August 27, 2009

Docket Management System
U.S. Department of Transportation
Docket Operations, M-30
Room W12-140
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590-001

Re: Docket No. PHMSA-2008-0291

Dear Sir or Madame:

This letter contains the comments of the Pipeline Safety Trust, which is the only national organization that advocates for pipeline safety on the public’s behalf, about the proposed revisions to 49 CFR Parts 191, 192, 193 and 195 regarding the reporting requirements for operators of gas and hazardous liquid pipelines, and operators of liquefied natural gas (LNG) facilities. These proposed regulations were published in the Federal Register on July 2, 2009 (Volume 74, No. 126, pages 31675 to 31686).

If adopted, these proposed regulations would:

• Expand the data that operators of gas pipelines, hazardous liquid pipelines, and LNG facilities are required to submit to PHMSA.
• Enable PHMSA to obtain state-specific information on pipeline operators and their operations.
• Require operators of LNG facilities to submit annual and incident reports.
• Require all written reports to be submitted on standardized forms.
• Require reports to be submitted electronically in most circumstances.
• Establish a National Registry of Pipeline and LNG operators.
In general, the Pipeline Safety Trust views these proposals as being significant steps in improving the collection of data, which—if properly analyzed and acted upon—can prevent pipeline failure that could lead to death and injury, as well as damage to the environment and property.

In particular, the Pipeline Safety Trust supports the collection of more state-specific information. The collection of this information will increase the ability of PHMSA and others to assess state regulatory efforts, which vary, as well as the implementation of state-specific programs, such as damage prevention.

The Trust also would like to encourage to make much of this collected information more readily accessible to the public.

The Trust does have specific comments about some of the proposed revisions and general comments about the proposed report forms and their instructions. These comments are set out below. Also below is the Trust’s view on using the National Pipeline Mapping System (NPMS) to obtain infrastructure and integrity management (IM) information from operators.

Proposed Revisions to the Regulations

1. In the current regulations and the proposed revisions, there are terms that are used in 49 CFR Part 191 and 195, but not defined in 49 CFR 191.3 and 195.2, respectively. These terms should be defined in the regulations. (The table below contains these terms and where they are used in the current or proposed regulations.)

<table>
<thead>
<tr>
<th>Undefined Term(s)</th>
<th>49 CFR Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gas pipeline facility, gas pipeline facilities</td>
<td>191.1 (a), Proposed 191.22(a) and (b)</td>
</tr>
<tr>
<td>Production facility</td>
<td>191.1(b)(2)</td>
</tr>
<tr>
<td>LNG plant</td>
<td>Proposed 191.3 (used in definition of “Incident”), Proposed 191.15(b), Proposed 191.22(a) and (b)</td>
</tr>
</tbody>
</table>
2. There appears to be a typographical error or conversion error in the proposed revision to the definition of “Incident” in 191.3. According to the Preamble in the Federal Register (page 31677), (1)(iii) should read “Estimated gas loss of 3 million cubic feet or more.”

3. The Preamble (page 31677) states the Government Accountability Office had recommended that PHMSA revise its definition of a reportable incident to take into account changes in the price of natural gas. The Preamble also noted the Interstate Natural Gas Association of America INGAA had submitted a petition in 2005 for rulemaking to PHMSA recommending the adoption of a volume basis instead of the cost of gas lost. With regard to the definition of “Incident” in 191.3, it is not clear whether the continued inclusion of (1)(ii) — which sets an estimated property damage “trigger” of $50,000 or more— is intentional or this provision should have been dropped in lieu of the proposed estimated gas loss of 3 million cubic feet or more.

4. The Pipeline Safety Trust is opposed to the proposed regulations (191.7(a), 191.22(d), 192.951, 195.58(a), and 195.64(d)] that would allow pipeline operators to use an “alternative reporting method” if “electronic reporting imposes an undue burden and hardship.” Given that an operator can purchase a computer for less than $600, link up to the Internet for less than $600 annually, and hire someone — if necessary — at little cost to input the data, it is difficult to conceive of a situation when electronic reporting would impose an undue burden and hardship. Certainly these costs are infinitesimal in comparison to the costs of operating and maintaining a pipeline.

