

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02-371 Filed 1-7-02; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA-01-8663; Amdt. 195-75]

RIN 2137-AD56

Pipeline Safety: Hazardous Liquid Pipeline Accident Reporting Revisions

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule makes changes to the reporting requirements for hazardous liquid pipeline accidents. The rule lowers the current release reporting threshold of 50 barrels to a new threshold of 5 gallons, and makes changes to the accident report form. The changes are necessary because the existing reporting threshold and report form do not yield sufficient information for effective safety analysis. This final rule also changes the "bodily harm" criteria for accident reporting to conform to the gas pipeline reporting requirements. This change is necessary to harmonize reporting by hazardous liquid and gas pipeline operators.

DATES: This rule is effective January 1, 2002.

FOR FURTHER INFORMATION CONTACT:

Roger Little by phone at (202) 366-4569, by e-mail at roger.little@rspa.dot.gov, or by mail at the U.S. Department of Transportation (DOT), Research and Special Programs Administration (RSPA), Office of Pipeline Safety (OPS), Room 7128, 400 7th Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

The mission of RSPA's OPS is to ensure the safe, reliable, and environmentally sound operation of the nation's approximately 154 thousand miles of hazardous liquid pipelines. OPS shares responsibility for inspecting and overseeing the nation's pipelines with State pipeline safety offices. Both Federal and State regulators depend on accident reports submitted by pipeline

companies to manage inspection programs and to identify trends in hazardous liquid pipeline safety. In recent years, Congress, the National Transportation Safety Board (NTSB) and DOT's Office of the Inspector General (OIG) have urged OPS to improve the quality of accident data required to be submitted by hazardous liquid pipeline operators.

Release Threshold

RSPA published a Notice of Proposed Rulemaking (NPRM) on March 20, 2001 (66 FR 15681). The NPRM proposed changing the hazardous liquid accident reporting requirement from a threshold release of 50 barrels to 5 gallons; and adding to the report form (RSPA F7000-1), more specific questions on accident location, causes, and consequences.

The NPRM also proposed that a spill under 5 barrels meeting all of the following criteria, need not be reported to RSPA:

- (1) The other circumstances enumerated in § 195.50 did not apply to the spill;
- (2) The spill did not result in water pollution;
- (3) The spill was attributable to a pipeline maintenance activity;
- (4) The spill was confined to company property or pipeline right-of-way; and
- (5) The spill was cleaned up promptly.

After consideration of all comments, this final rule amends the pipeline safety regulations to lower the reporting threshold for hazardous liquid pipeline releases from 50 barrels to 5 gallons, with an exception for spills under 5 barrels resulting from pipeline maintenance activities. This rule makes corresponding changes to the hazardous liquid accident report form to make it more useful for safety analysis.

The old report form consisted of two pages. The new report form consists of four pages. Completion of the first page only, is required for small releases (between 5 gallons and under 5 barrels) that are not reportable under the other § 195.50 criteria, nor result in water pollution (water pollution is as described in § 195.52(a)(4)). Completion of all four pages will be required for releases of: 5 barrels or more that are reportable under the other criteria in 49 CFR 195.50; or 5 gallons or more that result in water pollution.

Change in "Bodily Harm" Criteria for Accident Reporting

In another NPRM (Docket No. RSPA-99-6106; 65 FR 15290; March 22, 2000), RSPA proposed changing the "bodily harm" criteria in 49 CFR 195.50(e). RSPA proposed changing the language in 49 CFR 195.50(e) to require reporting only if an injury associated with a

hazardous liquid pipeline accident requires hospitalization of the injured person.

The current language at § 195.50(e) which triggers a reporting requirement reads as follows:

Bodily harm to any person resulting in one or more of the following:

- (1) Loss of consciousness.
- (2) Necessity to carry the person from the scene.
- (3) Necessity for medical treatment.
- (4) Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.

These criteria require reporting of even the most minor injury. The lack of a definition of medical treatment in the regulations means, if a bandage is applied at the scene the accident is reportable, even if it does not meet any of the other reportability criteria.

The comparable language in the gas pipeline safety rules requires gas operators to report releases of gas that involve a "personal injury necessitating in-patient hospitalization." (49 CFR 191.3, 191.5, 191.9, and 191.15). As explained in the NPRM, this wording better describes the information that RSPA is seeking. Accordingly, RSPA proposed to update the hazardous liquid pipeline accident reporting requirements at § 195.50(e) to eliminate the discrepancy between the accident reporting criteria for gas and hazardous liquid pipelines.

This final rule removes the language currently in § 195.50(e) and replaces it with "a personal injury necessitating in-patient hospitalization."

Comments

Comments on Proposed Change in "Bodily Harm" Criteria

On May 3, 2000, the proposed changes in the injury criteria for reportability of hazardous liquid pipeline accidents were discussed at a joint meeting of the Technical Hazardous Liquid Pipeline Safety Standards Committee and the Technical Pipeline Safety Standards Committee. These statutorily mandated committees, which are made up of representatives from the government, industry, and the general public, review pipeline safety regulations. Some committee members expressed concern that the change would weaken the reporting requirements for hazardous liquid pipeline accidents. The concern was that some accidents that are reportable under the current language, would no longer be reportable under the proposed language.

We noted the proposed change would not cause any otherwise reportable hazardous liquid pipeline accident to

become non-reportable. For example, under the proposed change, the 1994 San Jacinto River accident in Harris County, Texas, would still need to be reported based on product loss and property damage criteria. We also noted, most accidents causing serious injury are also reportable under one of the other criteria. The "bodily harm" category was included as a reporting criterion in the unlikely event that an accident resulting in such injury would not fall into one of the other reporting criteria. Additionally, we noted that the reporting language in Part 192, which embodies our original intent relative to the injury criteria for reportability of pipeline accidents, was adopted before the "bodily harm" language in part 195.

In response to the NPRM in Docket No. RSPA-99-6106, RSPA received comments from the American Petroleum Institute (API) and the Cascade Columbia Alliance.

API supported the proposed accident reporting criteria change in § 195.50 to make the injury criteria consistent with that used for natural gas pipelines. It noted that the clarification makes reporting of accidents consistent across gas and hazardous liquid pipelines, and "grew out of discussions among RSPA, the pipeline industry, and State regulators." In contrast, the Cascade Columbia Alliance asserted that the proposed injury language weakened reporting requirements for hazardous liquid pipelines and would "encourage pipeline operators to avoid hospitalization for their workers so as to avoid filing an accident report."

