



**BEFORE THE
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
UNITED STATES DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Pipeline Safety: Request for Revision of a) Docket No. PHMSA-2014-0092
Previously Approved Information Collection)
-National Pipeline Mapping System Program)
(OBM Control No. 2137-0596))

COMMENTS OF DISTRIGAS OF MASSACHUSETTS LLC
NOVEMBER 24, 2015

Preface:

The Pipeline and Hazardous Materials Safety Administration's (PHMSA) Office of Pipeline Safety is soliciting public comments concerning their request of approval from the Office of Management and Budget's (OMB) approval to revise the Information Collection Request (ICR) of the National Pipeline Mapping System (NPMS) Program (OMB Control No. 2137-0596). PHMSA anticipated that the proposed changes would equip federal, state, local, and emergency response agencies with more reliable information needed for public awareness and safety.¹

Introduction

Distrigas of Massachusetts LLC (DOMAC) is the owner and operator of the Everett Marine Terminal (EMT) in Everett, Massachusetts. Since 1971, DOMAC continues to be the longest operating LNG receiving, storage, regasification and truck terminating facility in the United States.

DOMAC is also the largest offeror of LNG by tanker truck in the Americas. To date, DOMAC personnel have safely unloaded 1,149 marine LNG vessels, and loaded over 361,840 LNG tanker trucks. A steady influx of LNG cargos, being utilized at EMT, increases those numbers on a regular basis.

DOMAC provides LNG, to a multitude of consumers, by utilizing marine LNG vessel cargos for regasification, pipeline delivery, and LNG tanker trucks. DOMAC customers consist of local distribution, independent generation facilities, and private, small scale commercial/institutional customers.

Regulatory Compliance

DOMAC has over forty years of continuing compliance with various regulatory agencies, including but not limited to, the Federal Energy Regulatory Commission (FERC), United States Department of Transportation (USDOT), and the Department of Homeland Security (DHS) through the United States Coast Guard (USCG). DOMAC also maintains a close working relationship with federal, state and local agencies to promulgate public safety as well as coordinating emergency response with local first responders.

¹ See 79 Fed. Reg. 44246 (July 30, 2014) titled "Pipeline Safety: Request for Revision of a Previously Approved Information Collection-National Pipeline Mapping System Program (OMB Control No. 2137-0596)"

DOMAC not only adheres to the National Fire Protection Association Standard 59A (NFPA 59A) “Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG), but is committed to the ongoing development of NFPA 59A. DOMAC is a long standing member of the NFPA 59A committee and remains extensively involved in the development and education of NFPA 59A. Additionally DOMAC is a member of the American Gas Association and is a member of their Supplemental Gas Committee.

DOMAC’s LNG receiving, storage, regasification and truck loading facilities and operations at EMT primarily complying with the following four regulatory processes with a summary of applicable codes for each:

1. Provide terminal facilities for the purpose of unloading global LNG deliveries in conformance with USCG enforced regulations contained in Title 33, Code of Federal Regulations (CFR), Parts 105 “Marine Transportation Security Act” and 127 “Waterfront Facilities Handling Liquefied Natural Gas”; while the USDOT, through its Pipeline and Hazardous Materials Safety Administration (PHMSA) enforces the regulations found in Title 49, CFR, Parts 193 “Liquefied Natural Gas Facilities: Federal Safety Standards” and 199 “Drug and Alcohol Testing”.
2. Storing LNG in two tanks with a combined capacity of 40,656,000 gallons as regulated by FERC, 49 CFR 193 safety regulations and NFPA 59A.
3. Regassifying LNG and shipping via pipelines adhering to FERC, USDOT 49 CFR 193, and NFPA 59A.
4. Loading LNG tanker trucks for shipment in conformance with FERC, USDOT and NFPA 59A

DOMAC prides itself as not only a company with long term experience with LNG regulations on the local, state and federal levels, but also as a general steward of the industry. It is within this framework that DOMAC appreciates the opportunity to offer the following comments on Docket No. PHMSA-2014-0092.