<table>
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<tbody>
<tr>
<td>Distribution pipeline system</td>
<td>191.9(a), 191.11(a), 191.13</td>
</tr>
<tr>
<td>Gathering pipelines</td>
<td>191.13, 191.15(a), 191.17(a)</td>
</tr>
<tr>
<td>Transmission pipelines</td>
<td>191.13, 191.15(a), 191.17(a)</td>
</tr>
</tbody>
</table>
Furthermore, if an operator must register on-line in the National Registry of Pipeline and LNG Operators, then the operator already will have the equipment, the communications linkages in place, and someone with computer skills to submit reports electronically.

5. Proposed 191.22 (b) and 195.64(b) would require operators to report certain events electronically to PHMSA 60 days before they occur. The Preamble (page 31678) states that one such event is

"A change in the operating entity responsible for managing or administering a safety program (such as an Integrity Management or Corrosion Protection program) covering an existing pipeline, pipeline segment, or facility."

This event, however, is omitted from these proposed regulations and the Pipeline Safety Trust assumes that was an oversight. If not, this event should be included since it is clearly important information and we see no other way that the proposed regulations impose this requirement on operators.

6. Proposed 195.52(d) would require an operator to provide additional telephonic reports to the National Response Center (NRC) if significant new information becomes available during the emergency phase of a reported event. The Pipeline Safety Trust supports this proposed revision.

The proposed revision, however, fails to establish when this additional information must be provided to the NRC. For example, 49 CFR 195.52(a) currently requires that initial notice must be given "at the earliest practicable moment following the discovery of a release...." A similar requirement needs to be added to proposed 195.52(d).
Draft Report Forms and Accompanying Instructions

According to the Preamble,

"The data collection improvements proposed...will enhance PHMSA's standing analytical capability and strengthen PHMSA understanding of risk, all based on sound data." Page 31676. Underlining added.

The foundations on which PHMSA's risk management activities are built are the report forms and their accompanying instructions. Although the proposed regulations give PHMSA the ability to collect needed data, it is the breadth, depth and quality of the data collected that will determine whether these objectives can be attained. After reviewing the proposed forms and their instructions, we have significant concerns that they are confusing, too general, and lack uniformity. These problems can subtly influence how data is reported and significantly affect data quality.

Although the Pipeline Safety Trust initially intended to provide specific comments on each document, it quickly became apparent that this would be a massive undertaking. The Pipeline Safety Trust had the draft materials initially reviewed by a staff member who is an attorney and has been a technical writer in the public and private sectors. Attached are his comments on the draft Safety-Related Condition Report Form and Instructions. These comments should be considered as a sample of the types of massive revisions needed if sound data is to be obtained.

Once the comment period for the draft documents is closed, the Pipeline Safety Trust suggests that the forms be reworked and put out for comment once more time. PHMSA may want to bring together a group of industry personnel who actually fill out these forms and PHMSA risk managers and technical writers to: (1) create report forms and instructions that will capture quality data; and (2) establish a process for reporting this data that will be less burdensome than what has been proposed.
Here are our general comments about the Report Forms and Instructions:

**The Instructions Are Confusing**

If accurate data is to be submitted, then the Instructions have to be clearly, simply and logically stated. Some of the ways in which all of the Instructions fail to meet these criteria include:

- Terms are not defined.
- Terms with the same or closely-related definitions are used interchangeably.
- Electronic reporters are guided through a lengthy process to get to the Instructions instead of being given the direct hyperlink.
- Instructions for reporting data are out of sequence.
- Much of the information provided is extraneous while important information is either lacking or not easily accessible.