RSPA's intention for the change is to ensure that reporting of accidents is consistent for both gas and hazardous liquid pipelines. The regulation is not aimed at tracking worker injuries.

Comments on Lower Reporting Threshold

RSPA received comments from eleven sources in response to the NPRM in this docket (66 FR 15681; March 20, 2001). Virtually all commenters were supportive of the need for improved information about hazardous liquid pipeline accidents. The American Society of Safety Engineers supported the data improvement initiative and believed the benefits of the improved information would outweigh the small increased costs. The American Petroleum Institute (API) and the Association of Oil Pipe Lines (AOPL), trade associations that represent many companies involved in all aspects of the oil and gas industry, filed joint comments prepared in coordination with both API and AOPL's members.

Several commenters suggested that the \$50,000 property damage threshold for an accident report was redundant and should be eliminated in light of the lowering of the volumetric release threshold for reporting from 50 barrels to 5 gallons. For the same reason, one commenter suggested that the \$50,000 property damage threshold for telephonic notice of a release of hazardous material be eliminated.

The NPRM did not propose any change in the property damage threshold for filing accident report Form F7000-1. Although many "over-\$50,000-property-damage" accidents may also be reportable under the 5 gallon threshold criterion, retaining the "over-\$50,000-property-damage" criterion will continue to provide more complete data, than if eliminated. Changes to the telephonic reporting requirement are beyond the scope of the NPRM.

Several commenters believed we underestimated the time and cost of reporting the expanded information required by the revisions to Form F7000-1.

In response, we point the commenters to the analysis of costs in the "Paperwork Reduction Act" section of this Final Rule for more information on the basis of our estimates.

A group of students from Miami International University submitted four recommendations—

"(1) Given the twofold environmental effect of hazardous liquid or carbon dioxide spills to not only the immediate ground but also the atmosphere (air), and therefore, consequences realistic on any property, the reporting requirement should be lowered from 5 barrels to 10 gallons (38 liters) for spills on any property whether from accident or maintenance.

(2) Aggregate spills of hazardous liquid or carbon dioxide of a minimum of 10 gallons (38 liters) will pose sufficient damage to warrant immediate clean-up, and therefore, it should be mandated.

(3) Lowering the reporting requirement for spills from 5 barrels to 5 gallons (19 liters) only when it is not readily cleaned up on any property.

(4) Tools for Reporting Accidents (§ 195.50): Since technology has evolved and continues to do so, accident reporting should be done in an efficient, cost-effective, time-constrained manner in tune with the technology available to us today. Furthermore, electronic accident reporting is effective and productive for meaningful incident information. The DOT, Office of Public [sic] Safety, should establish a web site where different accident report-

hazardous liquid pipeline forms could be electronically filled out in case of an accident. Some of the benefits of electronic filing are: (i) instant information available, (ii) immediate dangers readily visible, and, (iii) reduced cost to companies. * * *

In addition, API and Colonial Pipeline Company suggested that access to information both by RSPA, the public, and pipeline operators can be significantly improved by providing for electronic reporting of accidents. They urged us to move expeditiously to provide operators with the ability to file accident reports electronically.

We believe the bulk of hazardous liquid releases remain liquid at ambient temperatures, and therefore have little impact on the atmosphere. The exception is highly volatile liquid spills, which are gaseous at ambient temperatures. We have chosen to exclude from the reporting requirement hazardous liquid releases under 5 barrels that result from maintenance operations. Our information is that such spills occur regularly upon the opening of pipelines for insertion of spheres, smart pigs, or for routine inspections. The spills are usually caught in a berm or other containment device; are cleaned up immediately; and have little or no impact on the environment. We believe information on such releases would not be helpful in accident trending analysis. Maintenance spills must be promptly cleaned up to avoid the reporting requirement. Any non-maintenance spill of 5 gallons or more must be reported.

With regard to electronic reporting, we agree that electronic reporting is efficient and economical. Electronic reporting for hazardous liquid pipeline accidents will be available via the OPS Internet homepage at <http://ops.dot.gov> beginning January 1, 2002.

API and AOPL suggested reorganizing the sections in the accident report to simplify it. API suggested that [the] first page of [the] accident reporting form should be reorganized to clearly differentiate the information that must be provided for all spills from that which is required for those spills greater than 5 barrels." API also suggested that latitude and longitude should be collected for all spills, not just those greater than 5 barrels as proposed in the NPRM. API suggested that the causal categories for small accidents should "use identical language to that for large spills (i.e., 'Excavation' should be 'Excavation damage or other outside force', 'Material and Welds' should be 'Material and/or weld failures,' 'Operation should be 'Incorrect Operation.' This will allow the longer

form to provide insight for defining causes consistently across both types of releases." In addition, API suggested that instead of collecting spill quantity in two separate places on the form, that spill size be collected on page one for all spills.

We agreed with these comments and reorganized and changed the form as suggested.

API further noted that "The instructions for the accident reporting form change the definition of 'injury' for the purpose of accident reporting. The regulations must also be changed in § 195.50 (reporting accidents) and § 195.52 (telephonic notification). The changes in the definition for 'injury' under the instructions will make hazardous liquid pipeline reporting requirements comparable to those for natural gas pipelines. These changes must be implemented in the regulations themselves under § 195.50 and § 195.52. The changes cannot be implemented through the reporting form or instructions alone."

We agree with the suggested change to § 195.50(e) and adopted it. However, Section 195.52 was not the subject of the NPRM, and a change to that section would be beyond the scope of this rulemaking.

API suggested that categories for property damage should be modified to more accurately define the categories that are applicable and that make sense to pipeline operators. "For accuracy, this section of the reporting form should be titled 'Compensated losses.' Losses that accrue to the operator should be separated from losses that accrue to affected individuals or the public. Property damage or loss is really a misnomer. Although losses do occur, on this reporting form we are really accounting for damages for which an operator has provided reimbursement to the community, the public, or affected individuals. It is actually a measure of those losses that can in some way be reimbursed or losses that accrue to the operating company itself. API recommends that this portion of the accident form be redrafted as follows:

Compensated Losses (Estimated)

* Public/Community Losses:

—Estimated Public/private property damage reimbursed by operator.	\$
—Cost of emergency response undertaken by or reimbursed by operator.	\$
—Cost of longer term environmental remediation undertaken by or reimbursed by operator.	\$
—Other	\$

Operator losses:

—Value of product lost	\$
—Value of operator property damage.	\$
—Other	\$

We adopted the API suggestions with some changes.

