BEFORE THE
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
WASHINGTON, D.C.

Notice and Request for Comment Pipeline Safety: Information Collection Activities	}	Docket No. PHMSA-2015-0205

COMMENTS OF THE AMERICAN GAS ASSOCIATION
TO PHMSA NOTICE AND REEQUEST FOR COMMENT
INFORMATION COLLECTION ACTIVITES: INCIDENT REPORTS

The American Gas Association (AGA), founded in 1918, represents more than 200 state regulated or municipal natural gas distribution companies. AGA members serve 95 percent of the 72 million natural gas customers, representing more than 160 million people in the United States. AGA and its members are committed to continuing to improve the high level of safety and the culture of safety compliance throughout the natural gas distribution industry. Numerous AGA programs and activities focus on the safe and efficient delivery of natural gas to customers. Safety is the number one priority of AGA members.

I. GENERAL COMMENTS

On May 13, 2016, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published its notice and request for comments on the Gas Distribution, Gas Transmission & Gathering Lines, and Liquefied Natural Gas (LNG) Facilities Incident Report Forms. *See* 81 Fed. Reg. 29943. AGA notes that the comment period for this Information Collection Request coincided with the comment period for the largest rulemaking in PHMSA's history, The Safety of Gas Transmission and Gathering Lines Proposed Rulemaking. *See* 81 Fed. Reg. 20722. Due to these simultaneous comment periods, AGA is providing minimal comments to PHMSA on the Incident Report Forms. The detailed comments below reflect only the critical issues AGA has identified. Given an independent comment period, AGA would have been able to provide additional comments to PHMSA on how to most effectively and efficiently capture the necessary information from operators after a reportable incident.

AGA appreciates the opportunity to submit comments to the above referenced notice and request for comments regarding PHMSA's plans to revise incident report forms and accompanied instructions. AGA encourages PHMSA to continue to utilize the Gas Data Quality & Analysis Team when revising the Incident Report Forms.

II. DETAILED COMMENTS

A. Gas Distribution System Incident Report

1. *Part A – Key Report Information*

   PHMSA has added the Question A.21.c, "Volume of gas consumed by fire (MCF)." AGA notes that this information may be very hard for an operator to determine after an incident. AGA supports the question now numbered A.7, "Estimated volume of commodity released unintentionally," which can be calculated utilizing the flowrate, pressure, and the duration of time when gas was released. However, PHMSA should consider allowing a response of "unknown" for A.21.c as it may be impossible to calculate this value after the incident.

2. *Part D – Addition Consequence Information*

   AGA recommends that Question D.2.c. be revised to clearly indicate that the cost requested is the cost paid by the Operator for emergency response activities, including costs incurred by first responders (police, fire, EMT, etc.). Although clarified in the instructions, as written it is unclear if the requested costs include those incurred by all parties regardless if the natural gas operator is deemed liable. AGA recommends the question be reworded to "Estimated cost of emergency response *incurred by the Operator*."

   AGA notes that this change was not made in Form 7100.2 Part D for Gas Transmission & Gathering Lines and Form 7100.3 Part C for LNG Facilities. PHMSA should ensure consistency between the three forms.

   PHMSA is also requiring operators report upon three types of injuries: (1) injuries requiring inpatient hospitalization (A.10), (2) injuries requiring treatment in a medical facility but not requiring overnight in-patient hospitalization (D.4) and (3) injuries requiring treatment by EMT at the site of the incident (D.5). AGA understands PHMSA's desire to fully understand the impact of the incident. However, the information newly requested in Question D.5 is rarely available to natural gas operators. PHMSA is essentially asking the EMTs to discern whether they evaluated an individual near the incident versus provided medical treatment to the individual. PHMSA should remove Question D.5 or at least allow for the response of "unknown".

3. *Part E – Additional Operating Information*

   PHMSA has proposed to add Questions E.3.a and E.3.b on the maximum allowable operating pressure (MAOP) of the distribution pipeline. AGA suggests that PHMSA add §192.621 (*MAOP: High Pressure Distribution Systems*) and §192.623 (*MAOP: Low Pressure Distribution Systems*) as sections listed under Question E.3.a for distribution systems instead of requiring operators to list "Other" and describe.

4. *Part G4 – Other Outside Force Damage*

   The addition of "Damage from Snow/Ice Impact or Accumulation" should be moved to Part G2 – Natural Force Damage. The Notice and Request for Comments indicates that this addition was intended for Part G2.