**Quality Control Was Not Exercised**

These documents do not seem to have undergone a rigorous review process before they were made available for public comment. Indicators of no or poor quality control include:

- Report items not matching up with data being requested in the Instructions.
- Current reporting requirements being incorrectly stated in the Instructions.
- Instructions failing to incorporate proposed revisions to the Pipeline Safety Regulations.
- Instructions being inaccurate, omitted, or lacking needed details.
- A lack of consistency in formatting and fonts within a single document.
Requested Data Is Too General

The NPRM states that

"Nationally aggregated information does not provide the granularity of data that is critical to PHMSA’s understanding of the risks posed by, as well as the condition of, these pipelines.” Page 31680

The granularity of data so important to risk evaluation also is not provided when a report lumps together categories that should be reported separately. For example, the LNG Incident Report lists material/weld defects as a single category of suspected incident causes.

The Instructions and Report Forms Lack Uniformity

Whenever possible, all report forms and instructions should have the same or a similar look, use the same terminology, and be written in the same style.

The Report Forms Need to Be Visually “Clean”

Report forms should be uncluttered — with instructions for completing the form in a separate document.
Using the NPMS to Submit Infrastructure and IM Information

In the Preamble (page 31681), PHMSA also requested comments on whether submitting infrastructure and IM information through the NPMS is a better alternative to the Annual Report that operators could easily implement.

The Trust supports the adoption of a technology that would enable information about pipeline operations to be submitted, verified, compiled and analyzed easily, efficiently, and cost-effectively. Our concern about using the NPMS—or any other system—to collect Annual Report data is the public's accessibility to this information. The Trust would oppose any system that prevents the public from obtaining this information quickly and easily: be it through partially or wholly restricting public access to data in the system or by requiring a citizen or organization to file a Freedom of Information request. There must be more transparency—not less—about pipeline operations, the performance of individual operators in minimizing operational risks, and the effectiveness of industry and government in preventing accidents.

Sincerely,

Carl Weimer
Executive Director
Attachment

Comments on the Draft Safety-Related Condition Report Form And Instructions

Draft Report Form

Notice:

(1) This notice could be deleted. The information is covered in the Instructions for completing this form.

If it is determined that this notice is necessary and if proposed 49 CFR 191.25(a) and 49 CFR 195.56(a) are adopted, the Notice will need to be revised to comport with the language of the revised regulations.

(2) It would seem that the importance of this notice is to advise the representative of the operator about the time period for filing this report, not what constitutes a safety-related condition. Suggest that the notice—if it is to be included on the report form—be revised as follows:

This report must be filed within [insert the language of the regulations that are adopted] after the day a representative of the operator of a natural gas or other gas pipeline, a hazardous liquid pipeline, or a Liquefied Natural Gas (LNG) facility first determines or discovers a safety-related condition exists.

Instructions:

(1) Suggested Revision:

Before filling out this form, read the Instructions, which are available on the Office of Pipeline Safety Web Page: [Insert URL.]

(2) This section refers the reader to http://www.phmsa.dot.gov/pipeline and then the reader must go through a prolonged process to get to the Instructions. Suggest directing the reader to the site where the Instructions are going to be posted; currently, this appears to be http://opsweb.rspa.dot.gov/cfdocs/opsapps/pipes/main.cfm.
Part B—Reporter Information:

(1) Move (mm/dd/yyyy) so that it follows “Date of Report.”

(2) There are not enough spaces for the year in Item 1.

Part C—Condition Information

(1) Move (mm/dd/yyyy) so that it follows “Date Condition was Discovered” and Date Condition was First Determined to Exist.”

(2) There are not enough spaces for the year in Items 2 and 3.

(3) For simplicity and clarity, suggest the following revision of the parenthetical statement:

If an offshore location: Do not complete this item and go to Item 5.

(4) As currently written, Item 4 does not accurately show that only (f), (g) or (h) is to be completed (as stated in the Instructions). Suggest that it either be revised to indicate this requirement or eliminate the “or” between (f) and (g) and then assume the reader will follow the Instructions.

(5) Suggest the following revision to Item 5 (b):

Name of Platform (if applicable) __________

Part D—Description of Condition

(1) The Report Form and Instructions do not match. This needs to be corrected. See Comments on the Draft Instructions below (Part D, Item 1, Comment 2 and Item 3, Comment 4).