General Comments:

DOMAC continues to support PHMSA’s desire to enhance safety and reduce the risks associated with the pipelines and LNG plants through the use of NPMS. DOMAC would like to take this time to address concerns with the proposed ICR’s as they pertain to LNG plants additional attributes. DOMAC’S concerns are as follows:

1. Security of NPMS Information;
2. Duplication of Information;
3. Penalties Civil and Criminal;
4. Emergency Responders; and
5. Grandfathering Issues;

Security of NPMS Information:

PHMSA, through the Office of Pipeline Safety (OPS), main object is to provide the public with a safe environment through the use and enforcement of safety regulation to keep them from the eminent dangers associated with the pipelines and LNG plants. Public safety should not just involve construction, maintenance, operation, and inspection of a pipeline or plant it should take into account the vulnerability

of storing such sensitive/critical information. PHMSA's use of one NPMS web-site to store all information sensitive/critical or not is troublesome at best and shows a reckless disregard for the very thing it purports to protect at worst.

PHMSA also needs to reevaluate to whom this information will be valuable. As of today NPMS information is controlled by *49 U.S.C. § 60132 National Pipe Mapping Systems* with limited exception as referenced below:

49 U.S.C. § 60132 (f) Public Disclosure Limited. — "*The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.*"

Dissemination of information and how to protect it once the information is beyond the control of PHMSA should not be taken lightly. In today's society we are threatened by Cyber-Attacks, Terrorism, and improper safeguards put in place to keep unknowledgeable people from unintentionally giving out sensitive information.

DOMAC takes special safeguards to ensure it keeps sensitive/critical information from becoming publicly known and would like to see PHMSA acquire statutory authority such as FERC has under FERC Order. No. 863, which allows FERC the authority to limit mandatory disclosure of critical energy infrastructure (CEII)

FERC Order. No. 863 CEII Defined - CEII is specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure (physical or virtual) that:

1. Relates details about the production, generation, transmission, or distribution of energy;
2. Could be useful to a person planning an attack on critical infrastructure;
3. Is exempt from mandatory disclosure under the Freedom of Information Act; and
4. Gives strategic information beyond the location of the critical infrastructure

Duplicate of Information

The OMB requires any agency requesting to collect information to adhere to the requirements of *5 CFR § 1320 Controlling Paperwork Burdens on The Public* specifically section (d)(ii) stated below:

5 CFR § 1320.5 General requirements.

(d)

(1) To obtain OMB approval of a collection of information, an agency shall demonstrate that it has taken every reasonable step to ensure that the proposed collection of information:

(i) Is the least burdensome necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives;

(ii) Is not duplicative of information otherwise accessible to the agency; and

(iii) Has practical utility. The agency shall also seek to minimize the cost to itself of collecting, processing, and using the information, but shall not do so by means of shifting disproportionate costs or burdens onto the public.

DOMAC shares PHMSA's objective in keeping the public safe by providing the most up-to-date and accurate information; but not to the extent duplicate material/ information that had been previously provided via other reports, construction documentation, and inspection material would be required to be resubmitted in direct conflict with 5 CFR § 1320(d)(ii). PHMSA's submission of the following tables under OMB Control No. 2137-0596 would require LNG plants to produce unnecessary duplicate material/information and to annually resubmit and verify static information as discussed below:

PHMSA's addition of the following attributes in Figure 3.3.: type, capacity, and year of construction updates violates 5 CFR § 1320.5(d)(ii) by requiring LNG plants to duplicate efforts PHMSA already requires them to file those same attributes on PHMSA's Annual Report Form PHMSA F 7100.3-1 page 2.

Figure 3.3 LNG Plant Attribute Table						
Type of layer: Point, representing the centroid of each liquefied natural gas plant						
Field Name	Field Type ¹	Field Length	Short Description	Full Description	Acceptable Values (UPPERCASE)	Required Field ²
TYPE	C	1	Type of Plant	B=Base load, P=Peak shaving, S=Satellite, M=Mobile/Temporary, O=Other	B,P,S,M,O	Y
CAPACITY	I	6	Total Capacity	Total capacity in bbls		Y
CNSTR_YEAR	I	4	Year Constructed	Year LNG Plant was constructed		Y
NOTES: 1 I – Integer; C – Character. 2 Y – Yes.						

