

## Summary of Comments

During the thirty day response period, the following groups provided PHMSA with comments on the proposal outlined in the August 2009 Federal Register notice:

- Two industry trade associations – American Gas Association (AGA) and the American Petroleum Institute (API)
- The National Association of State Pipeline Safety Representatives (NAPSR)
- Two pipeline operators -- Southwest Gas Corporation (SWGAs), Spectra Energy Transmission LLC (SET)
- A parts manufacturer-- Norton McMurray Manufacturing Company (NORMAC)

A summary of those comments and PHMSA's responses is provided below for each of the three proposed incident report forms and related instructions.

### General Comments

*AGA, NAPSR and SWGas generally commented* that the Action would require reporting of all structure fires that eventually damage the gas facilities adjacent to the structures (events collectively referred to as "Fire First" events), and that the increased reporting of these events will artificially inflate the statistics and lead to invalid conclusions based on inflated safety trends. They pointed out that fire incident data is already collected by FEMA and others.

*PHMSA response:* Formally discontinuing the reporting of "Fire First" events is outside the scope of this information burden collection action. PHMSA is considering a policy adjustment through a future rulemaking that would consider the costs and benefits of this reporting and industry and other stakeholders will be duly notified as that effort progresses.

*AGA commented* that the Regulatory Analysis was significantly underestimated based on the number of Fire First events that would be filed.

*PHMSA response:* A formal regulatory analysis was not performed as this PHMSA action is not a rulemaking. PHMSA revised their estimate of burden hours for Information Collection purposes to factor in the increased amount of information required in Incident/Accident forms. The reporting of "Fire First" events is not a new requirement. As stated above, PHMSA is considering a policy adjustment through a future rulemaking regarding this issue.

*NAPSR commented* that the definition of an incident is not the same as that proposed in One Rule.

*PHMSA response:* Since this action is not a rulemaking and is based on the Pipeline Safety Regulations that are currently in place, PHMSA must use the definition that is specified in the current 49 CFR 191.3. Once the One Rule is finalized, PHMSA will revise the instructions as applicable. The definition of an incident does not alter the format of the forms.

#### A. Incident Report Form PHMSA F 7100.1 – Gas Distribution Systems

*1a. AGA commented* that the Distribution Incident Regulatory Analysis understates the time to complete the form stating that the form increases from 3 to 10 pages, so will take 100% more time, not 33% to complete.

*PHMSA response:* Using the number of pages as an indicator of burden estimate will lead to erroneous conclusions. Most of the form relates to the 32 separate potential cause categories the new form provides, whereas only a single relevant cause section will be completed for any filed form.

*2a. AGA commented* that the Distribution Incident Regulatory Analysis had a logical flaw in stated time required to investigate incidents for new causality information and that the additional time required for state review of incidents was not considered.

*PHMSA response:* PHMSA agrees that more time should be factored in to account for causality investigations and has revised the burden hour estimate accordingly. The state review of incidents does not impact the amount of time that it takes to submit information covered by this information collection request.

*3a. NORMAC commented* that immediate reporting within 30 days is too soon to identify root cause.

*PHMSA response:* PHMSA has revised the form and instructions to clarify that what is to be reported is the apparent/proximate cause. Supplementary reports are to be filed when an apparent cause determination changes.

*4a. NORMAC commented* that PHMSA data from initial reports must be corrected in the database if subsequent supplemental or investigation results show inaccuracies; else false conclusions can be drawn.

*PHMSA response:* The stated concern is beyond the scope of this action; however, PHMSA will take this into consideration for its treatment of data.

*5a. NORMAC commented* that we should change mechanical coupling to fitting since couplings are one type of fitting. Add to information being collected per suggested changes.

*PHMSA response:* PHMSA agrees and has incorporated the suggested changes.

6a. *NORMAC commented* that we should add a choice for compression coupling under types of mechanical fittings.

*PHMSA response:* PHMSA agrees and has made the change.

7a. *NORMAC commented* that the form should query if an item was installed per current 49 CFR 192.283, with restraint against pullout, regardless of regulations at time of installation.

*PHMSA response:* PHMSA agrees and has revised the form to ask if installation provided protection against pullout.

8a. *NORMAC commented* that we should ask for date of install, not manufacture.

*PHMSA response:* PHMSA agrees and has made the change.

9a. *NORMAC commented* that we should add questions that imply need to initiate root cause evaluation.

*PHMSA response:* PHMSA disagrees. Additional rulemaking would be required to establish such a requirement.

10a. *NORMAC commented* that we should change plastic joint to fusion joint.

*PHMSA response:* PHMSA agrees and has made the change.

## B. Incident Report Form PHMSA F 7100.2 – Gas Transmission Systems

1b. *NAPSR commented* that we should add carbon dioxide as a commodity choice since carbon sequestration is going to lead to transport of carbon dioxide as a gas.

*PHMSA response:* PHMSA agrees and has made the change.

2b. *NAPSR commented* that the instructions for the Natural Gas Transmission Incident form should list examples of Synthetic gas, like landfill gas, biogas, manufactured gas based on naphtha, hydrogen rich gas, etc.

