -- rather, there were no opinion at the public meetings from state and the public.

(Slide)

MR. ISRANI: And our position is that we allow the interim period up to three years from the date of the rule to gather the data beyond 660 feet for population density.

We said three years is adequate time because we are only considering a few operators with large diameter pipeline with very high pressure system. And -- and this -- this will effectually make the difference of only one year. This was a recommendation from our regulators also, that three years should be adequate time.

MS. GERARD: And this is the first time we've actually discussed this in a public meeting?

MR. ISRANI: This --

MS. GERARD: The number three.

MR. ISRANI: Right. We -- we had this extrapolation item on the agenda in our past public meetings, but because of time shortage, we never could

discuss this issue.

CHAIRMAN KELLY: Comments by Committee members or questions? Yes, Dr. Feigel?

DR. FEIGEL: What does "identified sites," mean, Mike?

MR. ISRANI: In our proposed rule, we had population density, which was looking at the residential buildings, and then we had the identified sites, which were places where people gather --

MS. GERARD: In the final rule. That was in the final rule.

MR. ISRANI: In the proposed -- oh.

MS. GERARD: Identified sites were in the final rule.

MR. ISRANI: Yeah. Our high consequence area final rule, we had these HCA definitions where we considered the housing component and we also considered the -- these identified sites which are places that people gather and also buildings which are hard to evacuate. Buildings which are hard to evacuate are like, you know, hospitals, you know, jails, and other areas. Those are identified sites, what we call.

DR. FEIGEL: Is that term consistently used elsewhere?

MR. ISRANI: It is used in our final rule HCA

and we've been using that term, yes.

DR. FEIGEL: A much more common and understandable term that I think describes the same thing that is used widely in state regulations is simply places of public assembly.

MS. GERARD: That -- that is part of the final rule that already exists. So if you would be proposing to change that, I think that would be beyond the scope of the proposal we have on the table. Not that you couldn't make that recommendation. I believe it's beyond the scope.

CHAIRMAN KELLY: Yes, it is.

Are there any other comments --

MS. GERARD: Where were you when we needed you?

(Laughter)

CHAIRMAN KELLY: Any other comments or questions by Committee members?

(No response)

CHAIRMAN KELLY: Any comments or questions by members of the public?

(No response)

CHAIRMAN KELLY: Is the Committee prepared to --

MS. GERARD: There's one from the public.

CHAIRMAN KELLY: Come forward, Mr. Moore.

MS. GERARD: Mr. Boss.

CHAIRMAN KELLY: I'm sorry. Mr. Boss. And please identify yourself and your organization.

MR. BOSS: This is Terry Boss with INGAA.

I think some of the comments that the industry made alluded to some of the definitional changes that are in HCA on identified sites tried to clarify some of the language, which I think was one of your objectives, was to get a clear language on that. And I think probably some of the discussion on those definitions, even though you're not writing rule language today, I think would be helpful because there was a lot of confusion on the exact sites and how they were described.

MS. GERARD: Did you raise this in your petition?

MR. BOSS: Yes. Yes, we did.

MS. GERARD: So if it was raised within the petition --

MR. BOSS: So I'll just leave it at that for the Committee.

MS. GERARD: -- would that change it?

CHAIRMAN KELLY: Thank you.

Any other comments or questions by the

Committee?

MS. GERARD: I want to correct this. If it was raised within the petition, then according to procedure, we might be able to consider Mr. Feigel's comment.

MS. BETSOCK: We can always consider things. The question that we will -- we will have even if it's raised in a petition is whether any new proposal needs to be published and submitted for comment -- for public comment.

So, to the extent that we would decide to change something that's already in final rule stage, we -- we may have to -- to re-propose.

DR. FEIGEL: My point isn't material. It's simply one of clarification. I mean, I'm a great believer in clear -- clear, lucid language that, you know, the common man can understand if that's possible, even in regulations. That's all.

MS. GERARD: Even in regulations.

(Laughter)

MR. ISRANI: If you had put this in the regulation language, Dr. Feigel, if you had put this in the regulation language, we would have put in parentheses what we mean by identified site. We would have clarified. This is for a slide where we did not

put that.

CHAIRMAN KELLY: Any other questions or comments by Committee members? Mr. Moore?

MR. MOORE: Daron Moore. In the petition for reconsideration that industry filed, I believe, in September of 2002 -- it may have been in October 2002 but it was last fall -- there was a discussion in that document concerning some parts of the identified site definition, specifically the use of commercially and publicly available databases and the applicability of that inside the definition, the difficulty, and non -- lack of clarity I guess would be a better way of putting it, for industry in trying to implement that.

Furthermore, there was discussion along the lines of intrusiveness and invasion of privacy on some of the potential issues surrounding looking for facilities that house difficult-to-evacuate persons or persons of limited mobility, impaired mobility.

And it would seem prudent to me that with that petition for reconsideration on the table that the Committee consider and possibly give guidance to OPS on what the definition of identified site should be as it regards to the specific petition for reconsideration.

Certainly many of the areas of that -- many of the areas of the definition of identified sites is

adequate, good, and -- and should be in the -- in the final HCA definition, but those particular --

CHAIRMAN KELLY: The petition for reconsideration, that relates to the final rule on the definition of HCA?

MR. MOORE: Yes, ma'am. It relates to the final rule for the definition of HCAs which was published, I believe, on August 7th, 2002.

MS. BETSOCK: The petition isn't currently before the Committee. I'm not even sure the Committee's ever actually been provided a copy of the petition. At some stage, when we -- we proceed to act on the petition separately from this final rule, some of the issues are going to be addressed in this final rule. But to the extent that those issues are not addressed and we re-propose on some issues, if decided to, that would come before the Committee at that time.

CHAIRMAN KELLY: I think at this point, then, it would not be appropriate for the Committee to take any formal action on this, but there have been comments made that I believe OPS should take into account as it considers the petition that has been presented by the industry on that particular matter.

MR. DRAKE: I would agree. And I have to admit, we're doing a very good job of trying to, you

know, parse off the issues and stay focused on the issues, but this issue is, as Stacey alluded to earlier in her definition of the ellipse and the HCA definition, very intertwined. There is a standing HCA definition rulemaking that we're not really talking about except this rulemaking modifies or augments that rule. So they are kind of intertwined.

And I appreciate Dr. Feigel and Daron Moore's position because it's hard to know where to draw the line in the air where we're talking about a petition of reconsideration that has direct ramifications on the HCA definition. Is it on that side of the fence or this side of the fence? The HCAs --

CHAIRMAN KELLY: Well, in terms of -- in terms of action, it's on the other side of the fence. That is, if the Committee members -- if there was a consensus here that we have clarity and compatibility and definitions in areas that are equally affected, then we can certainly let the record reflect that.

Is that the consensus of the body here?

MR. DRAKE: I think it's appropriate, as Barbara Betsock mentioned, it's appropriate for this Committee, because they are intertwined, to be apprised of the response to the petition for reconsideration so that we know how it plays out in aggregate. Because it

does affect it and you can't talk about one without talking about the other at some point because they do play together.

MS. GERARD: And certainly, the rural church issue which is before this group was an item from the petition, and the extrapolation of the data. I mean, what we were trying to do with this proposal was address several of the concerns in the petition, you know, so -- and we are trying to address your concerns by, you know, some of the things that we've picked up.

So, I mean, the reason I mentioned the petition was the question of Dr. Feigel, but the extrapolation issue goes to the petition as well because it was the burden of the data gathering, and so we were trying to relieve the burden of data gathering by giving you time and a way to do it through extrapolation. And what's on the table here is how long should we give you to use an extrapolation method rather than burden you with the data gathering.

And since we've seen you and we discussed it among us regulators, we thought that maybe three years was enough, and that's what we're asking your advice on.

MR. DRAKE: Well, I think you just illustrated the problem here. You're addressing some

of the issues in the petition for reconsideration with this rulemaking but not others. And we don't know which ones are which, and that's why you've kind of got this -- this going on right now.

CHAIRMAN KELLY: Well, I think what we'll have to do is actually -- is try to bifurcate them because we're operating based upon information that was put out in the public notice for the purpose of this meeting. Not only the public notice, which is, you know, foremost in our minds in terms of what our authority is here today, but also because most of the people around this table are not privy to the information that you happen to know because of your position in the industry.

So we cannot address the issues in the petition in a straightforward fashion. They may come to us at some point, but I believe by letting the record reflect the consensus of the body that definitions are clear and consistent and that OPS bear those in mind as it proceeds with its consideration of the petition for reconsideration as well as in the technical language that addresses this rule that the message is there.

And I just want to make sure that that is the consensus position of the body. Does anyone disagree

with that?

(No response)

CHAIRMAN KELLY: I think that's as much as we can do for you, Mr. Moore.

MR. MOORE: Thank you, Ms. Kelly.

MS. GERARD: Where are we on the three years?

CHAIRMAN KELLY: We are still on the extrapolation issue, and the three years as presented by Mr. Israni is the OPS position.

Is there any further discussion by Committee members on that? Mr. Thomas?

MR. THOMAS: Yeah. I would just comment that -- well, the primary way in which we would gather the data would be aerial photography. I guess there are other ways, but that's our traditional method. The three years is well short of our typical cycle for doing that. At least in our company --

CHAIRMAN KELLY: Your typical cycle is how long?

MR. THOMAS: Hmm?

CHAIRMAN KELLY: Your typical cycle is?

MR. THOMAS: Well, it -- it depends. We would look at the population growth, the growth -- well, the population in the area and then the growth trends within that area. I mean, it could be -- it

could be as few as two or three years in a very high growth area, but typically it could go five-plus years. I mean, it could go six, seven, eight years in -- in rural areas.

Of course, that's supplemented by the observations of operations and aerial patrols so that we're always updating the records. I'm just talking about the aerial photography itself, which is really the expensive part of getting this done.

So three years would be sort of well short of the cycle that we would normally think about. And that leads to then that there would be some excess cost in doing it on that -- on that three years as opposed to five years, which would be closer to an average cycle.

CHAIRMAN KELLY: Mr. Israni?

MR. ISRANI: I just want to make -- make it clear that five years as proposed by industry was from the time the Act was written. So you've already lost one year there. So that makes four years.

Here we said three years from the date the rule is final, so you know, the difference would be four years and three years.

MR. THOMAS: I agree, and we would like for it to be from the date of the rule because that's when -- when this will be effective.

CHAIRMAN KELLY: Is there any further discussion? Any further questions from Committee members?

(No response)

CHAIRMAN KELLY: Any further comments by the public?