Figure 3.4 and 3.5 also contain duplicate attributes that were required to be given to PHMSA when DOMAC under 18 CFR § 153 applied for authorization to construct, operate, or modify DOMAC's LNG facility. Throughout the application process the Federal Energy Commission (FERC) requires the applicant to submit a substantial amount of information to FERC and PHMSA to ensure the applicant strictly follows 49 CFR 193, NFPA 59A, and any other requirements deemed necessary during the environmental impact review and construction phases. FERC and PHMSA already requires the applicant

Figure 3.4 Additional LNG Plant Attribute Tables						
A. Impoundments						
Type of layer: Polygon, representing impoundment (pits built to hold spilled LNG) boundaries.						
Field Name	Field Type ¹	Field Length	Short Description	Full Description	Acceptable Values (UPPERCASE)	Required Field ²
OPID	I	5	Operator Number	Unique tracking number assigned by PHMSA to the company that physically operates the pipeline system. If you do not know your firm's OPID, check with your DOT/Regulatory Compliance department or the NPMS Web site.	Positive integer	Y
IMPOUND_ID	C	30	Unique identifier for plant	Assigned by the operator. This is a unique identifier for the specific impoundment.	Character	Y
NOTES: 1 I – Integer; C – Character. 2 Y – Yes.						

Figure 3.5 Additional LNG Plant Attribute Tables

A. Exclusion Zones

Type of layer: Polygon, representing exclusion zone boundaries. These should be expressed in closed isopleths, each isopleth representing a specific heat flux value.

Field Name	Field Type ¹	Field Length	Short Description	Full Description	Acceptable Values (UPPERCASE)	Required Field ²
OPID	I	5	Operator Number	Unique tracking number assigned by PHMSA to the company that physically operates the pipeline system. If you do not know your firm's OPID, check with your DOT/Regulatory Compliance department or the NPMS Web site.	Positive integer	Y
EZONE_ID	C	30	Unique identifier for plant	Assigned by the operator. This is a unique identifier for the specific impoundment.	Character	Y
HFLUX	D	5	Heat flux	Percentage of the lower flammable limit of the gas (heat flux)		Y

NOTES: 1 I – Integer; C – Character, D – Double
2 Y – Yes.

to provide impoundment sizes and locations as required by 49 CFR § 193.2155, thermal radiation protection calculated using 49 CFR §193.2057, flammable vapor-gas dispersion protection calculated using 49 CFR §193.2059. It should also be noted, that in the absence of filed and permitted modifications to a facility the attribute values will not change.

The authorization for each of DOMAC's systems sets forth terms and conditions, including the operator's participation in periodic site inspections and technical reviews, as well as submission of Semi-Annual Operational Reports to FERC. In accordance with those terms, all plant piping and instrumentation diagrams (P&IDs), as well as plot plan and fire protection documentation, are submitted to engineers in the Office of Pipeline Safety (OPS) several weeks in advance of their annual inspection visit, to enable detailed review. The inspections include an intensive technical review; the comprehensive site walks encompass observations of all plant components.

PHMSA's inspections closely track 49 CFR 193 regulations and focus heavily on documentation, as well as a review of equipment in the field. The regulations require creating and updating plant procedures for operating, responding to operations emergencies, and maintaining all components; creating and maintaining voluminous documentation of all activities (required by the regulations and/or by the plant procedures); and selecting, initially training, and refreshing the training of employees (including with fire and emergency drills and advanced training in firefighting procedures), and monitoring their physical condition and drug-free status.

DOMAC shall strictly adhere to 49 CFR § 193.207 for its review of all its plans and procedures as follows:

49 CFR § 193.2017 Plans and procedures.

(a) Each operator shall maintain at each LNG plant the plans and procedures required for that plant by this part. The plans and procedures must be available upon request for review and inspection by the Administrator or any State Agency that has submitted a current certification or agreement with respect to the plant under the pipeline safety laws (49 U.S.C. 60101 et seq.). In addition, each change to the plans or procedures must be available at the LNG plant for review and inspection within 20 days after the change is made.

(b) The Administrator or the State Agency that has submitted a current certification under section 5(a) of the Natural Gas Pipeline Safety Act with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

(c) Each operator must review and update the plans and procedures required by this part—

(1) When a component is changed significantly or a new component is installed; and (2) At intervals not exceeding 27 months, but at least once every 2 calendar years.