*PHMSA response:* PHMSA agrees and has made the change.

3b. *SET commented* that gas transmission incident instructions regarding right of way (ROW) should provide additional guidance to distinguish workers in ROW from general public workers.

*PHMSA response:* PHMSA agrees and has clarified the instructions accordingly.

4b. SET commented that to ensure completeness we should add "unknown" to B12 for how road crossings are reported.

PHMSA response: PHMSA agrees and has made the change.

5b. SET commented that to ensure completeness we should add "other" where needed, since standard form may not identify all possible types.

PHMSA response: PHMSA agrees and has made the change.

6b. SET commented that for accuracy we should delete "continuous weld".

PHMSA response: PHMSA agrees and has made the change.

7b. SET commented that for Gas transmission instruction completeness, we should examples of costs to be considered/included.

PHMSA response: PHMSA agrees and has made the change.

8b. SET commented that for improved accuracy, PHMSA should ask if fatigue affected controller response, not simply if fatigue existed

PHMSA response: PHMSA agrees and has made the change.

9b. SET commented that for completeness we should add an option to show employees/contractors did not require drug/alcohol tests because employees were not a contributing factor.

PHMSA response: PHMSA disagrees; the change suggested is not needed. The question is two parts: were employees tested, and the results. If employees did not require testing, then answer to first part is no and second part is not applicable (N/A).

10b. SET commented that for completeness we should clarify if information regarding original hydrotest is to be included.

PHMSA response: PHMSA has provided clarification in the instructions that our intent is not to include the original hydrotest since there would be unreasonable burden for many to retrieve old records related to installation many years ago and results of that test not necessarily informative as to condition of pipeline at time of event.

11b. SET commented that for completeness we should collect nondestructive testing information regardless of date, not just after 7/1/02.

PHMSA response: PHMSA disagrees. PHMSA believe there is an unreasonable burden for many to retrieve old records related to installation many years ago and results of that test not necessarily informative as to condition of pipeline at time of event.

12b. SET commented that for accuracy we should clarify whether an incident caused by weather-related platform failure was due to natural forces or outside damage (e.g. destruction of platform).

PHMSA response: PHMSA agrees and has provided guidance in the instructions to specify that incidents caused only by wind should be specified under G2 as “Natural Force Damage” and that incidents caused by objects blown by the wind should be reported under G4 as “Other Outside Force Damage”.

13b. SET commented that for increased precision of information reporting we should define the terms caliper and geometry ILI tools more precisely or do not use both terms.

PHMSA response: PHMSA agrees and has provided clarification in instructions.

14b. SET commented that for increased reporting accuracy we should move environmental cracking to corrosion sections.

PHMSA response: PHMSA disagrees; we consider environmental cracking a different phenomenon than corrosion and choose to retain the reporting accordingly in the material failure cause category.

15b. SWGas commented that PHMSA established new requirements by characterizing some DIRT fields as mandatory and thus making CGA guides mandatory.

PHMSA response: No new requirement exists. Public comments noted that many operators report to DIRT and sought that required information be made similar. PHMSA has incorporated into this form those fields that DIRT characterizes as mandatory, consistent with industry comments. Following CGA is not mandatory, but operators must provide the info specified on this form to PHMSA in reporting an event.

16b. SWGas commented that the State Certification agreement requires states to identify incidents they consider significant, separate from operator reporting and that the categories are not consistent.

PHMSA response: The comment is not relevant to this proceeding; it deals with state reporting of how states expend time for purposes of PHMSA oversight of state activities.

17b. SWGas commented that we should use 5 digits after decimal for latitude/longitude location accuracy.

PHMSA response: PHMSA agrees and has made the change.

18b. SWGas commented that for accuracy we should allow digits for fractional pipe diameter for small pipe; that for accuracy we should allow for overpressure within regulations for low-pressure distribution systems (e.g., +50% if <12 psi).

*PHMSA response:* PHMSA agrees and has made the changes.

### C. Accident Report Form PHMSA F 7000.1 – Hazardous Liquid Systems

*1c. API provided a revised form that suggested several minor improvements to the proposed format.*

*PHMSA Response:* All of the suggested minor improvements were implemented.

*2c. API commented that PHMSA underestimates time to complete forms and that the regulatory analysis ignored “short forms”.*

*PHMSA response:* A formal regulatory analysis was not performed as this PHMSA action is not a rulemaking. PHMSA has revised the burden hour estimate for Information Collection purposes to factor in the increased amount of information required in Accident forms. The resulting burden hour estimate is 10 hours. “Short forms”, are discussed in more detail below.

*3c. API provided editorial changes via markup to instructions & accident form.*

*PHMSA response:* PHMSA agrees and has made changes as appropriate.

*4c. API noted that liquid instructions relating to Part 195 accident reporting do not require supplemental reports to be filed within one year.*

*PHMSA response:* This is not currently a requirement. Other public comments requested that PHMSA establish a requirement. PHMSA declined to do so but has indicated in instructions that it encourages submittal of supplemental reports within one year.