(No response)

CHAIRMAN KELLY: Does the Committee have a position on this?

(No response)

CHAIRMAN KELLY: The Committee has no position on this?

MR. DRAKE: I would move that we approve it as worded by Mike.

CHAIRMAN KELLY: All right. It's been moved that we accept the proposal by OPS. Is there a second?

PARTICIPANT: Second.

CHAIRMAN KELLY: Is there any further discussion?

(No response)

CHAIRMAN KELLY: All in favor?

(There was a chorus of "ayes.")

CHAIRMAN KELLY: Any opposed?

(No response)

CHAIRMAN KELLY: Any abstentions?

(No response)

CHAIRMAN KELLY: Thank you.

Plastic pipe.

(Pause)

MR. ISRANI: I'm trying to look for my plastic pipe. Hold on. The agenda item in my -- didn't have time to change my slide.

Plastic Pipe

(Slide)

MR. ISRANI: Plastic transmission pipe. Our goal is to provide enhanced protection to high consequence areas when standard assessment techniques would not work.

(Slide)

MR. ISRANI: The question is, what assessment requirements should be applicable to plastic transmission pipelines? And what operational and failure experience exist for operational plastic transmission pipelines? For example, number of failures, causes, conditions contributing to failures.

(Slide)

MR. ISRANI: The comments on the plastic pipeline we received from the industry are, is there limited mileage and low pressure pipeline, that threat of concern is damage from the third party, and to rely

on the enhanced preventive and mitigative measures.

And the comment from the state we received is to support -- they support the industry position.

And we didn't receive anything on the public or they were silent on this issue.

(Slide)

MR. ISRANI: So our current position is -- what we're considering is to impose no assessment requirements and that we require preventive mitigative measures consistent with all low-pressure pipelines and that we require reliability analysis based on plastic pipe database. These reliability analyses I mean -- what I mentioned earlier in the question, that you know, the number of failures, causes, conditions contributing to failure, all this kind of database.

So the current position is we impose no assessment requirements for plastic pipelines --

MS. GERARD: If I could interject here, as -- as far as I understood, and I didn't catch this before, the law requires us to assess but we can define what that assessment is. And the assessment would be a reliability analysis. We wouldn't require pigging, hydrostatic testing, or direct assessment, we would require to assess plastic pipe of reliability analysis because I don't think the law gave us any option.

The law didn't provide any exceptions, did it, Barbara?

So -- but it gives us the opportunity to define assessment.

MR. DRAKE: Yes. And I think that you -- you've already gotten to this place where you're defining preventive and mitigative measures. I don't have any of these, but just sitting at the table listening to -- this has evolved, the reason that you got to this place is because you did an assessment of the threats and how they are realized and how they are managed. And this is the tools that are the most appropriate tools to manage the threats as a result of the assessment.

So the assessments, I think -- I'm looking to the LDC folks here, but I think the assessment was conducted that yielded this directive and that perhaps just has to be documented so that it's on record somewhere.

MS. GERARD: I just want to correct the record, that it doesn't say "impose no assessment requirements" because there is an assessment that yields this result.

CHAIRMAN KELLY: Yes. Would you identify yourself and your affiliation for the record, please?

MR. BENNETT: I'm Phil Bennett with the American Gas Association.

We agree in substance with what you're saying. I think we do believe -- in our comments, we think you do have some flexibility in assess -- in determining the type of pipelines that you believe should be in an integrity management program. Congress did not talk about plastic transmission lines. I don't think they were aware of their existence. Your NPRM never mentioned plastic pipelines.

So it really wasn't part of the notice and comment procedures, but there are some plastic pipes. There -- they -- the threat level does not reach the intent of the steel lines that Congress wanted to deal with.

I think your proposal really deals with it in an appropriate way of looking at it and saying they should not -- plastic pipe should not go through the integrity management requirements of Section 763, but there are ways of dealing with it with preventive and mitigative measures.

One of the things that we didn't explain in our comments in detail, what preventive and mitigative measures would be appropriate because plastic pipes were something new when we came out and -- and raised

the issue in the public meeting. Some of the measures for low-stress pipes are appropriate. For -- others, really, are not. I think plastic pipe, you focus on the damage prevention methods because that's really where it's acceptable. The corrosion leaks don't occur so you really don't worry about more leak patrol. You do worry about third party damage with plastic pipes.

And I think Jim Wunderlin does have some plastic pipes and he's put some material together to -- to help and share with the Committee, if -- if that's appropriate.

MR. WUNDERLIN: Yes, Jim Wunderlin, Southwest Gas. We are one of the few companies that do have a definitional amount of plastic transmission. In fact, we have one mile that we reported to DOT. It's a, I believe, a four-inch, 60-pound plastic system that meets the functional definition of a plastic pipe.

What I'm passing around --

MS. GERARD: And it's a transmission line?

MR. WUNDERLIN: It's a transmission line by function.

Now, we at this point haven't determined whether that'll be a high consequence area or not. I think the only way that it could be is if it ended up in a Class 3 and 4 location and we declared class --

all of Class 3 and 4 as HCAs.

The one thing to point out is that the handout previously from INGAA does not contain any language. And so what I'm handing out, which really follows up on -- Phil's comment -- there's really three parts to this handout. One is sort of the -- the introduction that really says we agree with OPS that there should be no integrity assessment under 192.723 for plastic pipe. And there's a number of reasons for that because it doesn't lend itself to close interval surveys, pigging, those types of assessment tools that we've been talking about.

The middle part of the front page here is some recommended language. What the recommended language says is that we can add one sentence to -- one sentence to exclude plastic from 192.763 but we can -- we can add back in Section 192.614, modify that so that one line is added for plastic pipe so that it -- it does take into account, you know, considerations for third party damage.

And in addition to that, we do have the plastic pipe database collection process that is underway right now. The pipeline information is being collected and the data is being evaluated, and we think that takes into account your second question about how

to analyze the data for plastic pipe.

So, really, there's -- there's adding the one sentence that's underlined towards the bottom of the first page and then adding a new sentence, E, the top of the second page, that would put plastic transmission pipelines in Class 3 and 4 would comply with 192.763 as far as damage prevention.

MS. GERARD: Well, just to remake the point I made earlier, our focus in this meeting isn't on writing the rule language but getting the concepts down. And I think that everybody has said that the concept we have is appropriate and that you should leave to us exactly how to structure it, you know, and whether or not we call it an assessment but a different kind of assessment.

CHAIRMAN KELLY: Any further comment? Mr. Comstock?

MR. COMSTOCK: Mike Comstock. The requirement for the reliability analysis, do you have some ideas on timing on how that would fall out? Is it -- does it congrue with the rule itself? Is there time set in the rule for operators to provide that? Is it something that would be fleshed out later? I see a sentence up there, but I don't see any time applied to it.

MS. GERARD: It would have to be done within 10 years unless it was in the riskiest first half.

MR. ISRANI: Right. This -- this is part of the integrity rule that we have these time frames. All we are saying here is if you are -- what we are proposing is it requires preventive, mitigative measures, still you have a 10-year time frame.

MS. GERARD: What we're saying is, Mike, we have to say that the reliability analysis would be the required assessment and that that would have to be done within the time of your 10-year window.

MR. ISRANI: Right, right.

CHAIRMAN KELLY: Any other comments or questions?

(No response)

CHAIRMAN KELLY: Is the Committee comfortable, then, that -- that the approach that we've discussed as being the position of OPS is acceptable? And that's whether it is called an assessment, and I can tell you, I'm not that comfortable with saying that anything should be exempted from being assessed but rather --

MS. GERARD: It's an appropriate --

CHAIRMAN KELLY: -- it's an alternative method of -- of assessment.

But to the extent that you would be comfortable given the comments that have been -- with leaving the technical language of that to OPS to draft, I'll accept a motion.

PARTICIPANT: So moved.

PARTICIPANT: Second.

CHAIRMAN KELLY: Any further discussion?

(No response)

CHAIRMAN KELLY: All in favor?

(There was a chorus of "ayes.")

CHAIRMAN KELLY: Any opposed?

(No response)

CHAIRMAN KELLY: All right. So that is to accept the position as discussed.

Low-stress pipeline.

Low-Stress Pipeline

(Slide)

MR. ISRANI: Low-Stress Pipeline. Here, our goal is to reduce assessment burden for pipe not expected to fail by rupture but still provide enhanced protection for high consequence areas. As we all know that low-stress pipeline are most likely to -- to leak before they rupture, so that's why it needed different consideration under the integrity management rule.

(Slide)

MR. ISRANI: So, the question is, should assessment requirements for low-stress pipeline operating at or above 20 percent SMYS but less than 30 percent SMYS allow the use of only CDA, which is the confirmatory direct assessment, for reassessment, and baseline being same as DA or pressure tests or ILI? That's the first part of the question.

What we're doing is we're bringing it down between 50 and 30 percent and then from 30 to 20 percent, 20 to 20 percent and less of the pipeline. In the proposed rule, we had only above 50 percent and below 50 percent. So this is the first proposal to take care of pipelines between 20 and 30 percent, low-stress pipeline.

Second part of the question is, should the assessment requirements for low-stress pipeline operating below 20 percent SMYS allow use of CDA for both baseline and reassessment in lieu of the full-fledged direct assessment or pressure testing or smart pigs and whether we allow only CDA for both baseline and reassessment.

And third part of the question is, should preventive and mitigative measure requirements in Class 3 and 4 locations outside of the impact circles be enhanced to provide added assurance? And I'll explain

this later.

Let me go to the next slide to show you what --

(Slide)

MR. ISRANI: This is what explains the position, what I put in the questions. This -- this is our -- what we -- okay. Before I go over considerations, let me go over comments. Let me back up one more.

(Slide)

MR. ISRANI: Comments we received from the industry are to use B31.8S, which is a supplement to B31.8, intervals -- use the B31.8S intervals and preventive and mitigative measures should be only provided.

And the states' comment was that -- one of the -- a state person said that intervals should be longer for low-stress pipeline and one state said the intervals should be shorter.

And the public comment was that we should have a full baseline for this, and there are no further comment on the -- how we arrange the reassessment, meaning they didn't want to cut short on the baseline assessment for any stress -- low-stress pipeline.

(Slide)

MR. ISRANI: This is our current position. Between 20 and 30 percent, we are saying the baseline assessment to be regular, like DA, ILI, or pressure testing. And the reassessment period to 20 years and with CDA required at seventh and 14th year, which is by law.

And for the Question B, less than 20 percent SMYS, we are considering baseline as a CDA, which is a 10-year period, and the reassessment only CDA, which is every seven years as required by the Act.