(2) Suggest either:

(a) Setting up this Item with two columns. One would have boxes for all the conditions that pertain to Natural and Other Gas and Hazardous Liquid pipelines; the other for LNG facilities; or

(b) Using a format similar to the revised format suggested in (8) below.
(3) Rather than giving Item 1 the title of “Reason for Reporting Condition,” it would be more consistent with the title of Item 2 (“Further Description of Condition . . .”) to use “Type of Safety-Related Condition” or “Safety-Related Condition Being Reported.”

(4) Suggest Item 2 be titled “Additional Description of Condition” or “Expanded Description of Condition.”

(5) Making “General Corrosion Pitting” a single condition is an incorrect interpretation of 49 CFR 191.23(a)(1) and 49 CFR 195.55(a)(1). There are two safety-related conditions in these provisions: general corrosion and localized corrosion pitting.

Each condition needs to be listed in the form so that PHMSA has accurate data on the occurrence of each of these safety-related conditions.

(6) Combining inner tank leakage, ineffective insulation, and frost heave into a single condition is an incorrect interpretation of 49 CFR 191.23(a)(7).

Each condition needs to be listed in the form so that PHMSA has accurate data on the occurrence of each of these safety-related conditions.

(7) This report is an opportunity for PHMSA to accurately assess the commodities that are being transported through these pipelines. Consequently, for a category that encompasses a variety of commodities—for example, HVL or other flammable or toxic fluids—there should be space for the reporter to fill in the specific name of the HVL or fluid.

(8) Instead of requiring the reporter to select one primary category of commodity and then one subcategory, it would seem to be simpler to just list each commodity in the following manner and have the reporter select only one box. For example:

☐ LNG Facility—LNG
☐ Natural and Other Gas Facility—Natural Gas
☐ Natural and Other Gas Pipeline Facility—Propane Gas
☐ Hazardous Liquid Pipeline Facility—Crude Oil
☐ Hazardous Liquid Pipeline Facility—HVL or Other Flammable or Toxic Liquid→Name

Part E—Corrective Action Taken

Move (mm/dd/yyyy) so that it follows “Corrective Action” in Items 2(a) and (b).
Web Pages

The web pages linked to http://opsweb.rspa.dot.gov/cfdocs/opsapps/pipes/main.cfm will need to be revised to reflect the proposed changes in the Notice of Proposed Rulemaking that are adopted.

Instructions for the Draft Report Form

General Comments
The style of the Instructions is inconsistent. In one item it will state “Please provide” and in another “Provide.” Either one style or the other should be chosen and used throughout the Instructions. This also applies to the use of “you” and “your.”

General Instructions

(1) The proposed regulations, 49 CFR 191.7(a) and 49 CFR 195.58(a), require that operators submit these reports electronically unless PHMSA determines that “electronic reporting imposes an undue burden and hardship.” This section needs to be revised to reflect this.

(2) If the proposal to allow non-electronic submission of these reports is adopted, then a different set of instructions needs to be developed for operators who can submit reports via fax or mail.

(3) If the operator has already gotten to the web page linked to http://opsweb.rspa.dot.gov/cfdocs/opsapps/pipes/main.cfm then some of these instructions are unnecessary.
(4) To make life simple for the operators, they immediately should be made aware whether reporting is required. Therefore, suggest revising the entire section as follows:

**Who Must Report:** Operators of in-service natural gas and other gas pipelines; in-service Liquefied Natural Gas facilities; and in-service hazardous liquid pipelines.

[Notes:
(1) 49 CFR 191.23 and 195.55 only pertain to facilities and pipelines in-service. This is not stated in the draft Instructions.
(2) For electronic reports, suggest hyperlinks to the CFR provisions.]

**Safety-Related Conditions That Must Be Reported:** See Part D of the Instructions.
[For electronic reports, could also hyperlink to CFR provisions or Part D.]

**Safety-Related Conditions That Are Exempt from Reporting—Natural and Other Gases, LNG.** A report is not required for any safety-related condition that:

(1) Exists on a pipeline that is more than 220 yards (200 meters) from any building intended for human occupancy or outdoor place of assembly. **Note:** A report must be submitted when the safety-related condition exists or existed within the right-of-way of an active railroad, a paved road, street, or highway. [In reading 49 CFR 49.191.23 (b)(3), it is not clear whether this exemption applies to a LNG facility that is more than 220 yards away.....This should be clarified in the regulation and the Instructions.]