API also suggested that:

"Form Part F (environmental impacts), item 6 should be changed from 'wildlife mortality' to 'wildlife impact.' Mortality is too high a threshold for measuring the impact of accidents on wildlife. As an example, any bird that is oiled during an accident and survives is clearly impacted. We believe that a reasonable person would judge such oiling as an impact and expect that the industry be held to such a reasonable standard."

We agree and changed the form accordingly.

Colonial Pipeline Company (Colonial) recommended that additional information be added to Part G (Leak Detection Information) of the proposed accident form. Specifically, Colonial recommended that line items be added for "estimated leak rate" and "estimated percentage of flow." Colonial believes this would provide valuable information to RSPA and the regulated community.

We may consider obtaining this additional information through a separate rulemaking.

Gregg Zimmerman, Administrator, Planning/Building/Public Works Department, with City of Renton, Washington, suggested that a "requirement for immediate notification of the local public safety/emergency management agencies is critical. These are the first line responders, and our experience shows us that often they are not contacted in the event of a leak for hours or even days. However, this requirement clearly should be part of the federal law, or at least the agency rules."

We determined this recommendation to be beyond the scope of this rulemaking.

Enron Transportation Services (ETS) commented that "[t]he availability of more detailed pipeline accident information is of value not only to OPS for regulatory purposes, but is also highly valued by the pipeline industry in identifying potential risks to pipeline safety and integrity. Most pipeline operators utilize this accident information to immediately evaluate their systems for the potential of similar risk factors and take steps to mitigate those factors on a timely basis whenever possible. ETS therefore strongly agrees that improving the method of accident data collection provides a benefit to the industry in being able to more reliably identify the cause of these accidents. Reducing the reporting limits to those proposed may indeed be counterproductive, however, in that the

database will be flooded with information relating to minor pipeline problems as opposed to obtaining better information about potentially serious pipeline safety related issues. One of the reasons that the cost level limit for reportable accidents was raised in 1984 was to eliminate the reporting of non-significant pipeline accidents, and this proposed rulemaking will completely reverse that intent."

We noted that the cost threshold for reporting accidents was raised in 1994 from \$5,000.00 to \$50,000.00 to achieve parity between reporting of hazardous liquid and natural gas pipeline accidents, not "to eliminate reporting of non-significant pipeline accidents." Regarding "flooding the database with information relating to minor problems," we believe the only way to determine that small spills are "minor problems" is to collect information on such spills.

ETS commented that "the decision process for the determination of any pipeline remedial action should be the responsibility of the pipeline operator based upon that operator's assessment of the known risks and economic issues that only the operator must bear. Without first hand knowledge of all of the numerous factors that must be considered in making the repair versus replacement decision, this pipeline safety data may lead to hasty decisions that are not in the overall best interests of public safety. One of the consequences may be outside pressure to apply significant financial resources to a pipeline facility that presents a much lower risk to public safety than another less publicly visible facility."

We recognize that it is industry's responsibility to determine when rehabilitation and replacement of any pipeline facility may be needed. We believe that better overall accident information will provide industry with a useful tool to help make better decisions about rehabilitation and replacement.

ETS noted that "[t]he reduction in the spill reporting limit is noted in this section as being included in proposed bills now before Congress." ETS estimates that the low reporting limit is going to have a major impact on both the pipeline operators and DOT. Therefore, it believes the reporting limit should be established by Congress.

Based on outreach with the hazardous liquid pipeline industry and comments by that industry to the NPRM, we do not believe that a reduced spill reporting limit will have a major impact on pipeline operators because the additional burden to the pipeline

industry to provide the data does not require significant effort. The additional data will improve the information available upon which to make safety decisions. Based on action thus far in Congress, we have no reason to believe that Congress would object to this final rule.

ETS also commented that “* * * flooding the DOT accident database with numerous minor leaks or spills will ultimately bias the accident cause data and thereby mask the causes of more serious pipeline accidents that need to be addressed by DOT and the industry. This reporting requirement is also redundant in that data concerning leaks impacting bodies of water are already being documented under the applicable environmental regulations.”

We believe the accident database will not be flooded with minor releases because the proposed changes eliminate the need for reporting releases that occur during normal maintenance activities as described in the NPRM. We are focused on obtaining sufficient information about small releases to adequately categorize the risks posed by such accidents. At the same time we will obtain more precise information on spills of 5 or more barrels—information that is needed to further address safety issues. Although information on spills is being reported to environmental agencies under other regulations, we need to obtain this information to properly manage our pipeline safety responsibilities.

Tosco Corporation (Tosco) participated in an industry effort to accumulate information about releases that are now less than the current 50 barrel or more criteria. Tosco noted that “information has been collected by a majority of the liquid industry on releases down to 5 gallons for the past few years. We believe it is critical information that can be used in the future for risk and integrity management efforts.” Tosco also suggested that “[t]he proposed * * * criteria for the non-reporting of releases of 5 gallons or more but less than 5 barrels may need to be better defined in the preamble to the final rule. Would a release occurring during the hydrostatic testing of a pipeline during maintenance activities that has a petroleum liquid as the test medium fall under this criteria?” Tosco also commented that the revisions to the accident reporting form are “well thought out” and that the information that “will be generated by this new form will indeed help to precisely detect trends in the causes of reportable pipeline accidents.”

We pointed out that releases meeting the requirements of the normal

maintenance operations exception in the final rule need not be reported.

The Citizens Advisory Committee on Pipeline Safety (Washington State) “disagreed with our proposal to reduce the threshold for reportable spills from the current level of 50 barrels to 5 gallons. The Committee stated that sufficient information can be acquired from pipeline operators by requiring reporting of incidents that are 1 (one) barrel or larger. The requirement of reporting all spills of 5 gallons or more appears to be more stringent than is required by good practice and necessary record keeping.” OPS worked with a joint data team composed of State, Federal, and industry representatives to determine a reasonable accident reporting threshold. Higher reporting thresholds were considered, but we chose 5 gallons because we believe the benefit of reporting releases at the 5 gallon level outweighs the burden of collecting it. The benefit is in increased awareness of pipeline releases, especially the frequency of small spills. The data team believed that a higher threshold than 5 gallons would still leave concerns about the lack of information about such spills, especially if they impacted water.