And the third part of the question is, in Class 3 and 4 locations, we'd like to have additional preventive and mitigative measures. And this -- I would -- for Part C, I would like to clarify that when we consider 20 building criteria for the building count, our concern was the low-stress pipeline which have very low pressure and their impact circle may not be big enough to get the house count.

And in the existing Class 3 and 4 locations, we heard some concerns about the gas migration which could cause failure. And we may have an entire Class 3 or 4 location with no HCA because of the small C-FER circle for those. But there have been some accidents due to gas migration and -- and some other causes, so we wanted to have additional preventive and mitigative

measures in Class 3 and 4 locations for the operators, even those who would choose a circle method.

(Slide)

MR. ISRANI: So this -- this breaks down our current position. And after the panel recommendations, I believe AGA -- has some kind of presentation to expand on this Part C, what we require in -- under Class 3 and 4 locations.

MS. GERARD: I have a question, Mike.

MR. ISRANI: Yeah?

MS. GERARD: Under the wording of "current position," you say "require CDA only for reassessment, extend reassessment interval to match B31.8S at 20 years." As I read that, it looks contradictory.

MR. ISRANI: Where is that? Under the questions, you're saying?

MS. GERARD: Yeah. I mean, the -- it really should be clearer that the CDA for reassessment is at seven years as the law requires. You said, "then extend reassessment intervals to match B31 -- at 20 years." We don't have the option of extending the reassessment intervals to 20 years. That's confusing.

(Slide)

MR. ISRANI: Okay. Twenty-one. Okay. Reassessment 20 years, plus CDA at seventh and 14th

year.

This reassessment 20 years, what we are saying is that --

MS. GERARD: With CDA.

MR. ISRANI: Yeah, with CDA.

MS. GERARD: What's confusing isn't the slide but the handout where you had -- you had, under "current position," wrote what we were considering. So I just didn't want there to be any confusion about that. "Require CDA only for reassessment" --

MR. ISRANI: Oh, I see. Okay. Yeah. We --

MS. GERARD: It's a combination.

MR. ISRANI: Yeah. Here is a combination. Like, you know, under the ASME B31.8S, pipeline less than 30 percent SMYS, your regular reassessment time frame will come after 20 years. And -- and we are adding this CDA seventh and 14th year. So our position is baseline regular DA, and reassessment, your regular comes after 20 years for the pipeline in this 20 and 30 percent range.

MS. GERARD: We meet the requirements of the law for the seven year retest --

MR. ISRANI: Right.

MS. GERARD: -- by use of the CDA.

MR. ISRANI: That's correct.

MR. DRAKE: Perhaps you could restate the issue about reassessment at 20 years. You could change that. Because CDA is an assessment.

MS. GERARD: Exactly.

MR. DRAKE: And I think maybe that's where the snag is coming in.

MS. GERARD: Confusion.

CHAIRMAN KELLY: What would you suggest?

MR. ISRANI: I would ask that -- you know --

MS. GERARD: I think we -- we understand it.

MR. ISRANI: Yeah. Reassessment, I would say the DA every 20 years; DA, ILI, or pressure test every 20 years, plus CDA on seventh and 14th years.

MS. GERARD: I would reverse it and say you do the CDA every seventh and 14th year and, as your program determines --

MR. ISRANI: Yeah, right.

MS. GERARD: -- the other types of assessment -- reassessment.

MR. ISRANI: Yeah.

CHAIRMAN KELLY: Any additional questions or comments by Committee members?

MR. WUNDERLIN: I think, like Mike said, this -- this is a complicated issue, and I think Paul Gustilo has a flow diagram that would be helpful for

the Committee to have him walk through. And although it doesn't simplify it completely, I think it will help us see how low-stress pipeline assessment and confirmations, et cetera, work.

CHAIRMAN KELLY: All right, Mr. Gustilo.

MR. WUNDERLIN: So why don't we have --

CHAIRMAN KELLY: Would you come up, please?

MR. WUNDERLIN: I'll pass around a copy of his --

MR. GUSTILO: Can I put a chart on the screen?

CHAIRMAN KELLY: Go on over.

(Pause)

CHAIRMAN KELLY: State your name for the record, please, and your affiliation.

MR. GUSTILO: Paul Gustilo with the American Gas Association.

I have some extra copies if members of the public want them.

Mike, can you put on the presentation for me?

(Slide)

MR. GUSTILO: Okay. Let's see. Does everybody have a copy of that now, all the Committee members? I'll wait until all the Committee members have it.

What we want to -- what we're trying to present here is what AGA has submitted to the docket on the low-stress proposal. And it was -- it's on the -- in the book that the TPSSC members received, it's Tab -- Tab 14. You don't have to look at it right now, but really, what we're trying to do is explain Tab 14.

It seems -- there seems to be some confusion on what -- what the proposal actually is, so let me just walk through this.

Okay. This is broken up based on which option you use for the HCA. So it sounded like there was agreement to do the two-pronged approach.

So if you go to Option 1, Option 1 means that operator declares all Class 3 and 4 pipe as HCAs and you look for all identified sites within the pipeline impact circle in Classes 1 and 2. So we'll go down this track first.

It's the first thing you determine, so you have an HCA. So what you do is you -- you have to do a baseline: ILI, pressure test, and DA regardless of stress level.

So what we're proposing is actually more stringent than what Mike just showed. Mike had broken it up between 30 and 20. Mike was -- slide showed that below 20 you just do a CDA for baseline. We're

actually proposing that -- that you do just ILI, pressure test, or the full DA.

Then --

MS. GERARD: Could you repeat that, Paul?

MR. GUSTILO: Okay. In -- in what we're proposing that -- under Option 1 -- so after you determine you're an HCA, regardless of stress level, if you're a transmission line in an HCA, you do a baseline using in-line inspection, pressure testing, or direct assessment.

MS. GERARD: That's no different than what Mike proposed?

MR. ISRANI: Right. Yeah, that's the same thing what I showed on the slide.

MR. GUSTILO: What you showed was if you were below 20 percent SMYS, you just do a CDA --

MR. ISRANI: Right.

MR. GUSTILO: -- as a baseline. So that's different. That's the difference.

MS. GERARD: Okay.

MR. GUSTILO: That one piece.

Okay. Now, you've done your baseline. We do the preventive -- P & M is preventive and mitigative measures, and I'll show you -- I think -- I'll show you that on the next slide. But you do excavation damage

prevention measures as proposed in the -- some of the amendments that are in this INGAA handout, the AGA-INGAA handout.

Okay. So the next trigger is, are you low-stress? If you're low-stress, meaning less than 30 percent SMYS. If no, meaning you're high-stress, greater than or equal to 30 percent SMYS, you follow the CDA every seven years, maximum assessment interval 10 or 15 years. This is all consistent with the ASME B31.8S.

If you're low-stress, as Mike just said, CDA every seven years, but our proposal was that there was an "or" there. It's, or preventive and mitigative measures, and I'll show you those on the next slide. But we -- that was our proposal, that you have a choice to do CDA every seven years or preventive and mitigative measures to address corrosion.

MS. GERARD: I don't think the law allows for us to let you out of doing a reassessment every seven years.

MR. GUSTILO: Well, I'll -- I'll show you the next slide, which we're talking about doing electrical surveys every seven years and I'll talk about the differences in the next slide.

But really, you're still -- you'll still have

-- you still have to do a -- a ILI, pressure test, or DA at the full 20 -- maximum 20 years, as Mike just -- just proposed.

So the difference is here, right here. This is -- this is our proposal, is that you have an option to use preventive and mitigative measures.

MS. GERARD: Plus the electrical survey.

MR. GUSTILO: Which is -- which is electric survey -- Mike, can you just go to the next slide so we can just talk about that now?

(Slide)

MR. GUSTILO: Okay. This is what we're talking about. This is -- if you go to this column here, so you're an HCA low-stress, in between the full 20-year in-line inspection, DA, or pressure test. This is what we had proposed in the amendment. You do an electrical survey every seven years if you're protected, if it's a cathodic-protected piece of pipe.

If it's unprotected, then you do quarterly leak surveys. And then every year and a half, you determine areas of active corrosion. The current code -- I think it allows you three years.

So we -- we propose that this is the interim assessments to -- to meet the letter of the law or the congressional intent. We feel that electrical surveys

are different from CDA.

I think, Mike, you had a slide -- you didn't show your slide, but you had a slide in your handout that showed the difference between DA and CDA.

We feel that, you know, low-stress lines, they do have a different failure pattern. You have the leak versus rupture for corrosion. You don't warrant the full-blown direct assessment.

We have some concerns with CDA. You know, it's not -- it's not fully -- I mean, it is defined. You're defining it in a rule, but we think there are still a lot of questions about CDA and it might be better deferred to the -- at least in the interim, the ASME B31.8S standard, which is already looking at trying to write some language for confirmatory direct assessment.

Okay. But this is the -- this is the P & M for corrosion.

Mike, if you can go back to that first slide?

(Slide)

MR. GUSTILO: Okay. So that's -- that's -- if you followed option -- the Option 1 track.

The Option 2 track is if you use the C-FER equation as the pure circle approach -- I guess we use that term -- which is, you know, you look for 20

buildings or more in a -- within your PIC and you look for identified sites in your PIC, and this is for all class locations.

So, really, if you're an HCA, you follow the same track. You know, there's no question there. You just follow the same track.

The question, and Mike raised this issue about a more enhanced -- preventive and mitigative measures in Class 3 and 4 because of the concern you had with low-stress pipe having small circles. So to address that, we -- this is what we had proposed, the amendments.

If you're not in an HCA but you are low-stress, you follow this line. And in your -- if you're in Class 3 and 4, then you have more preventive and mitigative measures: the excavation damage and the corrosion. And in this case, the corrosion is just more leak surveys. It's not electrical surveys, it's just more -- more leak surveys.

So this -- this proposal here was to address the concern about having small circles in Class 3 and 4 pipe.

MS. GERARD: And why are there not electrical surveys in that option on the right?

MR. GUSTILO: Because it's not an HCA. I

mean, that's -- the whole reason was it's not an HCA but we are just adding some more preventive and mitigative measures.

MS. GERARD: I have another question. Why on Option 1 aren't you looking for identified sites?

MR. GUSTILO: Well, you are. I'm sorry. You are -- you are looking for identified sites in Class 1 and 2 because this is -- this is the one where you declare. So an operator declares all Class 3 and 4 pipe as HCAs. So they would not be looking for identified sites --

MS. GERARD: Ah.

MR. GUSTILO: -- in the Class 3 and 4 because there are -- they're already HCAs.