(4) Is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing this report as set out below. **Note:** This exemption does not apply and a report must be submitted when the following occurs: (1) a pipeline—other than an LNG facility—is affected; (2) the pipeline operates at a hoop stress of 20 percent or more of its specified minimum yield strength; and (3) the safety-related condition is either (a) general corrosion; or (b) localized corrosion pitting and the pipeline is not effectively coated and cathodically protected.

[Note: 49 CFR 191.23(b)(4) is not clear and the statement above regarding localized corrosion pitting may not be a correct interpretation.]
Safety-Related Conditions That Are Exempt from Reporting—Hazardous Liquid Pipeline Operators. A report is not required for any safety-related condition that:

(1) Exists on a pipeline that is more than 220 yards (200 meters) from any building intended for human occupancy or outdoor place of assembly. Note: A report must be submitted when the safety-related condition: (a) exists or existed within the right-of-way of an active railroad, a paved road, street, or highway; or (b) occurs or occurred offshore or at onshore locations where a loss of hazardous liquid could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water.

(2) [Note: May want to define accident or insert a hyperlink to 195.50. Just make consistent with paragraph (2) above that pertains to Exemptions for Natural and Other Gas, and LNG.]

(3) Is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing this report as set out below. Note: This exemption does not apply and a report must be submitted when the safety-related condition is localized corrosion pitting and the pipeline is not effectively coated and cathodically protected.

[Note: 49 CFR 195.55 (b)(3) is not clear and the statement above regarding localized corrosion pitting may not be a correct interpretation.]

Deadline for Filing A Report: Within [insert language of adopted regulations]...

Separate conditions....

Reporting Methods

(1) The proposed regulations, 49 CFR 191.7(a) and 49 CFR 195.58(a), require operators to submit these reports electronically unless PHMSA determines that “electronic reporting imposes an undue burden and hardship.” This section needs to be revised to reflect this.

(2) If the proposal to allow non-electronic submission of these reports is adopted, then a different set of instructions needs to be developed for operators who can submit reports via fax or mail.

(3) If the operator has already gotten to the web page linked to http://opsweb.rspa.dot.gov/cfdocs/opsapps/pipes/main.cfm then some of these instructions are unnecessary.
Specific Instructions

(1) Suggest the following revision to this section:

Select either the Initial Report or the Supplemental Report box in the upper right hand corner of the report form.

**Initial Report:** This is the first report filed about this safety-related condition.

**Supplemental Report:** This is an amendment to or correction of a previously filed report about this safety-related condition.

When filing a supplemental report, complete Part A of the report and only those items in Parts B, C, D, and E that need to be amended or corrected.

(2) **Important:** Neither the current nor proposed 49 CFR 191.25 and 49 CFR 195.56 requires that a supplemental report be filed. If a supplemental report is to be required, these regulations need to specify:

(1) The conditions that trigger the filing of this report.
(2) The time period in which this report must be filed.

**Part A—Operator Information**

(1) The sentence that begins “Complete the next four items...” is not necessary.

(2) Suggest the following be inserted immediately following the title.

**For Initial and Supplemental Reports:** Complete all items in this Part.

**Item 1:** Pipeline Type/Facility Type. This item is worded awkwardly. Suggest:

Select the type of pipeline system or facility for which an annual report is filed.

**Item 2:** Operator’s 5 Digit Identification Number.

If operators who currently have an OPID will have to reapply (as stated at page 31678 of the preamble to the Notice of Proposed Rulemaking), then shouldn’t all operators have a five-digit ID number?
Item 3: Operator Name. Suggest revising “Online Data Entry System” to “OPS Online Data Entry and Operator Registration System” to reflect the correct name of the web page.

The second paragraph seems to be unnecessary. If it is determined that it should stay in the instructions, it would seem to be more appropriate in Item 2.