Penalties Civil and Criminal

PHMSA's NPMS LNG plant attribute changes are not only a needless duplication of information/material but will subject LNG plants to the possibility of extensive civil and criminal penalties should one not comply with the requirements to resubmit or revalidate information that not only does not change but has been previously given. The following is a list of civil and criminal penalties LNG plants would be subject to should they not comply with 49 CFR § 191.22 National Registry of Pipeline and LNG Operators as required by 49 CFR 193.2011 Reporting:

49 CFR § 190.203 Inspections and investigations.

(b) Inspections are ordinarily conducted pursuant to one of the following:

(1) Routine scheduling by the Regional Director of the Region in which the facility is located;

(2) A complaint received from a member of the public;

(3) Information obtained from a previous inspection;

(4) Report from a State Agency participating in the Federal Program under 49 U.S.C. 60105;

(5) Pipeline accident or incident; or

(6) Whenever deemed appropriate by the Administrator, PHMSA or his designee.

(c) If, after an inspection, the Associate Administrator, OPS believes that further information is needed to determine appropriate action, the Associate Administrator, OPS may send the owner or operator a "Request for Specific Information" to be answered within 45 days after receipt of the letter.

(f) When the information obtained from an inspection or from other appropriate sources indicates that further OPS action is warranted, the OPS may issue a warning letter under § 190.205 or initiate one or more of the enforcement proceedings prescribed in §§ 190.207 through 190.235.

49 CFR § 190.205 Warning letters.

OPS, may issue a Warning Letter notifying the owner or operator of the probable violation and advising the owner or operator to correct it or be subject to enforcement action under §§ 190.207 through 190.235.

49 CFR § 190.233 Corrective action orders.

49 CFR § 190.235 Civil actions

49 CFR § 190.237 Amendment of plans or procedures

49 CFR § 190.239 Safety orders.

49 CFR § 190.291 Criminal penalties

49 CFR § 190.207 Notice of probable violation.

(3) If a civil penalty is proposed under § 190.221, the amount of the proposed civil penalty and the maximum civil penalty for which respondent is liable under law; and

(4) If a compliance order is proposed under § 190.217, a statement of the remedial action being sought in the form of a proposed compliance order.

(c) The Associate Administrator, OPS may amend a notice of probable violation at any time prior to issuance of a final order under § 190.213. If an amendment includes any new material allegations of fact or proposes an increased civil penalty amount or new or additional remedial action under § 190.217, the respondent shall have the opportunity to respond under § 190.209.

49 CFR § 190.209 Response options.

Within 30 days of receipt of a notice of probable violation, the respondent shall respond to the Regional Director who issued the notice

(c) Failure of the respondent to respond in accordance with paragraph (a) of this section or, when applicable, paragraph (c) of this section, constitutes a waiver of the right to contest the allegations in the notice of probable violation and authorizes the Associate Administrator, OPS, without further notice to the respondent, to find facts to be as alleged in the notice of probable violation and to issue a final order under § 190.213.

49 CFR § 190.211 Hearing

(a) A request for a hearing provided for in this part must be accompanied by a statement of the issues that the respondent intends to raise at the hearing. The issues may relate to the allegations in the notice, the proposed corrective action (including a proposed amendment, a proposed compliance order, or a proposed hazardous facility order), or the proposed civil penalty amount. A respondent's failure to specify an issue may result in waiver of the respondent's right to raise that issue at the hearing. The respondent's request must also indicate whether or not the respondent will be represented by counsel at the hearing.

(b) A telephone hearing will be held if the amount of the proposed civil penalty or the cost of the proposed corrective action is less than \$10,000, unless the respondent submits a written request for an in-person hearing. Hearings are held in a location agreed upon by the presiding official, OPS and the respondent.

49 CFR § 190.213 Final order.

(a) After a hearing under § 190.211 or, if no hearing has been held, after expiration of the 30 day response period prescribed in § 190.209, the case file of an enforcement proceeding commenced under § 190.207 is forwarded to the Associate Administrator, OPS for issuance of a final order.

(c) OPS shall issue a final order that includes—

(1) A statement of findings and determinations on all material issues, including a determination as to whether each alleged violation has been proved;

(2) If a civil penalty is assessed, the amount of the penalty and the procedures for payment of the penalty, provided that the assessed civil penalty may not exceed the penalty proposed in the notice of probable violation; and

(3) If a compliance order is issued, a statement of the actions required to be taken by the respondent and the time by which such actions must be accomplished.

49 CFR § 190.215 Petitions for reconsideration.

(a) The petition must be received no later than 20 days after service of the final order upon the respondent.

(b) If the respondent requests the consideration of additional facts or arguments, the respondent must submit the reasons they were not presented prior to issuance of the final order.