*5c. API commented that there is no requirement that operators submit a 'final' report in order to satisfy their reporting burden.*

*PHMSA response:* PHMSA has a need to understand if the operator expects additional information to be reported. Thus, we need operators to identify ‘final’ reports. Part 195 requires reporting, including supplemental reports.

*6c. API commented that no draft “short form” was included in the docket.*

*PHMSA response:* Technically the term “short form” was not an official term. There is no OMB approved “short” form; the past usage of that term applied to small spills of less than 5 barrels where only page one is completed. The new form subsumes reporting of spills less than 5 barrels through a subset of full information required for spills of 5 or more barrels on the new form most efficiently through electronic filing and computerized navigation logic. The preponderance of reports are already filed electronically. For the

small number of reports that would be filled in hard copy, a hard copy that indicates which elements are relevant for spills of less than 5 barrels has been created. PHMSA notes that there are many circumstances other than spill size where de-minimus levels of information are provided. For example, depending on which cause is selected, there is a varying degree of information requested. For increased clarity, we choose to discontinue the term “short form” moving forward. For burden hour purposes, PHMSA is estimating that the time necessary to fill out incident reports on such small spills at 5 hours.

*7c. API commented* that they believe it is reasonable for PHMSA to define a reporting threshold change in amount of property damage to trigger filing supplemental reports.

*PHMSA response:* PHMSA agrees and has provided guidelines in instructions.

*8c. API commented* that DIRT includes prior damage as root cause so prior damage may be reported in two places.

*PHMSA response:* PHMSA acknowledges that DIRT includes “Previously Damaged Pipe” as a cause, as well as on the form itself as a major cause category. PHMSA held later discussions with API on the topic and we had a general acknowledgement that the information on DIRT is not mandatory and the inclusion of the cause element outside of the DIRT section is therefore appropriate.

*9c. API commented* that there were several discrepancies from our DIRT section compared to the actual DIRT form.

*PHMSA response:* PHMSA confirmed with API that API was not using the latest DIRT form for comparison. PHMSA template is confirmed to be identical to the CGA DIRT form with exception of inclusion of “ticket number” needed to help identify duplicate filings that may result if companies submit the same reports to CGA and to PHMSA.

*10c. API commented* that we can not cite “terrorism” as cause without a prior report to DHS.

*PHMSA response:* PHMSA is encouraging (not requiring) operators to call the FBI when terrorism is suspected. 28CFR0.85 is referenced in instructions for definition of terrorism, which also asks other federal agencies who identify terrorism events to contact FBI; that code doesn't address "public" notification requirements.

*11c. API commented* on a correction to the URL on page one that reflects PHMSA new electronic reporting URL.

*PHMSA response:* PHMSA agrees and has made the change.

*12c. API commented* that for Part A. 5. we should add an extra decimal for latitude/longitude.

*PHMSA response:* PHMSA agrees and has made the change to our data quality check processes.

*13c. API suggested* several changes to items A 13 through A 18 relating to time the operator identified the accident and arrived on the scene.

*PHMSA response:* PHMSA agrees and has made the changes.

*14c. API made minor suggestions* to PART C (consider allowing decimals relating to pipe diameter; add additional bullet for “relief valve”; reword existing bullet for “relief line” and “relief equipment” accordingly; add the word “carbon” to “steel” under C 5 to read as “carbon steel” and “material other than carbon steel”)

*PHMSA response:* PHMSA agrees and has made the changes.

*15c. API commented* that we should change Part D 4 to add words “not needed” to the “no” response to the question (to read as “No. (not needed)”).

*PHMSA response:* PHMSA agrees and has made the changes.

*16c. API commented* that for Part E we should split question 6 into two questions; “Was a Supervisory Control and Data Acquisition (SCADA) in place...” and “Was CPM system in place ....”

*PHMSA response:* PHMSA agrees and has made the changes.

*17c. API commented* that for Part E question 8 we should use the term Controller not the term Remote Controller since the term Controller is now defined.

*PHMSA response:* PHMSA agrees and has made the changes.

*18c. API commented* that we should add the phrase “including contractors” to two bullets where that is relevant under Part E question 8.

*PHMSA response:* PHMSA agrees and has made the changes.

*19c. API proposed* some wording clarifications to the bullets under Part E question 10.

*PHMSA response:* PHMSA agrees and has made the changes including the addition of further clarifications.

*20c. API commented* that for Part G 1 we should ask “cause” of corrosion not “type” of corrosion.

*PHMSA response:* PHMSA agrees and has made the changes.



21c. API commented that under Part G1 the terms “drop out” and “crossing” were confusing.

*PHMSA response:* PHMSA agrees and eliminated these bullets.

22c. API commented that for Part G1 item 12 we should add “not mainline pipe” to the “No” response.

*PHMSA response:* PHMSA agrees and has made the changes.

23c. API commented that for Part G5 we should change the existing bullet to read “Original manufacturing related (not girth weld or other welds formed in the field).

*PHMSA response:* PHMSA agrees and has made the changes.

#### D. Comments Applicable to All Three Forms

1d. NAPSAR commented that for all forms, for the SCADA related information section we should ask if the system was in operation, not functional stating that the latter is ambiguous.

*PHMSA response:* PHMSA agrees, and has made the editorial change.