So this is -- this is what we laid out in the proposal.

Again, the -- what I see the difference to what, Mike, you presented, was that for the big -- we didn't break out below 20 percent SMYS.

And I guess, really, the -- I'm not -- it wasn't clear in that previous slide. If you were considering requiring enhanced P & M measures in addition to the CDA every seven years or P & M in between the 20 years.

MR. ISRANI: I would say that your below 20

percent is pretty much representing here, you know, what we had proposed, have only preventive and mitigative measures for that below 20 percent. That part you're showing here an "or" although you're not making further division from less than 30 percent and less than 20 percent. But you picked up that feature of less than 30 percent, what we proposed here.

How do you think that you will meet this criteria required by the Act, you know, every seven years?

MR. GUSTILO: Well, the electrical surveys or the -- or the leak surveys, we felt, met the intent of the seven-year reassessment.

MR. ISRANI: When you say electrical survey, you mean like closed interval survey?

MR. GUSTILO: Exactly, yeah.

MR. ISRANI: Okay.

MR. GUSTILO: Electrical surveys, yeah.

The difference -- the CDA -- I mean, in the -- in the NPRM you talked about CDAs as a streamlining process, and really, there's only two differences, as you pointed out. I don't -- you didn't show the slide, but you have it in the handout.

MR. ISRANI: I have --

MR. GUSTILO: You do one indirect exam

instead of two and you have less -- there's a few less excavation requirements in the full-blown DA.

We feel that the low-stress pipes do pose a lower risk and therefore justify -- you know, when we say electrical survey, it's not a full-blown DA process. It's just going out there and doing your electrical surveys basically validating your CP system.

MS. GERARD: Is there any additional consideration by either proposal to bare, unprotected?

Mike, I'm recalling the discussion with Bill Gute and the regional directors. I thought we had an issue with bare.

MR. ISRANI: Yes. Our regional directors felt that bare pipe is a big issue. They are concerned about using only -- especially where you're using CDA and that CDA allows one tool for assessment and -- and for bare pipe, there's only one tool currently under the standard which can be used.

So, the question was, when we said DA for bare pipe, you're actually doing only CDA because you're using only one tool. That was the concern they had. But -- but what I discussed with Bill Gute on that issue was that we did say in our proposed rule that when there's only one tool, the operator will suggest what additional measures they will take to take

care of that, to meet the full-fledged requirement of DA. We suggested it could be ultrasonic or some other method -- tools which are available.

MS. GERARD: Or a replacement program.

MR. ISRANI: Right.

MS. GERARD: So we now have differing proposals on the table that we have to ask the Committee whether they want to recommend the approach that Mike offered or the approach that Paul offered or some combination.

MR. GUSTILO: If I just add something, on the electrical survey, what we showed in the next slide, I mean, that certainly could count as an alternate methodology. The law allows you to have alternative methodology for reassessment.

MS. GERARD: I think we should deal with the first issue on B, whether or not we should break out the 20 percent of SMYS to allow CDA for both baseline and reassessment, as it says here. We find ourselves in the position where the industry is making a more stringent proposal.

CHAIRMAN KELLY: Comments by Committee members on that matter?

MS. GERARD: And again, it is a historic day.

(Laughter)

CHAIRMAN KELLY: Is there any reason -- and I'll ask this of Mike Israni -- why OPS would not be interested in the more -- the more stringent requirement as proposed by industry?

MR. ISRANI: Yeah, let me go back so they can see the difference.

MR. GUSTILO: If I can just add one other thing, we are proposing a more stringent baseline which allows -- which we feel allows you to more -- less stringent reassessment, you know, electrical surveys versus the CDA.

MS. GERARD: You want a more stringent baseline to get more flexibility in the reassessment?

MR. GUSTILO: Exactly.

MS. GERARD: Well, I think that's a key point.

MR. ISRANI: Some of the comments that we did receive on our proposed rule were saying that less than 20 percent SMYS pipeline should not be considered, even, for the integrity rule. These are some of the comments.

Let me go back to my slide here.

(Pause)

MR. ISRANI: Okay.

CHAIRMAN KELLY: Actually, while Mike finds

his slide, we've been going for two hours. I'm going to call a 15-minute break.

So, sort of think about what's before us and then we'll come back and review this.

(Brief recess)

CHAIRMAN KELLY: Any comments on the issue that we had started just prior to the break?

(Slide)

MR. ISRANI: Before the break, you saw two different concepts, one from AGA and one which is being displayed here. The main difference is we have broken down low-stress pipeline into these two categories, between 20 and 30 and then less than 20 percent SMYS. And you saw AGA's recommendation to just consider below 30 percent and follow their chart.

I wanted to mention that besides these public meetings, we have received quite -- quite a few written comments in the docket, and there are many operators who have commented that pipeline below 20 percent SMYS should have no requirements or very relaxed requirements.

So, I'll let the Committee comment on this, which approach is better and what they recommend on this, whether we should have less than 30 percent and follow AGA's proposal or what our current position is

that we're considering.

MR. DRAKE: Just as a piece of technical sidebar here to help, maybe, fill in the block, one of the research projects that was done was the issue about leak versus rupture threshold, which is a mechanical phenomenon in materials under load. And the work showed that in the stressed regions that typically the failure mode is a leak rather than a rupture, which is part of an assessment that, I think, can be used as a building block in your compliance with the assessment requirements of the law.

But the point is, is that the -- the appropriate venue for looking for, you know, these threats as they surface then is not necessarily the -- these intensive inspections. It is a monitoring for -- for leak conditions.

And I think what the proposal as I see it, and you guys straighten me out, is that ASME took that work and bracketed it with required inspections at long intervals because of the -- the defect growth phenomena. They grow -- they modeled how fast defects grow that would surface in that operating stress level.

And I think what -- what I see here is AGA's proposal is that to -- to augment that requirement from the technical work with interval inspections on seven

years that are basically looking for the way threats would surface in between those bracketed, full-blown inspections. And in -- the delta is between -- and this is my question, maybe even.

The question is, is that the delta is not so much about the technical foundation work of leak rupture threshold analysis, it's not so much about the full-blown inspection bracketing the effort, it's about what's, quote, unquote, "good enough" on the intervals, right? The seven-year intervals to meet the law. Is that kind of where we're rubbing a little bit?

And I think it's important that -- just to know that -- you know, one benchmark is the technical solution. And the technical solution was, the defects aren't growing fast enough to surface inside that period. And the ASME solution was bracket it with the long interval with full-blown inspections and to do leak monitoring in the interim, which is kind of parallel, I think, to what AGA is proposing.

I just want to make sure that I'm kind of reset on what the issue is. What we're trying to accomplish here is -- is twofold, right? We're trying to accomplish a technically correct solution and, two, comply with the law. And I think that the technical work that was done fundamentally is a building block

that is needed to be used to -- to address the assessment requirement of the law because then it predict -- it drives you to doing things that are constructive in the interim, you know, in the seven-year periods that are constructed with the way the defects and the problems actually are realized on the pipe.

MS. GERARD: One thing that struck me about the AGA proposal is that it gives you a better understanding at the earliest date of the condition of the line, that you -- they're investing more in the baseline, which, you know, I think it would be better for us to take the strategy to get the best possible understanding up front and confirm what we know and then go on from there.

So, I would like to say that I prefer what AGA is proposing to what we have in the document we handed out to the Committee.

Another thing that I want to say is that, you know, while we've had this discussion so far today, I know we've been focusing a lot on definitions as it relates to assessment. And it was pointed out to me at the break that you might infer from the amount of discussions about assessment that OPS was just concerned about assessment.

And I -- I wanted to be clear, the reason I was emphasizing the word "assessment" so much was, as you said, Andy, making sure we were meeting the requirements of the law. Not to be confused with our emphasis on integrity management, the process and the rest of the program. And in this case, as it applies to low-stress lines, looking at a monitoring process after the initial understanding is gained that is appropriate for the operating situation.

And I think one of the things that doesn't show up from the slide is the, you know, the potential for some of the damage prevention work to improve in the years ahead, through better data and better targeting and, you know, some of the things that the Common Ground Alliance is doing, you know, which we've heard about in our last public meeting.

So I wanted to say that I would prefer to take the AGA recommendation as opposed to our 5-B and -- and to, you know, put more emphasis on flexibility in monitoring that would be going on ala reassessment over the out-years.

MR. DRAKE: Yes, I agree, and I think, just to -- all I'm trying to offer is that from a technical perspective that lines up a lot more with the technical work that ASME was founded upon. And I think that it

technically gives you a better answer physically as well as, you know, as well as from a confidence perspective going forward in managing your data.

MR. ISRANI: I just would like to add to Andy's comment that on the technical side, what I also read from the Keefner papers and their studies was that between 20 and 30 percent, in the majority of the cases they would leak before rupture, but there are some which will rupture. But below 20 percent, there was no record of anything rupturing. That's why the division was made from technical side.

But, you know, if you are making it more stringent, it's fine with us.

(Laughter)

CHAIRMAN KELLY: Mr. Bennett?

MR. BENNETT: One other comment as far as the -- we labeled it preventive and mitigative measures too when we were talking about what we would do during the seven-year intervals after reassessment. And in thinking about meeting the legal requirements, what we were really saying is, this is what we were calling our reassessment. And we mentioned the electrical surveys every seven years, but there are other things that you're doing for internal corrosion on an annual basis, you know, reviewing the fluids that could cause

corrosion and also integrating data throughout the process.

So we really had a reassessment process that we think -- we thought OPS could approve and would meet the letter of the law as far as reassessments on a seven-year schedule.

MS. GERARD: One point I need additional clarification on is, where do we stand on any additional consideration for bare, unprotected pipe? Is there anything? Is that treated any differently if it's bare, unprotected?

MR. ISRANI: Not according to our current position. We don't have any, but I would encourage -- if the Committee could give some recommendations on that issue.

MS. GERARD: There's a couple people in the -- in the public setting back there. I see Jim O'Steen and Fred Joyner.

Do -- did either of you recall the OPS discussion on the bare pipe? Stanley?

I thought we had a concern that I think we forgot we had.

MR. KASTANAS: Yes, Stan Kastanas with OPS.

We did discuss dealing with bare pipe as an alternative solution where you couldn't do certain

surveys, you couldn't -- protect as well, and so forth. We discussed the option of coming to us and proposing some way -- a replacement schedule as -- as a potential option of dealing with bare steel pipe. It would help, certainly, us. It would help the public in removing, you know, what offers a potential problem. It could give you incentives, and I don't know how to do this in the structure of -- of this rulemaking, where by replacement of pipe, maybe you could reduce some baseline assessments, maybe some CDAs, I'm not sure.