Item 4: Operator Address. Suggest revising the first sentence to read:

Provide the address of the operator’s office from which the report is being filed. If the report is not being filed from an office, provide the headquarters address in the operator’s annual report to PHMSA.

Part B—Reporter Information

(1) For brevity and simplicity, suggest substituting “this report” in place of “the safety-related condition report” throughout this part. The reader knows the type of report that is being completed.

(2) The introductory sentence is unnecessary.

(3) Suggest the following be inserted immediately following the title.

For Initial Reports: Complete all items in this Part.
For Supplemental Reports: Complete only those items in this Part that amend or correct a previously-filed report about this condition.

Item 1: Date of Report.

(1) The word “actual” is not necessary.

(2) Suggest revising this to read:

Provide the date this report is submitted to PHMSA.
Part C—Condition Information

Suggest the following be inserted immediately following the title:

For Initial Reports: Complete all items in this Part.
For Supplemental Reports: Complete only those items in this Part that amend or correct a previously-filed report about this condition.

Item 1: Name of Pipeline or Facility.

The first sentence is unnecessary and reference to an accident—which pertains only to hazardous liquid pipelines—is incorrect and confusing. (An accident or incident occurs only when certain events happen: the mere existence of a safety-related condition is not one of those events.) Consequently, the following or a similar revision is suggested:

Provide the operator's commonly used name for the pipeline system or facility where the safety-related condition exists or existed. For example, "West Line 24 Pipeline," "Gulf Coast Pipeline," or "Yankee Gas Services Peak Shaving Plant."

Item 3: Date Condition Was First Determined To Exist.

At the end of the first sentence, insert "existed" in place of "to exist."

Item 4: Onshore Location of Condition.

(1) Suggest the following revision of the first sentence:

If the location is offshore: Do not complete this Item. Go to Item 5.

If the location is onshore: Complete Items (a) through (e), Item (i), and only one of the following: Items (f), (g) or (h). For guidance on determining latitude and longitude, see Item 5 below.

Item 5: Offshore Location of Condition. Suggest the following revision to be parallel with the Instructions for completing the Offshore Pipeline Condition Report:

Select the appropriate box for the location of the condition.

If the location is in state waters: Provide the name of the state, the state Block/Tract Number, the platform name (if applicable), and the latitude and longitude.
If the location is in OCS waters: Provide the name of the nearest state, the OCS Block/Track Number, the platform name (if applicable) and the latitude and longitude.

**Part D — Description of Condition**

Suggest the following be inserted immediately following the title.

For Initial Reports: Complete all items in this Part.
For Supplemental Reports: Complete only those items in this Part that amend or correct a previously-filed report about this condition.

**Item 1. Reason for Reporting Safety-related Condition.**

(1) As noted in Comments on the Draft Report Form above (Part D, Comment 3), rather than giving Item 1 the title of “Reason for Reporting Condition,” it would be more consistent with the Item 2 title (“Further Description of Condition...”) to use “Type of Safety-Related Condition” or “Safety-Related Condition Being Reported.”

(2) The introductory paragraph does not match up with the Report Form. As noted in Comments on the Draft Report Form above (Part D, Comment 2), suggest either:

(a) Setting up this Item with two columns: One would have boxes for all the conditions that pertain to Natural Gas and Hazardous Liquid pipelines; the other for LNG facilities; or

(b) Using a format similar to the format used in Item 3 of this Part.

(3) The descriptions are unclear and confusing: if they remain as drafted, the data submitted will be of little or no value. It appears the drafter tried to shorten the instructions by labeling different safety conditions as if they were the same for each type of pipeline and facility; for example, general corrosion. The result is incorrect restatements of the safety-related conditions set out in 49 CFR 191.23 and 49 CFR 191.55. Rather than saving space, it would be more productive to clearly lay out these reasons so that the reader can easily understand which box to select.

Suggest revising the instructions for the boxes as follows or in a similar manner:

Select only one of the following conditions for filing this report:

Conditions Applicable to All Natural Gas and Other Gas Pipeline Systems. Does not apply to LNG Facilities.
General Corrosion. General corrosion that has reduced the wall thickness of the pipeline to less than that required for the maximum allowable operating pressure. Note: This condition pertains only to a pipeline that operates at a hoop stress of 20 percent or more of its specified minimum yield strength.