   AGA commends PHMSA for proposing to collect additional information on "Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation". As PHMSA stated in its Notice and Request for Comments, many pipeline incidents that are the result of vehicular damage are caused by reckless or intoxicated drivers. There are also a number of incidents that are due to drivers experiencing a medical condition such as a heart attack, stroke or seizure. AGA recommends that PHMSA adds clarification to the instructions for Question G4.8 to note that operators should answer "No" if the driver was experiencing a medical condition at the time of the incident. Collecting information that will allow for a better understanding of incidents that may have been preventable through additional operator actions and those primarily outside of the control of pipeline operators will help to determine what future actions can best reduce vehicular pipeline incidents.

Question G4.12 that requests the "shortest distance from answer in G4.10. to the damaged pipeline facility (in feet)" should reference G4.11 not G4.10. Question G4.11 asks the operator "Where did the vehicle travel from to hit the pipeline facility?"

5. *Part G5 – Pipe, Weld, or Joint Failure*
   It appears PHMSA is attempting to capture information submitted through the Mechanical Fitting Failure Report (MFFR)[1] through the Incident Report. This is duplicative and not consistent with the Paperwork Reduction Act (PRA). The PRA requires that agencies "minimize the Federal information collection burden, with a particular emphasis on those individuals and entities most adversely affected."[2] By requiring information to be submitted in two different forms, PHMSA is not "minimizing the Federal information collection burden." If PHMSA intends to discontinue the requirement of the MFFR Form, then this needs to coincide with the release of the revised Incident Report Form. Or, if PHMSA is proposing to not collect the MFFR when an operator submits an incident report for "Mechanical Fitting or Compression Fitting," it should clarify this in the instructions.

   Questions G5.8 and G5.9 require operators to submit the "Part or Model Number" and "Lot Number" of the mechanical fitting or compression fitting. Some operators may not have this information available; therefore, PHMSA should allow for the selection of "unknown".

6. *Part J – Contributing Factors*
   PHMSA should provide a bit more detail in the instructions that any selection made in Part J should pertain only to the contributing factor(s) and that this is *in addition* to the selection made in Part G. Otherwise PHMSA may receive responses that simply select the Apparent Cause, thus making the question redundant and confusing.

B. Gas Transmission & Gathering Pipelines Incident Report

1. *Part A – Key Report Information*
   As discussed above for the Distribution Report, PHMSA has added the question A.21.c, "Volume of gas consumed by fire (MCF)." PHMSA should consider allowing a response of "unknown". This comment also applies to A.15.a in the LNG Facility Incident Report.

2. *Part D – Additional Consequence Information*
   AGA's concerns for Question D.9 are discussed above. AGA recommends that PHMSA either remove this question or, at a minimum, allow for an "unknown" response. This also applies to Question A.20 in the LNG Facilities Incident Report.

3. *Part E – Additional Operating Information*
   AGA believes Question E2.c on the Maximum Operating Pressure (MOP) during bidirectional flow is not appropriate for gas transmission or gathering pipelines and is only applicable for hazardous liquid pipelines. Therefore, this question should be struck from Form 7100.2

[1] PHMSA Form F 7100.1-2. OMB 2137- 0522.

[2] OMB Memorandum for the Heads of the Executive Departments and Independent Regulatory Agencies: Information Collection under the Paperwork Reduction Act. April 7, 2010.

4. *Part G – Apparent Cause*
   Please see AGA's comments above that are also relevant for the transmission incident reporting form. It should be noted that the addition for "Damage from Snow/Ice Impact or Accumulation" has not been added to the transmission incident reporting form.

5. *Part K – Contributing Factors*
   As described above for the Gas Distribution Incident Report, PHMSA should specify in the instructions that any selection in Part K is a contributing factor that is *in addition* to the selection made in Part G. Otherwise PHMSA may receive responses that simply select the Apparent Cause, thus making the question redundant and confusing. This comment also applies to Part I on Form F7100.3 in the LNG Facility Incident Report Form.

III. CONCLUSION

AGA appreciates the opportunity to submit comments to the above referenced notice and request for comments regarding PHMSA's plans to revise the incident report forms and accompanying instructions. AGA urges PHMSA to continue to utilize the Gas Data Quality & Analysis Team on subsequent revisions to report forms and analysis of the information submitted.

Respectfully submitted,

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AMERICAN GAS ASSOCIATION

By:

Christina Sames

For further information, please contact:

Christina Sames
Vice President
Operations and Engineering
American Gas Association
400 North Capitol Street, NW
Washington, D.C. 20001
(202) 824-7214
csames@aga.org

Erin Kurilla
Director
Operations & Engineering Services
American Gas Association
400 North Capitol Street, NW
Washington, D.C. 20001
(202) 824-7328
ekurilla@aga.org