I'll default to Mike and you folks of how best to do that.

But certainly, we would encourage dealing with bare steel pipe, and I won't get into the cast iron, but certainly, bare steel pipe is certainly one issue that we have a major concern. And we'd certainly like to have some direction in how to do that and how to do that in the context of what pipeline integrity is, and that is getting things that are certainly substandard or have grown to be substandard out of the ground.

I think that's where we're going.

MS. GERARD: And we're talking about bare steel transmission, and as I recall, we identified what the mileage was and it's a really small amount of

mileage.

MR. KASTANAS: It is. We have -- we don't see and I don't know -- if Roger was here, maybe he could give us a handle on that. But it would be good to deal with that, yes.

CHAIRMAN KELLY: Is it bare steel only on low-stress pipelines that you're talking about?

MR. KASTANAS: There is bare steel on high-stress pipes, but there's certainly predominance on low-stress pipe, yeah.

CHAIRMAN KELLY: That's the issue right now, low-stress pipe.

MR. ISRANI: I have some mileage here. For cathodically protected bare steel pipe, transmission pipeline, we have 13,700 miles. And unprotected, we have 2600. So we're talking about 15,000 total mileage.

MS. GERARD: I thought we were especially talking about that 2000 miles.

MR. ISRANI: Because -- yeah, that's the one which is not cathodically protected.

CHAIRMAN KELLY: Does OPS have a proposal with respect to bare steel?

MS. GERARD: We didn't make one, but I think we were just advising the Committee that there was some

concern about it and we were looking for any advice from the Committee on that.

CHAIRMAN KELLY: Are there any comments?

MR. DRAKE: It's going to be very difficult to do CDA on a bare, unprotected pipeline. The whole thing is going to be an anomaly. I mean, let's face it, by definition it is.

So you have to come up with another tool to deal with that reality because that thing is going to be looking for electrical continuity tests, basically, and it's going to fail constantly just based on its fundamental design.

So I think that's part of the problem with taking the CDA into that world. It's not appropriate to use that tool in that world.

MS. GERARD: So we were looking for you to give us some advice on what to do about that.

MR. ISRANI: I would like to mention that, as I mentioned earlier, that under the current standard only direct assessment method that they have identified in the table is a closed interval survey. How accurate that measures, we don't know, but that's the only method it specifies. And that's where Bill Gute had concern about some of the data he had for some pipeline which was 11-mile pipeline somewhere where they had so

many thousands of or hundreds of digs there to make. And he wasn't sure if a closed interval survey got all of that -- or whether a closed interval survey would catch any of that because this one was done with a smart pig or some other method.

MR. WUNDERLIN: Just to point out on the chart that Paul Gustilo put up for low-stress under the P & M measures, we do take into account external corrosion for external -- for unprotected pipe and we're proposing quarterly leak surveys and one and a half years to determine areas of active corrosion. I think that basically doubles the current requirement of the code for leak surveys.

MS. GERARD: I know Bill was aware of that, and I think that he was still concerned about it.

MR. ISRANI: Right. Yeah, yeah.

CHAIRMAN KELLY: Any further discussion on the proposals that we have before us?

(No response)

CHAIRMAN KELLY: Does the Committee have a preference in terms of how to proceed with the low-stress pipelines, the AGA posture or the OPS posture?

MR. WUNDERLIN: I would like to make a motion for the OPS to consider the AGA proposal. And the language for that proposal is actually -- was submitted

in the INGAA booklet under Tab 14, page 6 and 7. That follows the diagram Paul talked about.

CHAIRMAN KELLY: Motion made. Is there a second?

PARTICIPANT: I'll second.

CHAIRMAN KELLY: Is there any further discussion? And of course, we're voting on the concepts as we have discussed here rather than the specific language.

(No response)

CHAIRMAN KELLY: All in favor?

(There was a chorus of "ayes.")

CHAIRMAN KELLY: Any opposed?

(No response)

CHAIRMAN KELLY: Any abstentions?

(No response)

CHAIRMAN KELLY: Thank you.

Now, did you want to discuss further the bare steel issue? Is there any further discussion on the bare steel pipeline issue?

MS. GERARD: I'd like some recommendations from the Committee on what we should do with the -- you know, if they have any recommendations to make on how to treat that anomaly.

CHAIRMAN KELLY: Did you have any

recommendations? He raised this issue, you said?

MS. GERARD: I think Bill was hoping for a recommendation on a replacement program over some period of time.

MR. DRAKE: I think the biggest thing that -- that's -- that you have kind of a disadvantage here because Bill was at the last meeting and here we are today with a different proposal. But I think the added value that -- obviously, the recommended action item is, give this proposal to Bill and talk about how this is different than the proposal he was looking at and commenting on at the last meeting.

But the big difference I see is, and it may accomplish his purpose, is that you're obligating these bare, unprotected pipes to a full-blown inspection, which was conceptually I'm not sure on the table back when we were talking originally. I think there was a discussion about just doing, you know, CDA or just doing the leak surveys without bracketing it with a full-blown inspection.

By bracketing it with a full-blown inspection, I think you -- you are going to find that -- you know, you're going to the find the bad guys and you're going to winnow them out of the system, which is, I think, what his goal was.

But I can't speak for Bill. I just would say that I think -- you're shooting at a target I can't see. I mean, we'd have to get Bill in the room. But I think what I would do is propose that maybe the AGA folks and even perhaps the -- the technical consultant that did the -- the leak rupture threshold work sit down with Bill and go through the value that's added and the protections that are added by the AGA proposal as opposed to what the technical intent was in the development of ASME.

Because now I see these proposals are lining up very closely to that technical work, and I think that's very -- very confidence-building.

CHAIRMAN KELLY: All right. We will move on.

The next item is currently listed on Thursday morning's agenda, we're moving along so quickly, and that's pressure testing.

Pressure Testing

(Slide)

MR. ISRANI: Pressure testing for material and construction defects. Here, the goal is to assure protection against material and construction defects that could result in delayed failures.

(Slide)

MR. ISRANI: And our question is, should the

requirement to pressure test pipeline to verify integrity against material and construction defects be limited to pipeline segments for which information suggests a potential vulnerability to such defects? If so, what information should be relied upon?

To clarify this, in our proposed rule we required pressure tests for pipeline -- once-in-a-lifetime pressure tests for -- for the material and construction defects to be performed by operators if they've not done any pressure testing before.

So here the question is whether it should be only if the information suggests a potential vulnerability to such defects, and if so, what information should be relied upon.

(Slide)

MR. ISRANI: Comments we received on these material and construction defects are, from the industry -- it says, the historical safe operation demonstrates stability, meaning if there are -- if the pipeline has a safe operation history, then it is stable and we should not take any other action or any separate assessment should not be required, as we said in the second bullet.

States say that arbitrary tests should not be required. So they pretty much agree with industry on

this.

And we had no comment from the public.

(Slide)

MR. ISRANI: And our current position on this, what we're considering, is pressure tests for material and construction defects only required where actual operating pressure increases above the highest level experienced in the previous five years.

What we are trying to say here is that -- that unless there's a pressure change, we don't see the chance of gas pipeline -- the material and construction defects may result in failures. So if -- if they've been -- there's been a pressure change in the last five years, then only we should look at that issue and see if that can be defective and take further action.

And this is the result of our last public meeting. This was recommended.

CHAIRMAN KELLY: Any questions or comments by Committee members? Mr. Thomas?

MR. THOMAS: Yes. Is this meant for only in HCA areas or -- or --

MR. ISRANI: Yeah.

MR. THOMAS: -- just generally?

MR. ISRANI: We are talking only about HCAs.

MR. THOMAS: Only in HCAs?

MR. ISRANI: Correct.

MR. THOMAS: I'm not sure that's clear from what I read here.

CHAIRMAN KELLY: Dr. Feigel?

DR. FEIGEL: I would advise some considerable caution even under the circumstances that you've described here. If you've got a insitu operating system that is shaken down, presumably, and is stable and increase the operating pressure and you -- you do a hydrotest, you run some risk. I'm not sure anyone can -- can adequately quantify that and you can do it theoretically. And that gets back to some of the comments that Andy was making earlier.

But at least I would think before you consider doing hydrotests, we ought to do some fracture toughness crack propagation modeling because what you can run is a very -- high risk you're doing more damage than good by doing one of these tests. You can potentially drive existing cracks and in that respect destabilize them without finding them, operate at a higher operating pressure, and then have problems in the future.

In fact, there's some pretty substantial anecdotal evidence, at least in the pressure vessel industry in Europe, where frequent hydrotests -- in-

service hydrotests are required by regulation, that that in fact has happened and has caused considerable damage.

So -- a black-and-white situation, but I -- I will vote against that.

CHAIRMAN KELLY: How do you think it should be addressed, then?

DR. FEIGEL: I think that should be prefaced by, you know, appropriate assessment should be done regarding the advisability of doing hydrostatic tests on increased operating pressure systems. I mean, that's not the perfect wording, but that's certainly the intent that I -- I would support.

CHAIRMAN KELLY: So basically, before the hydrotest is done that there is some assessment of crack vulnerability?

DR. FEIGEL: That's correct. And that would stipulate whether it would make sense to do a hydrotest.

CHAIRMAN KELLY: Any other --

MR. DRAKE: In ASME, there is -- and I think -- I'm having a hard time with the current position as to exactly what qualifiers are going in there. But in ASME, there was a great deal of effort to try to characterize the bad guy, if you will, because you

don't want to incite a riot here by testing a bunch of materials that don't have this problem or aren't -- don't have a predisposition to this concern. And there was an effort made to try to characterize those.

Is that characterization, which I think couples with what Dr. Feigel was talking about, is that characterization that's in ASME included in your wording but it's not real apparent? Or is it just any pipe that hasn't been tested before that sees an operating pressure increase?

Because there was another filter inside ASME that says a certain kind of materials, and it listed them off, that -- or any pipe that has a predisposition to material, you know, material failure history and experiences this pressure increase. Those are the -- those are the ones we're going to go after.

The point here is that that extra filter tries to help, I think, do just what Dr. Feigel was talking about, and that is characterize the problem area so that you're focusing it -- focusing this work in a place where it really exists and not subjecting a lot of other pipes and other materials to tests where there's -- the issue isn't -- isn't present and you could be causing collateral issues now that aren't -- aren't constructive to your purpose.

CHAIRMAN KELLY: Any other comments? Dr. Feigel?