Localized Corrosion Pitting. Localized corrosion pitting to a degree where leakage might result. Note: This condition pertains only to a pipeline that operates at a hoop stress of 20 percent or more of its specified minimum yield strength.

[Note: 49 CFR 191.23(a)(1) contains two safety-related conditions: general corrosion and localized corrosion pitting. See Comments on the Report Form above (Part D, Comment 5).]

Unintended Movement or Abnormal Loading: Unintended movement or abnormal loading by environmental causes, such as an earthquake, landslide, or flood, that impairs the serviceability of a pipeline.

Material Defect or Physical Damage: Any material defect or physical damage that impairs the serviceability of a pipeline. Note: This applies only to a pipeline that operates at a hoop stress of 20 percent or more of its specified minimum yield.

Malfunction or Operating Error: Any malfunction or operating error that causes the pressure of a pipeline to rise above its maximum allowable operating pressure plus the build-up allowed for operation of pressure-limiting or control devices.

Leak that Constitutes An Emergency: A leak in a pipeline that constitutes an emergency.

Condition that Could Lead to an Imminent Hazard: Any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a 20 percent or more reduction in operating pressure or shutdown of operation of a pipeline.
Conditions Applicable to LNG Facilities.

**Unintended Movement or Abnormal Loading:** Unintended movement or abnormal loading by environmental causes, such as an earthquake, landslide, or flood, that impairs the structural integrity or reliability of a LNG facility that contains, controls, or processes gas or LNG.

**Crack or Material Defect:** Any crack or other material defect that impairs the structural integrity or reliability of a LNG facility that contains, controls, or processes gas or LNG.

**Malfunction or Operating Error:** Any malfunction or operating error that causes the pressure of a LNG facility that contains or processes gas or LNG to rise above its working pressure plus the build-up allowed for operation of pressure-limiting or control devices.

**Leak that Constitutes An Emergency:** A leak that constitutes an emergency in a LNG facility that contains or processes gas or LNG.

**Inner Tank Leakage:** Inner tank leakage that impairs the structural integrity of a LNG storage tank.

**Ineffective Insulation:** Ineffective insulation that impairs the structural integrity of a LNG storage tank.

**Frost Heave:** Frost heave that impairs the structural integrity of a LNG storage tank.

[Note: As discussed in Comments on the Report Form above (Part D, Comment 6), inner tank leakage, ineffective insulation, and frost heave need to be broken down into individual categories.]

**Condition that Could Lead to an Imminent Hazard:** Any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a 20 percent or more reduction in operating pressure or shutdown of operation of a LNG facility that contains or processes gas or LNG.

[Note: It is not clear whether 49 CFR 191.23(a) (4) applies to a LNG facility. If it doesn't, the current regulation should be revised so that it is stated in a manner similar to 49 CFR 191.23(a)(1).]
Conditions Applicable to Hazardous Liquid Pipelines.

General Corrosion. General corrosion that has reduced the wall thickness of the pipeline to less than that required for the maximum operating pressure.

Localized Corrosion Pitting. Localized corrosion pitting to the degree where leakage might result.

Unintended Movement or Abnormal Loading: Unintended movement or abnormal loading by environmental causes, such as an earthquake, landslide, or flood, that impairs the pipeline's serviceability.

Material Defect or Physical Damage: Any material defect or physical damage that impairs the serviceability of a pipeline.

Malfunction or Operating Error: Any malfunction or operating error that causes the pressure of a pipeline to rise above 110 percent of its maximum operating pressure.

Leak that Constitutes An Emergency: A leak in a pipeline that constitutes an emergency.

Condition that Could Lead to an Imminent Hazard: Any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a 20 percent or more reduction in operating pressure or shutdown of operation of a pipeline.

Item 2. Further Description of Condition Selected Above.

(1) As noted in the Comments on the Draft Report Form above (Part D, Comment 4), suggest Item 2 be titled "Additional Description of Condition" or "Expanded Description of Condition."