The Minerals Management Service (MMS) of the U.S. Department of the Interior supported RSPA’s efforts to improve pipeline accident data collection and analyses. MMS suggested that 49 CFR 195.1(b)(5) should be deleted since it includes jurisdictional criteria used prior to the 1996 Memorandum of Understanding (MOU) between MMS and OPS, which clarified each agency’s jurisdiction over offshore pipeline facilities. MMS also questions whether the same reporting requirements and accident form would apply for a cumulative 5 gallons leaked from a pipeline slowly or intermittently over a period of weeks or months.

The NPRM did not address the jurisdictional issues raised by MMS. We are addressing those issues in a separate rulemaking. As for the intermittent leak scenario, 49 CFR 195.401(b) requires a hazardous liquid pipeline operator to correct within a reasonable time any condition that could adversely affect the safe operation of the pipeline system. We consider a release of hazardous material (a leak) from a pipeline to be a condition that must be promptly corrected.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Policies and Procedures

RSPA does not consider this rulemaking to be significant under

Section 3(f) of Executive Order 12866 (85 FR 51735; October 4, 1993). RSPA also does not consider this rulemaking to be significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 20, 1979).

Benefits

The additional data that OPS will receive by lowering of the accident reporting threshold from 50 barrels to 5 gallons and the more detailed causation reporting, will enable RSPA and the hazardous liquid pipeline industry to better identify safety issues and trends in pipeline safety. Operators can then make informed decisions about changing their procedures to improve pipeline safety.

Costs

RSPA’s revised form is composed of a “short” form (page one of the four page form for spills of less than 5 barrels as described above) and a “long” form of 4 pages for spills of 5 barrels or more, or spills to water as described above. We estimate that it will take each operator about 1 hour to complete the short form (2 minutes per field x 37 fields on short form) and that the long form will take about 7 hours to complete (2 minutes per fields x 224 fields). We recognize that some fields will take only a few seconds to complete and that some will take more than 2 minutes, but we estimate that the type of information requested on the long and the short forms will require 1 and 7 hours to complete, respectively. We also recognize that more time may be needed to collect the basic information required for completing the form, but we believe that companies already maintain this information as part of routine recordkeeping.

We estimate that the number of accidents reported annually will be 1,839. OPS extrapolated from data in the American Petroleum Institute (API) Pipeline Performance Tracking Initiative (PPTI), an anonymous reporting system that collects information on spills down to 5 gallons. Of the 1,839 annual reports, we estimate that 427 will require the long form and 1,412 will require the short form. Below is RSPA’s estimates of the aggregate time required to complete the revised forms:

427 long forms x 7 hours = 2,989 hours.
1,412 short forms x 1 hour = 1,422 hours.
Total: 1,839 forms; 4,411 hours

We estimated the hourly cost of the person completing the form would be \$40. This was based on the U.S. Department of Labor’s National Occupational Employment and Wage Earnings for 1999. The hourly wage for

a Transportation, Storage, and Distribution Manager (the closest category to a pipeline manager) was \$26.03 per hour. This was multiplied by 1.35 to account for fringe benefits ($\$26.03 \times 1.35 = \35.14). We added an inflation factor of 14% to account for inflation from 1999 to 2002 ($\$35.14 \times 1.14 = \40.05). If the average cost per hour is \$40, the total annual industry cost is \$176,440 annually ($4,411 \times \$40 = \$176,440$).

The hazardous liquid pipeline industry historically files an average of 166 reports annually. Completion of each of these reports was estimated to take 6 hours, based on the time needed to research the information, or 996 hours annually ($166 \text{ reports} \times 6 \text{ hours}$). At \$40 per hour, the total industry cost averages \$39,840 annually ($996 \times \$40 = \$39,840$).

The net annual increase to the hazardous liquid pipeline industry resulting from the revisions to the reporting criteria and to the form is \$136,600 ($\$176,440 - \$39,840 = \$136,600$). Dividing the incremental cost increase of \$136,600 by approximately 200 hazardous liquid pipeline operators, the average incremental cost increase of this proposal is \$683 per operator.

Comments

Two commenters, a pipeline operator and the Chief Counsel for Advocacy of the Small Business Administration (SBA), questioned RSPA's estimate of 7 hours to complete the long form. The SBA Chief Counsel for Advocacy wanted to know the basis for the 7 hour estimate.

We worked with a government/industry pipeline data team over the last several years to determine the extent of information that needed to be collected. RSPA is asking for only the most important information so as not to unduly burden pipeline operators. Moreover, the information requested on the revised form is not available from other sources.

We estimate that it will take each operator about 1 hour to complete the short form (2 minutes per field $\times$ 37 fields on short form) and that the long form will take about 7 hours to complete (2 minutes per fields $\times$ 224 fields). Electronic reporting of accidents, which will begin on January 1, 2002, should further reduce the time needed to complete the form. We believe this estimate is accurate based on these considerations.

Conclusion

RSPA believes that the additional cost of \$136,600 annually is a minimal economic impact on the hazardous

liquid pipeline industry. The benefits accruing to OPS and the pipeline industry; through the improvements in the quality of the information collected, should easily outweigh the cost.

Regulatory Flexibility Act

We sought input from the public on the impact of the proposed rule on small entities in the Notice of Proposed Rulemaking in this docket (66 FR 15681; March 20, 2001). No one responded to this request. The SBA Chief Counsel for Advocacy, however, made a few comments on behalf of small businesses. SBA asked the basis for using the short versus the long form. We described the usage of the short versus long form above. SBA also posed a question regarding how many operators RSPA would consider small. For several years, RSPA has sought public comment from small hazardous liquid operators. RSPA solicited public comment from small operators in its recent rulemakings on pipeline integrity management. No comments from small hazardous liquid operators were forthcoming.