49 CFR § 190.221 Civil penalties generally.

When the Associate Administrator, OPS has reason to believe that a person has committed an act which is a violation of any provision of the 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder, proceedings under §§ 190.207 through 190.213 may be conducted to determine the nature and extent of the violations and to assess and, if appropriate, compromise a civil penalty.

49 CFR § 190.223 Maximum penalties.

(a) Any person who is determined to have violated a provision of 49 U.S.C. 60101 et seq., or any regulation or order issued thereunder, is subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed \$1,000,000 for any related series of violations.

(b) Any person who knowingly violates a regulation or order under this subchapter applicable to offshore gas gathering lines issued under the authority of 49 U.S.C. 5101 et seq is liable for a civil penalty of not more than \$25,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense.

(c) Any person who is determined to have violated any standard or order under 49 U.S.C. 60103 shall be subjected to a civil penalty of not to exceed \$50,000, which penalty shall be in addition to any other penalties to which such person may be subject under paragraph (a) of this section.

(d) Any person who is determined to have violated any standard or order under 49 U.S.C. 60129 shall be subject to a civil penalty not to exceed \$1,000, which shall be in addition to any other penalties to which such person may be subject under paragraph (a) of this section.

(e) No person shall be subject to a civil penalty under this section for the violation of any requirement of this subchapter and an order issued under § 190.217, § 190.219 or § 190.233 if both violations

49 CFR § 190.227 Payment of penalty.

(b) Payment of a civil penalty assessed in a final order issued under § 190.213 or affirmed in a decision on a petition for reconsideration must be made within 20 days after receipt of the final order or decision. Failure to do so will result in the initiation of collection action, including the accrual of interest and penalties, in accordance with 31 U.S.C. 3717 and 49 CFR part 89.

49 CFR § 190.291 Criminal penalties generally.

(a) Any person who willfully and knowingly violates a provision of 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder will upon conviction be subject to a fine under title 18, United States Code, and imprisonment for not more than five years, or both, for each offense.

(b) Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any interstate transmission facility, any interstate pipeline facility, or any intrastate pipeline facility used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce (as those terms are defined in 49 U.S.C. 60101 et seq.) will, upon conviction, be subject to a fine under title 18, United States Code, imprisonment for a term not to exceed 20 years, or both, for each offense.

(c) Any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign, right-of-way marker, or marine buoy required by 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder will, upon conviction, be subject to a fine under title 18, United States Code, imprisonment for a term not to exceed 1 year, or both, for each offense.

(d) Any person who willfully and knowingly engages in excavation activity without first using an available one-call notification system to establish the location of underground facilities in the excavation area; or without considering location information or markings established by a pipeline facility operator; and

(1) Subsequently damages a pipeline facility resulting in death, serious bodily harm, or property damage exceeding \$50,000;

(2) Subsequently damages a pipeline facility and knows or has reason to know of the damage but fails to promptly report the damage to the operator and to the appropriate authorities; or

(3) Subsequently damages a hazardous liquid pipeline facility that results in the release of more than 50 barrels of product; will, upon conviction, be subject to a fine under title 18, United States Code, imprisonment for a term not to exceed 5 years, or both, for each offense.

(e) No person shall be subject to criminal penalties under paragraph (a) of this section for violation of any regulation and the violation of any order issued under §§ 190.217, 190.219 or 190.291 if both violations are based on the same act.

a) General Penalties.—

(1) A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has violated section 60114 (b), 60114 (d), or 60118 (a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than \$200,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of violations is \$2,000,000.

(2) A person violating a standard or order under section 60103 or 60111 of this title is liable to the Government for a civil penalty of not more than \$50,000 for each violation. A penalty under this paragraph may be imposed in addition to penalties imposed under paragraph (1) of this subsection.

(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than \$1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.

(b) Penalty Considerations.—*In determining the amount of a civil penalty under this section—*

(1) the Secretary shall consider—

(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

(B) with respect to the violator, the degree of culpability, any history of prior violations, and any effect on ability to continue doing business; and

(C) good faith in attempting to comply; and

(2) the Secretary may consider—

(A) the economic benefit gained from the violation without any reduction because of subsequent damages; and

(B) other matters that justice requires.

(c) Collection and Compromise.—

(1) The Secretary may request the Attorney General to bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed under this section.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section before referral to the Attorney General.