DR. FEIGEL: Yeah, I want to -- I want to make sure everyone understands the context of my comments. I've got cost benefit off the table for the moment for the purposes of my comment. I'm simply trying to make an engineering point.

You know, you run some fairly considerable amount of risk in doing more damage than good in doing these tests on insitu systems where you've got a very -- very, very complex failure mode that -- that you may be addressing. And you may simply increase the probability that you're going to have problems in the future rather than finding the problem at some, you know, date certain when you do the test.

CHAIRMAN KELLY: Is the periodic pressure testing a statutory requirement or is that just created in the proposed rule?

MR. ISRANI: The -- the way we approached the gas rule was to consider trait-by-trait analysis, and we looked at all kind of traits which are on pipeline. And -- and construction defects was one of the traits to be considered. And the known-to-us solution for that was pressure testing.

We do allow smart pigging to -- to look for

defects, you know, just like we allow it for the liquid rule for new pipe when they use the right kind of tool -- type tools to determine. And the same option we give here also, in our proposed rule we did put that.

But at the last meeting, the question was raised that -- that because gas pipelines don't have this cyclic load, so even if there are some defects or some cracks, they don't have a chance to propagate, to expand, to fail. And the only -- only way that can happen is if there are, you know, some pressure changes.

So, one of the suggestions was that, you know, we should look at the highest operating pressure and changes in the pressure in the last five years, period, and base it on that. But I -- Andy's comment also and Dr. Feigel's, we could look at this issue, what ASME calls for. It can be more specific to certain kinds of material defects and failures.

CHAIRMAN KELLY: Mr. Lemoff?

MR. LEMOFF: Yeah, Mike, if I can just clarify. I think what Dr. Feigel is saying is that he's not speaking to the need to when you do the test, it's if the test is needed by some criteria, how you do it or which method you use. Am I correct in that?

DR. FEIGEL: No.

MR. LEMOFF: Okay. I'm sorry, then. Let me say this -- let me try again.

Let me start -- do I understand this, that if I have a line that -- I put in a new line and pressure test at 1000 psi for operation MAOP 1000. And I choose to run it at 750 for a number of reasons. And 10 years later I want to raise it above 750, then I would have to do this test only if I go above the 1000?

MR. ISRANI: When you go above your maximum operating pressure.

MR. LEMOFF: Okay. Thank you.

MR. ISRANI: Or if there's a change in the last five years from what your operating pressure has been.

MR. DRAKE: No, no, no, no, no. Wait, wait, wait, wait. We missed -- we missed an important point.

He said that a line was hydrostatically tested at its onset.

MR. ISRANI: Oh.

MR. DRAKE: If it's hydrostatically tested when it's built, --

MR. ISRANI: No.

MR. DRAKE: -- this rule does not apply irregardless.

MR. ISRANI: This was once in a lifetime.

MR. LEMOFF: Thank you.

MR. DRAKE: It's only for lines that -- because we have a lot of legacy pipes out there, you know, that were installed in the '40s and '50s and they were not hydrostatically tested when they were installed.

MR. ISRANI: Correct.

MR. DRAKE: Those defects have had 50, 60 years to do whatever they're going to do, and they haven't surfaced. So that's where the whole term "stable" and that's -- this is the right concept, that those defects are stable. The only reason that they move and become failures is some environmental or load change on the pipe which propagates them, which is, I think, exactly what Dr. Feigel's talking about.

Hydrostatically testing them can cause them to move, some of which may fail during the test, some of which would have just got bigger and now they're in the pipe bigger, which actually trends your safety factor a little bit.

It's a balancing act a little bit. You want to focus that effort where the problem exists and try to make sure the testing practices try to mitigate growth of defects and their survival that could actually start growing again back in operations -- you

know, in the operating regime.

CHAIRMAN KELLY: Are you suggesting that the ASME proposed rules have enough safety features in there to accommodate the concerns that you've expressed here?

MR. DRAKE: I think what it is, is it's kind of a mosaic, and that's what this integrity issue is all about. It's an integration of a lot of issues to try to manage the whole breadth of the issue.

Not only do you have to identify the threat, you have to identify how to manage the threat. And the appropriate testing practice is just as important in ensuring integrity as identifying -- as identifying the threat. And appropriate testing practices are also defined in ASME. So they kind of fit together like a hand in a glove. Once you find it, if you truly want to excise it, you have to -- exorcise it, you have to -- you have to test it appropriately. Otherwise, you can just make the situation worse.

But we don't want to try to induce a lot of stable defects to a process that is not necessary for -- for that population of defects. You know, we want to keep it focused as the ones that become problems, does that make sense? Not just the whole universe.

CHAIRMAN KELLY: Mr. Andrews, did you have a

comment?

MR. ANDREWS: I guess I was a little confused when I first read this. Does this only apply if you're using the option of pressure testing as a method in the IMP rule or is this a general requirement?

MR. ISRANI: In the IMP rule, in the proposed rule, we had a general requirement as a pressure test -- once-in-a-lifetime pressure test for material and construction defects.

This is the current position on whether we should use pressure tests for material and construction defects when the pressure increases over a five-year period. But what recommendations we are getting, that there should be other assessment methods which should be considered which could be appropriate.

So we don't bring the pressure tests and bring the defect to the borderline and just leave it there. So that's the concern, that we may increase some of the cracks by pressure testing and they may not fail at that moment. So we cause more problems with that pressure testing.

MR. ANDREWS: It appears you're making an MAOP only good for five years. If you establish your MAOP, it's -- you're basically invalidating that at the end of five years with the way this is read, if I'm

understanding it right.

MR. ISRANI: No, the theory behind -- behind this is that when -- if you have a crack in the pipeline or some material defect in the -- some material defect or crack in the welding, that will not change unless you have cyclic load or some kind of pressure change that takes place and brings it to the level that it can rupture or crack.

So pressure testing was one test, a pass or fail kind of thing, to remove that defect. But we -- you know, as I said that for a certain pipeline like ERW pipeline, pipeline which has ERW, we have allowed for liquid lines to smart pig as an option to look for those kinds of defects and consider that.

As I also suggested, that ASME standard, you know, and seeing what they have recommended and consider that.

MR. ANDREWS: I guess I'm a little concerned with what triggers the need for a pressure test. What -- if you're just raising your pressure, as long as you're below your MAOP you should have that right without a new pressure test because you had -- you established that MAOP in some method, either through an up-rate procedure or a test, pressure test.

MR. ISRANI: Yeah. You may have done this 20

years ago and your pipeline that's operating -- just like Ted Lemoff was questioning, you know, you may have an MAOP of 1000 psi but you have all along been operating at 750. But suddenly you decide to go to MAOP after 17 years, an extensive change in the pressure, and that's what we are concerned about. It may propagate some of these failures.

MR. ANDREWS: Okay. That's where my point is.

MR. ISRANI: Yeah, right.

MR. ANDREWS: So, you are invalidating an MAOP that's been established if you don't operate at the MAOP every five years.

MR. ISRANI: Yeah, that part is correct. All we're saying is that if you have been operating at lower pressure than MAOP but now you are increasing and reaching almost MAOP, you may have a pipeline which can fail.

MR. ANDREWS: Well, then you're -- then you're placing a five-year limit on MAOP.

MR. ISRANI: That's what some of the suggestions were, that that time frame is appropriate for this.

MR. ANDREWS: That's far beyond what I'm -- I thought we were talking about here today. So this is

-- this is a new concept, if we're going to put a limit on MAOP establishment.

MR. DRAKE: Not really. Not -- not actually. This is very similar to the wording that's in ASME. And there was a long technical discussion about this, and certainly we're not going to put this group through that ad nauseam discussion here.

But there was a long discussion about this, and the concern was that because of the way these surface -- you're only talking about a population of pipe that has never been exposed to a hydrostatic test. And its MAOP very well could have been validated based just on an operating pressure at 1968. And that if it hasn't seen that pressure in a very, very long period of time, and technically the group chose five years, that there could be a lot of other events that have happened since that last pressure -- since the integrity was validated at that pressure many, many, many years ago. And that by increasing the load on the pipe, you are creating exactly the environment that can drive these to fail. And we've seen that historically. And that -- that was the net out of the issue here.

Now, with the rulemaking, you have an opportunity here to talk about, is that five years just a rolling five years or is that five years from the

date of this rule? Because here you have the added advantage that at the advent of this rule, you are obligated to look for all threats in those areas. So you don't necessarily need this to roll forward. You can just say five years from the date of this rulemaking.

Because, at the point of this rulemaking, you are now obligated to look for all threats. So you're looking for other things that could create environmental loads or change the stress strata on this pipe, which is exactly what you need to keep an eye on to keep these from growing to be failures.

CHAIRMAN KELLY: Dr. Willke?

MS. GERARD: Isn't it actually five years -- aren't you actually already encumbered by the law before the rule? I mean, when the law passed, it didn't require you to begin the assessment process?

MR. DRAKE: I don't know what your question is.

MR. ISRANI: This is not the reassessment or baseline assessment of what we have as required for all pipeline. These are additional measures to attack some traits -- different traits the pipeline could have. And one of the traits was material and construction defects for pipelines which have never been tested

before.

CHAIRMAN KELLY: Dr. Willke?

DR. WILLKE: Yeah, Ted Willke.

I want to test my understanding of this particular -- because I'm not sure what's being proposed. This is only in HCAs and only applies to pipe that's never been tested before, right?

Now, --

MR. DRAKE: Hopefully, further than that qualified because that, again, trends this issue to a place where you're focusing on where the problem is, like we talked about with Mike earlier about ASME.

DR. WILLKE: The statement of the current position is different than the paper we were given than it is here. So that's leading me to some other questions.

This talks about pressure testing when the operating pressure increases over the highest level experienced in the previous five years. The other current position says, pressure test or use of ILI, and it includes low frequency ERW or lap-welded pipe.

So, Andy, to the point you made earlier, should this be an "and" requirement which says, pressure increase and lap-welded pipe, pressure increase and low-frequency ERW, or is there another

position that you want?

MR. DRAKE: In ASME, it's an "and" condition. You have materials that are susceptible or, you know, or have had an operating history that demonstrates susceptibility and you're changing the load on the pipe. The two things coupled together create the problem. And what you're trying to do is just what we talked about earlier, trying to focus the effort in the place where the issue surfaces, not just introduce a whole host of population of materials and pipes into this testing that aren't realizing the problem.

CHAIRMAN KELLY: Any other comments?

Well, maybe this is addressed to Mr. Israni. Which is the current position? That which we have received in the mail or that here on the -- on the board?