The hazardous liquid pipeline industry is a highly competitive, capital intensive industry that has experienced many mergers and buyouts in recent years. SBA's criteria for defining a small entity in the hazardous liquid pipeline industry is 1,500 employees, as specified in the North American Industry Classification System codes (486110—Pipeline Transportation of Crude Oil and 486910—Pipeline Transportation of Refined Petroleum Products). We do not collect information on number of employees or revenues for pipeline operators. Such a collection would require OMB approval. However, we have discussed with SBA the characterization of hazardous liquid pipelines for purposes of this rulemaking. We intend to continue our dialog with SBA on its efforts to ascertain the number of small business operators in the hazardous liquid pipeline industry.

We made the following observations in assessing the effect of this rule on small businesses:

(1) Whether you characterize a hazardous liquid pipeline company as small or large, the cost is small in absolute terms. The average cost for all companies based on an estimated total impact of \$136,600 annually is \$683.00 per operator. We believe the benefits of this rule far outweigh the company cost.

(2) Assuming equal operating conditions across all pipeline mileage, the probability of having a reportable accident on a per mile basis is 1,839 expected reportable accidents per year over 154,000 miles of hazardous liquid

pipeline, or about 1 reportable accident per hundred miles of pipeline. Companies with thousands of miles of pipe will typically have more reportable accidents than companies with hundreds of miles of pipe or less. Companies with less mileage will have a proportionately lower share of the estimated \$136,600 annual cost posed by this rulemaking, for an average total per company cost of less than \$683;

(3) We estimate that the nation's 80 largest hazardous liquid pipeline companies (based on pipeline mileage reported to RSPA by operators annually) operate more than 91% of the nation's total hazardous liquid pipeline mileage. About 120 companies operate the remaining 9% of mileage. Assuming this 9% of mileage were operated by "small operators," these operators would experience no more than 9% of the reportable accidents and incur 9% or less of the \$136,600 annual cost. This amounts to \$12,294 total annual costs, or about \$102 per company. Many of these 120 operators are, however, owned by or parts of nationally recognized large corporations, so the burden would actually be less than \$102 per small business annually.

Based on the increase in costs to the industry of this rulemaking, RSPA certifies, pursuant to section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this rulemaking would not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule contains information collection requirements as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (d)). RSPA has previously submitted a copy of the Paperwork Reduction Act analysis to OMB for its review. The name of the information collection is "Transportation of Hazardous Liquids by Pipeline: Record Keeping and Accident Reporting." The purpose of this information collection is to improve the current hazardous liquid pipeline accident information collection.

According to the Paperwork Reduction Act, no persons are required to respond to a collection of information unless a valid OMB control number is displayed. OMB has approved the revised form RSPA F7000-1 and this information collection. The OMB control number for this information collection is 2137-0047. For more details, see the Paperwork Reduction Analysis available for copying and review in the public docket.

Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This final rule does not adopt any regulation that (1) has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government; (2) imposes substantial direct compliance costs on States and local governments; or (3) preempts State law. Therefore, the consultation and funding requirements of Executive Order 13132 (64 FR 43255; August 10, 1999) do not apply.

Executive Order 13211

This rulemaking is not a "significant energy action" within the meaning of Executive Order 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.") It is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on

the supply, distribution, or use of energy. Further, this rulemaking has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

Unfunded Mandates

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

National Environmental Policy Act

RSPA has analyzed the final rule in accordance with section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. 4332), the Council on Environmental Quality regulations (40 CFR 1500–1508), and DOT Order 5610.1D, and has determined that this action would not significantly affect the quality of the human environment, because information collection does not impact the environment.

List of Subjects in 49 CFR Part 195

Anhydrous Ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

For all the reasons described in this final rule, RSPA is amending Title 49, Part 195, Code of Federal Regulations, as follows:

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Amend § 195.50 to revise paragraph (b), to remove paragraph (c), to redesignate paragraphs (d) through (f) as paragraphs (c) through (e) and revising the newly designated paragraphs, to read as follows:

§ 195.50 Reporting accidents.

* * * * *

(b) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is:

(1) Not otherwise reportable under this section;

(2) Not one described in § 195.52(a)(4);

(3) Confined to company property or pipeline right-of-way; and

(4) Cleaned up promptly;

(c) Death of any person;

(d) Personal injury necessitating hospitalization;

(e) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.

Issued in Washington, DC, on December 21, 2001.

Ellen G. Engleman,
Administrator.

BILLING CODE 4910-60-P

NOTICE: This report is required by 49 CFR Part 195. Failure to report can result in a civil penalty not to exceed \$25,000 for each violation for each day that such violation persists except that the maximum civil penalty shall not exceed \$500,000 as provided in 49 USC 60122 Form Approved OMB No. 2137-0047



U.S. Department of Transportation
Research and Special Programs
Administration

ACCIDENT REPORT – HAZARDOUS LIQUID PIPELINE SYSTEMS

Report Date _____

No. _____
(DOT Use Only)

INSTRUCTIONS

Important: Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the Office Of Pipeline Safety Web Page at <http://ops.dot.gov>.

PART A – GENERAL REPORT INFORMATION

Check: ☐ Original Report ☐ Supplemental Report ☐ Final Report

1. a. Operator's OPS 5-digit Identification Number (if known) _____
- b. If Operator does not own the pipeline, enter Owner's OPS 5-digit Identification Number (if known) _____
- c. Name of Operator _____
- d. Operator street address _____
- e. Operator address _____

City, County, State and Zip Code _____

IMPORTANT: IF THE SPILL IS SMALL, THAT IS, THE AMOUNT IS AT LEAST 5 GALLONS BUT IS LESS THAN 5 BARRELS, COMPLETE THIS PAGE ONLY, UNLESS THE SPILL IS TO WATER AS DESCRIBED IN 49 CFR §195.52(A)(4) OR IS OTHERWISE REPORTABLE UNDER §195.50 AS REVISED IN CY 2001.