(d) Setoff.—*The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.*

Emergency Responders

DOMAC concurs with PHMSA on the subject of emergency responders need for accurate information however DOMAC does not believe NPMS is the place to allow sensitive and/or confidential information to be displayed or to provide duplicate information/material.

DOMAC adheres to all required PHMSA and the United States Coast Guard (USCG) regulations as to communications and coordination with local responders and emergency situations none of which involve publicizing sensitive or confidential information or the duplication of information/material see below:

PHMSA through 49 CFR § 19.2509 already requires DOMAC and LNG plants to coordinate and provide essential information to local responders.

49 CFR § 193.2509 Emergency procedures.

- (a) Each operator shall determine the types and places of emergencies other than fires that may reasonably be expected to occur at an LNG plant due to operating malfunctions, structural collapse, personnel error, forces of nature, and activities adjacent to the plant.*
- (b) To adequately handle each type of emergency identified under paragraph (a) of this section and each fire emergency, each operator must follow one or more manuals of written procedures. The procedures must provide for the following:*
 - (1) Responding to controllable emergencies, including notifying personnel and using equipment appropriate for handling the emergency.*
 - (2) Recognizing an uncontrollable emergency and taking action to minimize harm to the public and personnel, including prompt notification of appropriate local officials of the emergency and possible need for evacuation of the public in the vicinity of the LNG plant.*
 - (3) Coordinating with appropriate local officials in preparation of an emergency evacuation plan, which sets forth the steps required to protect the public in the event of an emergency, including catastrophic failure of an LNG storage tank.*
 - (4) Cooperating with appropriate local officials in evacuations and emergencies requiring mutual assistance and keeping these officials advised of:*
 - (i) The LNG plant fire control equipment, its location, and quantity of units located throughout the plant;*
 - (ii) Potential hazards at the plant, including fires;*
 - (iii) Communication and emergency control capabilities at the LNG plant; and*
 - (iv) The status of each emergency.*

DOMAC has provided Everett Police and Fire Department with all documentation necessary to coordinate efforts should an emergency arise. DOMAC updates its Contingency Plan every 27 months not to exceed 2 years as well as when something significantly changes and notifies the appropriate responders.

DOMAC also coordinates with the Everett Fire Department (EFD) to conduct emergency drills and confined space training on quarterly bases. DOMAC will also conduct training for new systems as well as provides new responders with a tour and overview of each system.

All of DOMAC'S maintenance and operations personal have had training yearly on fire protection in accordance with 49 CFR § 193.2717 as follows:

49 CFR § 193.2717 Training: fire protection.

(a) All personnel involved in maintenance and operations of an LNG plant, including their immediate supervisors, must be trained according to a written plan of initial instruction, including plant fire drills, to:

(1) Know the potential causes and areas of fire;

(2) Know the types, sizes, and predictable consequences of fire; and

(3) Know and be able to perform their assigned fire control duties according to the procedures established under § 193.2509 and by proper use of equipment provided under § 193.2801.

(b) A written plan of continuing instruction, including plant fire drills, must be conducted at intervals of not more than two years to keep personnel current on the knowledge and skills they gained in the instruction under paragraph (a) of the section.

(c) Plant fire drills must provide personnel hands-on experience in carrying out their duties under the fire emergency procedures required by § 193.2509

The USCG under Chapter 33 CFR §'s 105 and 127 conduct spot checks of DOMAC's Declarations of Security relating to each unloading of an LNG vessel, as well as training records of security personnel, and emergency drill and exercise documentation. A Facility Security Plan (FSP) which includes emergency response is required by the USCG and must be sent for USCG approval every five years or when any substantial changes are made.

Grandfathering Issues

Grandfathering Issues should also be taken into account. The year a plant was constructed, put into service, and the regulations it was required to adhere to may not take into account the changes in the population around it and newer technology making the Exclusion Zones greater than when first contemplated. To publicize this information on NPMS leaves each facility vulnerable to public scrutiny as well as unnecessary unrest.

Conclusion

DOMAC understands and respects PHMSA's aspiration of enhancement for the NPMS to ensure emergency responders and members of the public have up-to-date and accurate information. However the proposed changes to the NPMS yield no public benefit. It would needlessly subject LNG plants and LNG plant regulators to duplicative information/material that would run counter to "*Paperwork Reduction Act of 1995.*"

Thank you very much for the opportunity to comment on the proposed NPMS changes, and for your consideration of these comments.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Anthony J. Scaraggi', written over the printed name.

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