MR. ISRANI: Well, the one that I sent Advisory Committee members had the previous section that Ted just pointed out for ERW low-frequency pipe. And that part we had as a separate requirement within the -- or it was part of the material and construction defect, but there was one area where we didn't see any problem because it had a pressure test or ILI capable of detecting the same problem.

It was a second part where we wanted to

emphasize on the pressure tests for the material and construction defect, where the changes in the pressure test would -- would cause these defects to fail. And I think it was believed that even these ERW pipe and all those may be affected by this change in the pressure test. That's we consolidated that into one comment.

CHAIRMAN KELLY: But would ILI apply -- in-line inspection apply to your proposal regarding the five-year testing?

MR. ISRANI: There are ILI tools which can detect for some of these cracks and, you know -- but those are different kind of tools. You know, they're not the common magnetic flux type, but there are -- there are different smart pig tools which can detect those kind of leaks. Like, there are -- smart pigs which can look for these ERW pipe failures.

CHAIRMAN KELLY: Does that avoid the issue that Dr. Feigel raised earlier regarding the pressure perhaps creating more of a problem than existed prior to the test?

MR. ISRANI: It would for pipelines where we have the defects in the welds, you know, ERW pipe, because their option would be to use either a pressure test or this smart pig.

But the pipelines which have material defects

we're not -- where we're not talking about ERW pipe, how we address that part, and that's the part which ought to look at ASME's -- what recommendation they give for it.

DR. WILLKE: I'm just looking for -- there seem to be three positions. There are two current positions. One includes ILI, one does not. One includes light-welded and low-frequency, the ERW not. If we could understand which is the current position you want, then, Andy, if you could help us understand what the industry position is on this after we understand what the current position that they're putting forward?

CHAIRMAN KELLY: So why don't we start with Mike Israni. Would you state the current position? Well, look at what you mailed to us.

MR. ISRANI: Yeah, yeah. I'm just trying to see if we still have the ERW issue that we need to address or I'm looking at if this -- what we have in the current position on the slide would -- would accommodate both the issue of the ERW pipe. And I would have to consider --

The way it's written, it's almost like we could use this current position to answer both.

CHAIRMAN KELLY: Does it need to be an "and"?

MR. ISRANI: Yeah.

CHAIRMAN KELLY: Instead of an "or," it's an "and."

MR. ISRANI: I'll have to think about it. I would, you know, look for a recommendation from the Committee what they would suggest. How do we address the ERW pipe issue and how do we address this -- just the material defect due to pressure change, whether pressure change could address both issues simultaneously.

MR. ANDREWS: I'd point out that we go back -- some pipes just don't fit well to pressure testing, single-feeds and such. This is -- this is a new concept for me. I'm really -- I must have misunderstood it when I first read it.

Has there been consideration given to mirroring the up-rating procedure if this is so important that it needs to be done over doing a stepped pressure increase with leakage surveys?

MR. ISRANI: All I'm saying is we are only trying to address this particular threat, material and construction defect, and how's the best way to address that. Perhaps ASME has an answer for both of these issues, whether it's ERW pipe or material -- other material and construction defects.

If that's the case, the Committee could recommend that we just follow ASME's standard for this.

MR. ANDREWS: Well, I'm not -- I'm not that familiar with ASME standards on it, but up-rate procedure is good enough to establish new MAOP so it ought to be good enough to check for construction defects, material and defects, because that's what you're doing in an up-rate procedure.

CHAIRMAN KELLY: What is an up-rate procedure?

MR. ANDREWS: Increasing the pressure in steps and doing a leakage survey each time you increase.

CHAIRMAN KELLY: Thank you.

Dr. Feigel?

DR. FEIGEL: I think the only caution is, I believe that ASME's verbiage addresses the issue but I think you're going to have to be very careful when you look at that in terms of -- in terms of combining several paragraphs to make -- make that point very briefly and succinctly. It is there, but unless you want to copy what they've got verbatim, which runs over two or three very lengthy paragraphs, you're going to be -- have to be very careful about how you push the two together to address both the pressure increase and

the material issues.

CHAIRMAN KELLY: Would you like to --

DR. FEIGEL: It's an editorial issue. That's --

CHAIRMAN KELLY: Well, without looking to the specific words, would you like to summarize conceptually where you would like to recommend the Committee be on this issue?

DR. FEIGEL: Well, as a compromise, which is not really the point I was making earlier, but I -- because I'm taking a more extreme position, frankly. As a compromise, I would propose or move, if it's in order, Madam Chairman, that --

CHAIRMAN KELLY: It's in order.

DR. FEIGEL: -- that the position expressed in B31.8S be incorporated in the -- you know, conceptually into the rulemaking but if it's appropriate in terms of pressure testing of insitu pipe.

CHAIRMAN KELLY: And that's as it pertains to material and construction defects?

DR. FEIGEL: Yes, that's correct. And increased pressure.

CHAIRMAN KELLY: Any -- is there a second to that?

MR. DRAKE: I would append that just to pick up, I think, Mr. Andrews' point about, you know, the operating -- the procedures that are currently in the code certainly cover this issue well because they differentiate the different stress levels. And ASME deals with the issue more on a broad -- you know, a little bit bigger -- a little bit broader, assuming that everybody's in the same bucket.

I think it could be that you would follow -- you know, when you realize this event, you can do as ASME is prescribing or follow the up-rate procedure as defined in -- in the current regulations. I mean, certainly, that would be compliant. I mean, we've never had any problems, I don't think, in that -- in that venue surface either.

And it -- and that helps recognize the differences in different pressure regimes, stress regimes of the pipe, that's not something picked up in ASME.

But I would second Dr. Feigel's with that -- with that little amended piece to it.

CHAIRMAN KELLY: Do you accept that, Dr. Feigel?

DR. FEIGEL: Yeah, absolutely.

CHAIRMAN KELLY: All right. So it's been

moved and seconded with respect to material and construction defects and increases in pressure that OPS considering incorporating B31.8S conceptually and/or -- and provide that you have the option of following the up-rate procedure, is that correct?

MR. ISRANI: Is it "or" you're saying?

MR. DRAKE: Or.

MR. ISRANI: Oh.

CHAIRMAN KELLY: Then your follows --

MR. DRAKE: It follows the testing --

CHAIRMAN KELLY: -- allow either.

MR. DRAKE: -- of ASME or the up-rate procedure. But what cues you to do it is "and" condition, and that "and" condition is defined in ASME. Does that make sense? That's what Dr. Feigel was saying.

CHAIRMAN KELLY: Is there any further -- Dr. Willke?

DR. WILLKE: Is there a second? I'll second, but I have a question.

CHAIRMAN KELLY: It's seconded. You can ask a question.

DR. WILLKE: Is the -- is there a standard for the up-rate procedure?

MR. ANDREWS: It's straight out of the code.

CHAIRMAN KELLY: Any further questions or comments?

(No response)

CHAIRMAN KELLY: Before we vote, I think we'll just ask, does the public have anything they'd like the body to consider -- the Committee to consider?

(No response)

CHAIRMAN KELLY: All in favor?

MR. ANDREWS: Let me ask, is there a time -- when would this come into effect? Because I know every operator's going to run out and up his pressure to MAOP to hold his five years.

(Laughter)

MR. ANDREWS: Has this already happened?

CHAIRMAN KELLY: Mr. Israni?

MR. ISRANI: Is your question is that when this becomes effective, this requirement for testing operating following ASME?

MR. ANDREWS: When did the five years begin or when will it begin? The previous years --

CHAIRMAN KELLY: When does the clock start?

MR. ANDREWS: Yes.

MR. ISRANI: The main thing is that --

CHAIRMAN KELLY: When do you think it should start?

PARTICIPANT: I was talking about that a little bit --

MR. ANDREWS: -- check my pressure of my MAOP.

MR. DRAKE: Wait, wait, wait, wait. I think the issue here is we did talk about that. The ASME is not a rulemaking. So ASME doesn't talk about it in times of a specific date.

But here you have that opportunity to define the date as the date that the rulemaking goes into effect. And what you don't want to have happen is have this be a rolling five years because what will happen is every five years everybody's going to be -- which is not what you want to do because that just incites defect growth, which is exactly what you're trying to prevent.

So I think if you don't define it on a day, five years from this day, and it's just five years that just rolls along forever and ever, every five years people are going to pressure up to keep their MAOPs valid, which is not what you want to do.

I think you want to do it one time, just like they did when they grandfathered pipes in 1968. As of this day, you know, and the day seems to me to be the date that the rulemaking goes into effect. And that

locks it down in time and it gives people an opportunity to get -- they see the rule coming and they have a chance to get those sites identified, get themselves, you know.

CHAIRMAN KELLY: All right. Then we have, I think, an addition to that motion, and that is to include that it would be effective on the effective date of the regulation.

Are there any more questions or comments?

MR. COMSTOCK: Can we read it one more time?

CHAIRMAN KELLY: Oh, sure, yes.

The Committee recommends that OPS incorporate the relevant provisions of B31.8S, and that is those which pertain to increasing the pressure and material and construction defects, or allow the alternative of following the procedure -- the up-rating procedure, which is currently in the regulations, all of which will become effective on the effective date of the regulation.

Is there any further discussion? Yes?

MR. THOMAS: Yeah, I'd just like to comment to follow up on Ben's. There is an interaction between this provision and MAOP as -- as currently in the code which we're all used to dealing with. It seems to me that this requirement will end up sort of asterisking

certain MAOPs that are already established.

Under current rules, you can up-rate up to MAOP without anything else going on. Now we're saying in certain circumstances or certain segments of pipe you cannot do that unless you do something else.

So there's -- there's at least an interaction between this and the MAOP provision, and it may end up being confusing.

CHAIRMAN KELLY: So, is it your suggestion that if this motion passes that OPS implement it in such a way to be consistent with any other MAOP -- existing MAOP provisions?

MR. THOMAS: Yeah. I'm supporting the amendment but am commenting that, yes, OPS should consider that interaction and somehow word this in a way that least confuses the issue.

CHAIRMAN KELLY: Any other questions or comments by the Committee?

Did I see a question, Mr. Moore?

MR. MOORE: No, ma'am. Thank you.

CHAIRMAN KELLY: Are we ready for the vote? Mr. Bennett?

MR. BENNETT: I would like to add just one thing. You may consider, we talked about the effective date of the rule, and that is a really good thing

because you don't want the rolling five years.

One thing you might consider is six months after, just understanding the way people communicate. Everyone may not know about the rule coming out and there may be some very good, very secure pipe that's not that old, people didn't hear about it, and they just didn't do the proper tests that they --

CHAIRMAN KELLY: You mean they don't run right out and read this transcript as soon as it's available?