2. Time and date of the accident
 _____ / _____ / _____
 hr. month day year

3. Location of accident
(If offshore, do not complete a through d. See Part C.1)

a. Latitude: _____ Longitude: _____
(If not available, see instructions for how to provide specific location)

b. _____
City, and County or Parish

c. _____
State and Zip Code

d. Mile post/valve station ☐ or survey station no. ☐
(whichever gives more accurate location)

4. Telephone report

_____/_____/_____/_____/_____/_____
NRC Report Number month day year

5. Losses (Estimated)

Public/Community Losses reimbursed by operator:

Public/private property damage \$ _____
 Cost of emergency response phase \$ _____
 Cost of environmental remediation \$ _____
 Other Costs \$ _____
 (describe) _____

Operator Losses:

Value of product lost \$ _____
 Value of operator property damage \$ _____
 Other Costs \$ _____
 (describe) _____
Total Costs \$ _____

6. Commodity Spilled ☐ Yes ☐ No
(If Yes, complete Parts a through c where applicable)

- a. Name of commodity spilled _____
- b. Classification of commodity spilled:
☐ HVLs /other flammable or toxic fluid which is a gas at ambient conditions
☐ CO₂/ N₂ or other non-flammable, non-toxic fluid which is a gas at ambient conditions
☐ Gasoline, diesel, fuel oil or other petroleum product which is a liquid at ambient conditions
☐ Crude oil

c. Estimated amount of commodity involved :

- ☐ Barrels
☐ Gallons (check only if spill is less than one barrel)

Amounts:

Spilled : _____

Recovered: _____

CAUSES FOR SMALL SPILLS ONLY (5 gallons to under 5 barrels) :

(For large spills [5 barrels or greater] see Part H)

- ☐ Corrosion ☐ Natural Forces ☐ Excavation Damage ☐ Other Outside Force Damage
☐ Material and/or Weld Failures ☐ Equipment ☐ Incorrect Operation ☐ Other

PART B – PREPARER AND AUTHORIZED SIGNATURE

(type or print) Preparer's Name and Title _____

Area Code and Telephone Number _____

Preparer's E-mail Address _____

Area Code and Facsimile Number _____

Authorized Signature _____

(type or print) Name and Title _____

Date _____

Area Code and Telephone Number _____

Form RSPA F 7000-1 (01-2001)

