

Comments/Responses Excerpt from 30-Day FR Notice (September 21, 2012; 77 FR 58616)

C. Hazardous Liquid Pipeline Systems Accident Report

PHMSA proposed to revise the “Accident Report – Hazardous Liquid Pipeline Systems” (PHMSA F 7000-1, Hazardous Liquid Accident Report) to make minor edits and to collect additional information relating to accidents involving girth welds. The form and instructions proposed by PHMSA in the April 13, 2012, (77 FR 22387) Federal Register notice and comments received in response to the notice may be found at www.regulations.gov at docket number PHMSA-2012-0024. The docket also contains the form and instructions as amended in response to the comments.

C1: On page 15 of the current Hazardous Liquid Accident Report instructions, PHMSA provides guidance on reporting shutdowns. API and AOPL commented that the previous version of the instructions provided additional guidance regarding how and when shutdowns of pipeline facilities must be reported, and that this guidance should be reinstated to allow for uniform reporting amongst operators.

C1. Response: PHMSA agrees and has incorporated the revision as suggested.

C2: On page 1 of the current Hazardous Liquid Accident Report instructions, PHMSA provides guidance on reporting pipeline failures or releases involving secondary ignition. API and AOPL commented that this guidance is confusing and should be removed since operators must report any release when a fire not intentionally set by the operator is involved, irrespective of which party initiated the release or the amount of damage.

C2. Response: PHMSA agrees and has incorporated the revision as suggested.

C3: On page 13 of the current Hazardous Liquid Accident Report instructions, PHMSA provides an “Important Note” regarding Part A, Questions 9 and 10 to require the inclusion of commodity volumes consumed by fire or explosion in the estimated volumes reported. API and AOPL commented that this guidance is contrary to previous guidance and will result in data that does not correlate with previous data. API and AOPL further requested that PHMSA note this change to avoid misinterpretation or incorrect analysis of the data.

C3. Response: PHMSA has amended the instructions for Part A, Questions 9 and 10 to remove the “Important Note” and to specify that the volumes consumed by fire should only be reported as a dollar value under Part D, Question 8.

C4: Part A, Question 7 of the Hazardous Liquid Accident Report asks for the local time and date of the initial telephonic report of the accident to the National Response Center (NRC). The Hazardous Liquid Accident Report instructions specify that the time reported should reflect the time zone where the accident was physically located. API and AOPL commented that the NRC puts a time stamp on each report based on the Eastern Time Zone, and not the local time at the accident location, and that PHMSA should note this discrepancy in the Hazardous Liquid Accident Report instructions in order to reduce confusion.

C4. Response: PHMSA will add the note suggested by API to warn operators that the NRC report time stamp must be converted to local time. PHMSA will also make this change in the Gas Transmission Incident Report.

C5: API and AOPL commented that the “Supplemental Report” section on Page 8 of the Hazardous Liquid Accident Report instructions incorrectly cites 49 CFR 191.15(c) from the

natural gas regulations and should be corrected to reference 49 CFR 195.54(b) from the hazardous liquid regulations.

C5. Response: PHMSA has corrected the regulation referenced in the instructions.

C6: Part G of the Hazardous Liquid Accident Report allows for the reporting of “Apparent Cause” and Part G, section G6 applies to “Equipment Failure.” PHMSA did not propose revisions to this Part. API and AOPL recommended that PHMSA revise Part G, section G6 to add “abnormal wear” as a sub-cause in an effort to reduce operator use of the option “other,” thereby increasing the accuracy and specificity of PHMSA’s data. API and AOPL further recommended that the option “none” be added to Part G, section G6, and that the phrase “Complete the following if any Equipment Failure sub-cause is selected” be deleted. API and AOPL suggested that these proposed revisions will further substantiate PHMSA’s data.

C6. Response: At this time, PHMSA is focusing on the proposed revisions identified in the April 13, 2012, (77 FR 22387) Federal Register notice. This issue falls outside of the scope of those revisions. PHMSA will consider this suggestion during the next review of the form which is scheduled to take place in 2013.

C7: Part D of the hazardous liquid accident report allows for the reporting of “ADDITIONAL CONSEQUENCE INFORMATION.” PHMSA proposed to revise Part D, Question 8(a), to delete the phrase “paid/reimbursed by the Operator.” API and AOPL commented that PHMSA should not implement the proposed deletion. API and AOPL suggested that the proposed deletion would create a misleading impression that private

individuals must pay, or have paid, damages resulting from a release. They further specified that it is only in extremely rare instances that an entity other than the operator incurs any cost and, in those rare instances, the operator is unlikely to know the costs incurred by other parties, rendering them unable to provide an accurate response.

C7. Response: PHMSA removed “paid/reimbursed by the Operator” from the form in response to questions from operators about whether they should report total property damage or just the dollar amount paid for by the operator. PHMSA expects operators to report total property damage, regardless of whether the operator paid for the damage. In cases where the operator has not paid for the damage, the dollar amount must be estimated. PHMSA will remove “paid/reimbursed by the Operator” from the form.

C8: PHMSA proposed revisions in Part C of the report to collect more information for incidents involving girth welds. API and AOPL suggest that PHMSA restructure the form so that all the data will be collected in a data field within Part C, rather than in the narrative where it is unavailable for public examination and proper analysis.

C8. Response: The revision proposed by the commenters would require extensive modifications to the form and to the methods of data analysis. PHMSA will consider this suggestion during the next review of the form which is scheduled to take place in 2013.

C9: API and AOPL commented that PHMSA should ensure that all proposed changes are reflected in the instructions.

C9. Response: PHMSA has revised the instructions to reflect the proposed revisions.

C10: Part A of the hazardous liquid accident report allows for the reporting of “Key Report Information.” PHMSA did not propose any changes to this Part. API and AOPL suggested that Part A, Question 10 be revised from “Estimated volume of intentional and/or controlled release/blowdown” to “Estimated volume of intentional and/or controlled release/blowdown (HVL/CO2 releases only).” API and AOPL specified that adoption of the proposed modification would be consistent with the original objective of the question — to differentiate information on HVL/CO2 releases where product is vented or flared under the operator’s control to facilitate repair following a release, as opposed to what was released unintentionally during the release event. API and AOPL further suggested that this revision be detailed in the instructions as well.

C10. Response: PHMSA agrees with the comment from API and AOPL and has revised the form and instructions as suggested.