(2) Suggest the following revision:

Provide additional description of the safety-related condition selected in Item 1 above.
Item 3. Commodity Transported or Stored.

(1) As noted in the Comments on the Draft Report Form above (Part D, Comment 8) instead of requiring the reporter to select one primary category of commodity and then one subcategory, it would seem to be simpler just to list each commodity in the following manner and have the reporter select only one box. For example:

- LNG Facility — LNG
- Natural and Other Gas Facility — Natural Gas
- Natural and Other Gas Pipeline Facility — Propane Gas
- Hazardous Liquid Pipeline Facility — Crude Oil
- Hazardous Liquid Pipeline Facility — HVL or Other Flammable or Toxic Liquid

Name ____________________________

If this suggestion is adopted, then suggest revising this instruction as follows:

Select only one of the categories and provide the commodity name if applicable.

(2) As noted in the Comments on the Draft Report Form above (Part D, Comment 7), there should be spaces by certain categories so that the name of the commodity can be provided. For example, HVL.

(3) There does not seem to be a need to set out in the Instructions the entire list of every category of commodity transported or stored. Suggest an appropriate lead-in sentence that just gives definitions of Refined and/or Petroleum Product, HVLs, Other Flammable or Toxic Fluids, etc.

(4) As noted in Comments on the Draft Report Form above (Part D, Comment 1), the Instructions don’t match the Report Form. For example, the reader is instructed to report propylene as “other” and specify “propylene” in the space provided; however, there is no “Other” box and no space provided to specify propylene. The same instruction is stated for Other Flammable or Toxic Fluids. For Ethanol Blends and Biodiesel, there are supposed to be spaces for blend percentages — and there are not.

(5) There should be spaces provided so that the names of the Refined and/or Petroleum Product can be provided. This specificity should assist in PHMSA’s analysis of safety-related condition data.
(6) In addition to the problems noted above, the Other Flammable or Toxic Fluids Note needs to be rewritten. Suggested revision:

Other Flammable or Toxic Fluids are those defined in 49 CFR 173.120 Class 3-Definitions. These include gases at ambient conditions, such as anhydrous ammonia (NH3) and propane. For a petrochemical feedstock such as ethane or ethylene, which is also classified as a highly volatile liquid, report as “Other HVL” and specify the appropriate name (“ethane or “ethylene”) in the space provided.

[Note: For electronic reporting, suggest a hyperlink to 49 CFR 173.120 Class 3-Definitions].]

Item 4. Describe the Circumstances Leading to the Discovery of the Condition.

(1) The correct word in the instruction is “led” not “lead.”

(2) “For item 4” is not necessary.

Item 5. Describe the Significant Effects of the Condition on Safety:

(1) “For item 5” is not necessary.

(2) Suggest revising:

Describe any significant effects the condition had, has or will have on safety.

[Because corrective action can be taken before a report is submitted, the condition could have affected safety but no longer does.]

Part E—Corrective Action Taken

Suggest the following be inserted immediately following the title.

For Initial Reports: Complete all items in this Part.
For Supplemental Reports: Complete only those items in this Part that amend or correct a previously-filed report about this condition.


(1) “For item 1” is not necessary:
(2) Suggest the following revision:

Select all corrective actions taken by the operator before the submission of this report. If “Other” is selected, describe in detail the corrective action(s).

Item 2. Describe the Planned Follow-up or Future Corrective Action.

(1) “For item 2” is not necessary.

(2) Suggest the following revision:

Describe in detail the planned follow-up or future corrective action(s) for the condition being reported.

Item 2(a). Anticipated Date for Start of Follow-up or Future Corrective Action.

Suggest the following revision of the second sentence in the instruction:

Using the mm/dd/yyyy format, provide the anticipated start date of the follow-up or future corrective action(s) for the condition being reported.

Item 2(b). Anticipated Date for Conclusion of Follow-up or Future Corrective Action.

Suggest the following revision of the third sentence in the instruction:

Using the mm/dd/yyyy format, provide the anticipated date for concluding the follow-up or future corrective action(s) for the condition being reported.