Page 1 of 4

Reproduction of this form is permitted

PART C – ORIGIN OF THE ACCIDENT. (Check all that apply)																																
1. Additional location information a. Line segment name or ID _____ b. Accident on Federal land other than Outer Continental Shelf ☐ Yes ☐ No c. Is pipeline interstate? ☐ Yes ☐ No 2. Location of system involved (check all that apply) ☐ Operator's Property ☐ Pipeline Right of Way ☐ High Consequence Area (HCA)? Describe HCA _____ 3. Part of system involved in accident ☐ Above Ground Storage Tank ☐ Cavern or other below ground storage facility ☐ Pump/meter station; terminal/tank farm piping and equipment, including sumps ☐ Other Specify: _____ ☐ Onshore pipeline, including valve sites ☐ Offshore pipeline, including platforms 4. Failure occurred on <table style="width: 100%;"> <tr> <td>☐ Body of Pipe</td> <td>☐ Pipe Seam</td> <td>☐ Scraper Trap</td> </tr> <tr> <td>☐ Pump</td> <td>☐ Sump</td> <td>☐ Joint</td> </tr> <tr> <td>☐ Component</td> <td>☐ Valve</td> <td>☐ Metering Facility</td> </tr> <tr> <td>☐ Repair Sleeve</td> <td>☐ Welded Fitting</td> <td>☐ Bolted Fitting</td> </tr> <tr> <td>☐ Girth Weld</td> <td colspan="2"></td> </tr> </table> Other (specify) _____ Year the component that failed was installed: / / / / / 5. Maximum operating pressure (MOP) a. Estimated pressure at point and time of accident: _____ PSIG b. MOP at time of accident: _____ PSIG c. Did an overpressurization occur relating to the accident? ☐ Yes ☐ No	☐ Body of Pipe	☐ Pipe Seam	☐ Scraper Trap	☐ Pump	☐ Sump	☐ Joint	☐ Component	☐ Valve	☐ Metering Facility	☐ Repair Sleeve	☐ Welded Fitting	☐ Bolted Fitting	☐ Girth Weld			Offshore: ☐ Yes ☐ No (complete d if offshore) d. Area _____ Block # _____ State / / / or Outer Continental Shelf ☐ If failure occurred on Pipeline, complete items a - g: a. Type of leak or rupture ☐ Leak: ☐ Pinhole ☐ Connection Failure (complete sec. H5) ☐ Puncture, diameter (inches) _____ ☐ Rupture: ☐ Circumferential – Separation ☐ Longitudinal – Tear/Crack, length (inches) _____ Propagation Length, total, both sides (feet) _____ ☐ ON/A ☐ Other _____ b. Type of block valve used for isolation of immediate section: Upstream: ☐ Manual ☐ Automatic ☐ Remote Control ☐ Check Valve Downstream: ☐ Manual ☐ Automatic ☐ Remote Control ☐ Check Valve c. Length of segment isolated _____ ft d. Distance between valves _____ ft e. Is segment configured for internal inspection tools? ☐ Yes ☐ No f. Had there been an in-line inspection device run at the point of failure? ☐ Yes ☐ No ☐ Don't Know ☐ Not Possible due to physical constraints in the system g. If Yes, type of device run (check all that apply) <table style="width: 100%;"> <tr> <td>☐ High Resolution Magnetic Flux tool</td> <td>Year run: _____</td> </tr> <tr> <td>☐ Low Resolution Magnetic Flux tool</td> <td>Year run: _____</td> </tr> <tr> <td>☐ UT tool</td> <td>Year run: _____</td> </tr> <tr> <td>☐ Geometry tool</td> <td>Year run: _____</td> </tr> <tr> <td>☐ Caliper tool</td> <td>Year run: _____</td> </tr> <tr> <td>☐ Crack tool</td> <td>Year run: _____</td> </tr> <tr> <td>☐ Hard Spot tool</td> <td>Year run: _____</td> </tr> <tr> <td>☐ Other tool</td> <td>Year run: _____</td> </tr> </table>	☐ High Resolution Magnetic Flux tool	Year run: _____	☐ Low Resolution Magnetic Flux tool	Year run: _____	☐ UT tool	Year run: _____	☐ Geometry tool	Year run: _____	☐ Caliper tool	Year run: _____	☐ Crack tool	Year run: _____	☐ Hard Spot tool	Year run: _____	☐ Other tool	Year run: _____
☐ Body of Pipe	☐ Pipe Seam	☐ Scraper Trap																														
☐ Pump	☐ Sump	☐ Joint																														
☐ Component	☐ Valve	☐ Metering Facility																														
☐ Repair Sleeve	☐ Welded Fitting	☐ Bolted Fitting																														
☐ Girth Weld																																
☐ High Resolution Magnetic Flux tool	Year run: _____																															
☐ Low Resolution Magnetic Flux tool	Year run: _____																															
☐ UT tool	Year run: _____																															
☐ Geometry tool	Year run: _____																															
☐ Caliper tool	Year run: _____																															
☐ Crack tool	Year run: _____																															
☐ Hard Spot tool	Year run: _____																															
☐ Other tool	Year run: _____																															
<table style="width: 100%;"> <tr> <th style="width: 50%; text-align: left; padding: 2px;">PART D – MATERIAL SPECIFICATION</th> <th style="width: 50%; text-align: left; padding: 2px;">PART E – ENVIRONMENT</th> </tr> <tr> <td style="vertical-align: top; padding: 2px;"> 1. Nominal pipe size (NPS) _____ in. 2. Wall thickness _____ in. 3. Specification _____ SMYS / / / / / 4. Seam type _____ 5. Valve type _____ 6. Manufactured by _____ in year / / / / / </td> <td style="vertical-align: top; padding: 2px;"> 1. Area of accident ☐ In open ditch ☐ Under pavement ☐ Above ground ☐ Underground ☐ Under water ☐ Inside/under building ☐ Other _____ 2. Depth of cover: _____ inches </td> </tr> </table>		PART D – MATERIAL SPECIFICATION	PART E – ENVIRONMENT	1. Nominal pipe size (NPS) _____ in. 2. Wall thickness _____ in. 3. Specification _____ SMYS / / / / / 4. Seam type _____ 5. Valve type _____ 6. Manufactured by _____ in year / / / / /	1. Area of accident ☐ In open ditch ☐ Under pavement ☐ Above ground ☐ Underground ☐ Under water ☐ Inside/under building ☐ Other _____ 2. Depth of cover: _____ inches																											
PART D – MATERIAL SPECIFICATION	PART E – ENVIRONMENT																															
1. Nominal pipe size (NPS) _____ in. 2. Wall thickness _____ in. 3. Specification _____ SMYS / / / / / 4. Seam type _____ 5. Valve type _____ 6. Manufactured by _____ in year / / / / /	1. Area of accident ☐ In open ditch ☐ Under pavement ☐ Above ground ☐ Underground ☐ Under water ☐ Inside/under building ☐ Other _____ 2. Depth of cover: _____ inches																															
PART F – CONSEQUENCES 1. Consequences (check and complete all that apply) <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> a. Fatalities _____ Injuries _____ Number of operator employees: _____ Contractor employees working for operator: _____ General public: _____ Totals: _____ b. Was pipeline/segment shutdown due to leak? ☐ Yes ☐ No If Yes, how long? _____ days _____ hours _____ minutes </td> <td style="width: 50%; vertical-align: top;"> c. Product ignited ☐ Yes ☐ No d. Explosion ☐ Yes ☐ No e. ☐ Evacuation (general public only) / / / / / people Reason for Evacuation: ☐ Precautionary by company ☐ Evacuation required or initiated by public official f. Elapsed time until area was made safe: / / / hr. / / / min. </td> </tr> </table> 2. Environmental Impact <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> a. Wildlife Impact: Fish/aquatic ☐ Yes ☐ No Birds ☐ Yes ☐ No Terrestrial ☐ Yes ☐ No b. Soil Contamination ☐ Yes ☐ No If Yes, estimated number of cubic yards: _____ c. Long term impact assessment performed: ☐ Yes ☐ No d. Anticipated remediation ☐ Yes ☐ No If Yes, check all that apply: ☐ Surface water ☐ Groundwater ☐ Soil ☐ Vegetation ☐ Wildlife </td> <td style="width: 50%; vertical-align: top;"> e. Water Contamination: ☐ Yes ☐ No (If Yes, provide the following) Amount in water _____ barrels Ocean/Seawater ☐ No ☐ Yes Surface ☐ No ☐ Yes Groundwater ☐ No ☐ Yes Drinking water ☐ No ☐ Yes (If Yes, check below.) ☐ Private well ☐ Public water intake </td> </tr> </table>		a. Fatalities _____ Injuries _____ Number of operator employees: _____ Contractor employees working for operator: _____ General public: _____ Totals: _____ b. Was pipeline/segment shutdown due to leak? ☐ Yes ☐ No If Yes, how long? _____ days _____ hours _____ minutes	c. Product ignited ☐ Yes ☐ No d. Explosion ☐ Yes ☐ No e. ☐ Evacuation (general public only) / / / / / people Reason for Evacuation: ☐ Precautionary by company ☐ Evacuation required or initiated by public official f. Elapsed time until area was made safe: / / / hr. / / / min.	a. Wildlife Impact: Fish/aquatic ☐ Yes ☐ No Birds ☐ Yes ☐ No Terrestrial ☐ Yes ☐ No b. Soil Contamination ☐ Yes ☐ No If Yes, estimated number of cubic yards: _____ c. Long term impact assessment performed: ☐ Yes ☐ No d. Anticipated remediation ☐ Yes ☐ No If Yes, check all that apply: ☐ Surface water ☐ Groundwater ☐ Soil ☐ Vegetation ☐ Wildlife	e. Water Contamination: ☐ Yes ☐ No (If Yes, provide the following) Amount in water _____ barrels Ocean/Seawater ☐ No ☐ Yes Surface ☐ No ☐ Yes Groundwater ☐ No ☐ Yes Drinking water ☐ No ☐ Yes (If Yes, check below.) ☐ Private well ☐ Public water intake																											
a. Fatalities _____ Injuries _____ Number of operator employees: _____ Contractor employees working for operator: _____ General public: _____ Totals: _____ b. Was pipeline/segment shutdown due to leak? ☐ Yes ☐ No If Yes, how long? _____ days _____ hours _____ minutes	c. Product ignited ☐ Yes ☐ No d. Explosion ☐ Yes ☐ No e. ☐ Evacuation (general public only) / / / / / people Reason for Evacuation: ☐ Precautionary by company ☐ Evacuation required or initiated by public official f. Elapsed time until area was made safe: / / / hr. / / / min.																															
a. Wildlife Impact: Fish/aquatic ☐ Yes ☐ No Birds ☐ Yes ☐ No Terrestrial ☐ Yes ☐ No b. Soil Contamination ☐ Yes ☐ No If Yes, estimated number of cubic yards: _____ c. Long term impact assessment performed: ☐ Yes ☐ No d. Anticipated remediation ☐ Yes ☐ No If Yes, check all that apply: ☐ Surface water ☐ Groundwater ☐ Soil ☐ Vegetation ☐ Wildlife	e. Water Contamination: ☐ Yes ☐ No (If Yes, provide the following) Amount in water _____ barrels Ocean/Seawater ☐ No ☐ Yes Surface ☐ No ☐ Yes Groundwater ☐ No ☐ Yes Drinking water ☐ No ☐ Yes (If Yes, check below.) ☐ Private well ☐ Public water intake																															