(Laughter)

MR. BENNETT: No, I do it all the time, but I have insomnia, so.

PARTICIPANT: They don't read the "Federal Register."

MR. BENNETT: But that's one thing -- I have -- OPS really needs to decide that they -- but that should be some consideration that they think about, giving people six months to understand what's going on.

CHAIRMAN KELLY: Thank you.

Any further comment by Committee members?

(No response)

CHAIRMAN KELLY: Are we ready for the question? All in favor?

(There was a chorus of "ayes.")

CHAIRMAN KELLY: Any opposed?

(No response)

CHAIRMAN KELLY: Any abstentions?

(No response)

CHAIRMAN KELLY: Thank you.

Direct assessment.

MR. DRAKE: Chairman Kelly, I have just a point, I guess, just to make. We've tried to dance around the issue about the specific word, but I think the exercise we just went through kind of clarified that there's a long way between the cup and the lip.

And I know that we're all pressing very hard to move forward with this and we're trying to stay away from the regulatory language and trying to get too deep in this, but I think that there's a great deal of anxiety that's -- because you see these people keep running up to me and talking to me while we're voting and --

CHAIRMAN KELLY: -- they're just --

MR. DRAKE: Well, that too, but not with them.

Only because that -- there's a lot of anxiety about the distance between the cup and the lip. The words can be a big deal and the words are, you know, an element of how this thing actually rolls forward.

And I know that, you know, there's a -- there's an arm's length distance here between the industry and this Committee and the regulator, but there are proposed words that are provided that try to address these issues. And I hope that the DOT is going to try to use those words as much as possible to help avoid the problems that could happen between the cup and the lip, okay?

If those words somehow don't seem to be working and there seems to be a need to have a radically different string of words, I hope that somehow we are able to communicate because I think that that is the kind of place where we -- we have a chance to collide with each other, where it wasn't what was understood around this table is not being effectuated in the words.

And that's all I really want to say. I don't really want to get into mincing of words here, but hopefully we can try to take some tact that minimizes the opportunity to collide with each other in December when we see this thing again.

MS. GERARD: This is your opportunity to be as explicit as possible about your advice. After this meeting and hopefully a vote, we won't be able to communicate about this again until the rule comes out.

MR. DRAKE: Then I guess I have to make a carte blanche recommendation that you follow the language that was provided to deal with these issues.

MS. GERARD: If you could -- if on each of the occasions that we have coming up, if you could listen to the discussion and look at your language and then say, because sometimes the discussion illuminates further the question.

MR. DRAKE: I think it's amazing how --

CHAIRMAN KELLY: Let me just say this. I think we can move forward. The recommended language is a part of the record. The position of the Committee on issues is clear, I believe, and a part of the record. And OPS will have to proceed based upon the opinions that we have expressed -- that we are expressing here in this meeting and other information that has been submitted in the public record.

And to the extent that -- if in the final rule OPS does not incorporate a provision that this Committee is recommending, as you know, they are required by law to indicate in their -- the published rule the position that we took and why they did not follow it. And that's as far as I believe we can go at this point.

Are we ready for the next item?

MS. GERARD: I just want to make sure we make a distinction between the recommended language that was provided by AGA and INGAA and the Committee's view as a whole about the language of INGAA and AGA because the Committee is purposely -- purposefully by law balanced between industry, government, and the public. And so I want to make sure that the people on the Committee who are not representing the pipeline industry are looking at the language that has been provided and deciding to recommend based on their look at that language.

CHAIRMAN KELLY: Are we ready for direct assessment?

Oh, I'll just run this thing all night.

Dr. Feigel?

DR. FEIGEL: I think you were headed where I was headed.

CHAIRMAN KELLY: You would just like to keep going, that is?

DR. FEIGEL: Oh, sure.

(Laughter)

CHAIRMAN KELLY: That wasn't where I was going.

(Laughter)

CHAIRMAN KELLY: But I will certainly abide by the will of the Committee.

Actually, I think people think faster when they're anxious to go.

(Laughter)

CHAIRMAN KELLY: We have -- we have access to the room until 6:00, not that we have to stay until six. But if -- the last item that was on here before the break for tomorrow was direct assessment. And perhaps it is a bit much to go through all of this and do the final vote.

But I will -- I'll abide by the will of the Committee. So let me know whether you'd like to stay or go.

MR. DRAKE: As, maybe, an alternative to diving into something as -- as wieldy as or unwieldy as direct assessment, maybe we could touch on an issue that was opened and kind of parked, and -- and I -- I'd appreciate it if we could get some clarity on the issue of the identified sites and the petition for reconsideration. If we could spend just a little bit of time articulating what is DOT's plans.

We have touched on the description of an identified site in these meetings periodically over the last six months, 20 people, 50 people, indoors, out -- I mean, it's like you said, Stacey, it is kind of embedded in here. But today we have not talked about

closing those -- those issues, the identified site issues. They have not -- we have not voted on any of them.

But would that be -- would that be appropriate just for us as a group to kind of figure out how that sits right now? Because it is integral to this rulemaking.

CHAIRMAN KELLY: Are you addressing again the petition for reconsideration?

MR. DRAKE: The issue specific to identified sites. I know that it's difficult for this group to talk about the petition for reconsideration because we have not seen it here, but I think that I would appreciate just some clarity on where the DOT's definition of an identified site stands today, and that's separate from the petition for reconsideration. It's just a fact.

Where are you? Because we've talked about it. We have not seen those issues explicitly closed. And I don't know if it's because of the petition for reconsideration or what, but this Committee has heard those issues brought up. We just haven't heard where they went.

MS. GERARD: I'm trying to recall. There were three issues, as I remember, in the petition for

reconsideration. Is that -- is that correct?

And one of them dealt with the rural churches, which I know we're going to deal with on the agenda.

Right at this moment, I can't remember what the other two issues were. I -- I know that --

PARTICIPANT: Bring up the whole petition --

CHAIRMAN KELLY: Right. Because we're not going to deal with that.

MS. GERARD: Well, but I -- I would say that when we wrote the rule, the NPRM, we -- we did have eye on that petition and we were trying to address the problems in the petition with this rule. So I -- I just -- I apologize, I can't remember what the --

MR. DRAKE: Let's not talk about the petition for reconsideration, just for the clarity of this entire group. What is --

MS. GERARD: What did it say on identified sites?

MR. DRAKE: We're not going to talk about it. What --

MS. GERARD: Identified sites.

MR. DRAKE: What is an identified site? That's not germane to the petition for reconsideration at all. It's just, what do you think they are?

MS. GERARD: I thought they were the areas where people congregated and the hard-to-evacuate.

MR. ISRANI: Right. That's in general, but if you want to see what we identified -- what an identified site is, it's what is in the final rule of August 6th for HCA, which says an identified site is a building or outside area that is visibly marked, is licensed or registered by a federal, state, or local agency, is known by public officials, or is on the list or map maintained by or available from federal, state, or local agency or publicly or commercially available database. And then it describes what those identified sites are.

It's occupied by persons who are confined or of impaired mobility or would be difficult to evacuate. And examples include but not limited to hospitals, prisons, schools, day care facilities, retirement facilities, and assisted living facilities.

Or, second part of that identified site is, there's evidence for the use of site by at least 20 or more persons on at least 50 days in a 12-month period. And these days may not be consecutive. Examples include but not limited to beaches, playgrounds, recreational facilities, camping grounds, outdoor theaters, stadiums, religious facilities, recreational

areas near the bodies of water.

This was in the final rule as identified site.

MS. GERARD: But in this NPRM, I thought we made some additional clarification about who the local agencies were. And we attempted to limit it to fire service and law enforcement emergency responders, right?

MR. DRAKE: You asked for comments on it. Specific to that, you asked for a comment on the definition of public officials -- that was in the August final rule -- and asked whether public safety officials is more appropriate in the NPRM.

MS. GERARD: Right.

MR. DRAKE: But that opened up the question of the rest of the identified site definition being appropriate, such as the databases issue. How do we comply with that? And there are comments on the record that I think the Committee ought to consider discussing --

MS. GERARD: On this rule?

MR. DRAKE: Yes.

MS. GERARD: Wasn't the database issue addressed with the extrapolation?

MR. DRAKE: No. It's in the NPRM and in the

final rule for HCA definition. The question was before us or inside the definition resided that the operator must examine all commercially available databases and publicly available databases. And operators looked at that and said, do I have to go down the roadrunner path of getting to the end of the Internet and finding -- you know, where do I -- where do we stop and draw the line for compliance here.

MS. GERARD: Didn't we propose something else in this? I mean --

CHAIRMAN KELLY: Let me -- let me suggest this, then, and maybe it would be good for us to break for business at this point.

We'll give the OPS staff an opportunity to review the current proposal to the extent that it addresses the definition and we will begin our meeting tomorrow by reviewing those elements of this proposal so that we can sort of bifurcate this discussion. We will deal with it as it relates to the issue before us without having to go back to issues that don't necessarily pertain to the agenda at hand.

So we'll take this up as our first order of business in the morning.

MR. DRAKE: Thank you very much.

CHAIRMAN KELLY: Are there any -- so what

we'll -- we'll stop our discussions on the agenda at this point.

Are there any other what I'll call administrative matters?

(No response)

CHAIRMAN KELLY: I failed to mention earlier that we had minutes or notes taken from our meeting in March, and I personally found that very helpful to -- it summarized our discussion and the things that were important at the last meeting and that's a lot easier for us as Committee members, I believe, to go back to than to wade through the transcript.

So, I want to thank our secretary for doing that and thank OPS for having that available to us. We always thank our court reporter. He does an excellent job, but to have the minutes, that was new and it was very helpful, and we want to thank staff for that.

And Cheryl has told me that I should tell you you've got homework because there are new inserts under the L & G portion of the agenda package that were not in the materials that were sent to you prior to the meeting. So if you'd just take a look at those tonight, specifically environmental assessment and the regulations evaluation. We will have to vote on that, so if you'd just take a look at it in your spare time.

All right. We are adjourned until the morning.

MR. ISRANI: Can I add just one comment? You know, we -- we like to discuss identified sites, but I would think that we must go through a few issues that we have so we can clear that part of our agenda and then, by whatever limited time we have --

CHAIRMAN KELLY: We'll review that.

MR. ISRANI: Okay.

CHAIRMAN KELLY: See you in the morning.

(Whereupon, on May 28, 2003, the proceedings were adjourned, to reconvene at 9:00 a.m., May 29, 2003.)