PART G – LEAK DETECTION INFORMATION		
1. Computer based leak detection capability in place? ☐ Yes ☐ No 2. Was the release initially detected by? (check one): ☐ CPM/SCADA-based system with leak detection ☐ Static shut-in test or other pressure or leak test ☐ Local operating personnel, procedures or equipment ☐ Remote operating personnel, including controllers ☐ Air patrol or ground surveillance ☐ A third party ☐ Other (specify) _____ 3. Estimated leak duration days _____ hours _____		
PART H – APPARENT CAUSE		
Important: There are 25 numbered causes in this Part H. Check the box corresponding to the primary cause of the accident. Check one circle in each of the supplemental categories corresponding to the cause you indicate. See the instructions for guidance.		
H1 – CORROSION 1. ☐ External Corrosion 2. ☐ Internal Corrosion (Complete items a – e where applicable.)	a. Pipe Coating ☐ Bare ☐ Coated b. Visual Examination ☐ Localized Pitting ☐ General Corrosion ☐ Other _____ c. Cause of Corrosion ☐ Galvanic ☐ Atmospheric ☐ Stray Current ☐ Microbiological ☐ Cathodic Protection Disrupted ☐ Stress Corrosion Cracking ☐ Selective Seam Corrosion ☐ Other _____	d. Was corroded part of pipeline considered to be under cathodic protection prior to discovering accident? ☐ No ☐ Yes, Year Protection Started: ____/____/____ e. Was pipe previously damaged in the area of corrosion? ☐ No ☐ Yes ⇒ Estimated time prior to accident: ____/____/____ years ____/____/____ months Unknown ☐
H2 – NATURAL FORCES		
3. ☐ Earth Movement ⇒ ☐ Earthquake ☐ Subsidence ☐ Landslide ☐ Other _____ 4. ☐ Lightning 5. ☐ Heavy Rains/Floods ⇒ ☐ Washouts ☐ Flotation ☐ Mudslide ☐ Scouring ☐ Other _____ 6. ☐ Temperature ⇒ ☐ Thermal stress ☐ Frost heave ☐ Frozen components ☐ Other _____ 7. ☐ High Winds		
H3 – EXCAVATION DAMAGE		
8. ☐ Operator Excavation Damage (including their contractors/Not Third Party) 9. ☐ Third Party (complete a-f) a. Excavator group ☐ General Public ☐ Government ☐ Excavator other than Operator/subcontractor b. Type: ☐ Road Work ☐ Pipeline ☐ Water ☐ Electric ☐ Sewer ☐ Phone/Cable ☐ Landowner-not farming related ☐ Farming ☐ Railroad ☐ Other liquid or gas transmission pipeline operator or their contractor ☐ Nautical Operations ☐ Other _____ c. Excavation was: ☐ Open Trench ☐ Sub-strata (boring, directional drilling, etc...) d. Excavation was an ongoing activity (Month or longer) ☐ Yes ☐ No If Yes, Date of last contact ____/____/____ e. Did operator get prior notification of excavation activity? ☐ Yes; Date received: ____/____/____ mo. ____/____/____ day ____/____/____ yr. ☐ No Notification received from: ☐ One Call System ☐ Excavator ☐ Contractor ☐ Landowner f. Was pipeline marked as result of location request for excavation? ☐ No ☐ Yes (If Yes, check applicable items i - iv) i. Temporary markings: ☐ Flags ☐ Stakes ☐ Paint ii. Permanent markings: ☐ iii. Marks were (check one): ☐ Accurate ☐ Not Accurate iv. Were marks made within required time? ☐ Yes ☐ No		
H4 – OTHER OUTSIDE FORCE DAMAGE		
10. ☐ Fire/Explosion as primary cause of failure ⇒ Fire/Explosion cause: ☐ Man made ☐ Natural 11. ☐ Car, truck or other vehicle not relating to excavation activity damaging pipe 12. ☐ Rupture of Previously Damaged Pipe 13. ☐ Vandalism		

H5 - MATERIAL AND/OR WELD FAILURES						
Material						
14.	☐ Body of Pipe	⇒	☐ Dent	☐ Gouge	☐ Bend	☐ Arc Burn
						☐ Other _____
15.	☐ Component	⇒	☐ Valve	☐ Fitting	☐ Vessel	☐ Extruded Outlet
						☐ Other _____
16.	☐ Joint	⇒	☐ Gasket	☐ O-Ring	☐ Threads	☐ Other _____
Weld						
17.	☐ Butt	⇒	☐ Pipe	☐ Fabrication		☐ Other _____
18.	☐ Fillet	⇒	☐ Branch	☐ Hot Tap	☐ Fitting	☐ Repair Sleeve
						☐ Other _____
19.	☐ Pipe Seam	⇒	☐ LF ERW	☐ DSAW	☐ Seamless	☐ Flash Weld
			☐ HF ERW	☐ SAW	☐ Spiral	☐ Other _____
Complete a-g if you indicate <i>any</i> cause in part H5.						
a. Type of failure: ☐ Construction Defect ⇒ ☐ Poor Workmanship ☐ Procedure not followed ☐ Poor Construction Procedures ☐ Material Defect						
b. Was failure due to pipe damage sustained in transportation to the construction or fabrication site? ☐ Yes ☐ No						
c. Was part which leaked pressure tested before accident occurred? ☐ Yes, complete d-g ☐ No						
d. Date of test: / / / / yr. / / / / mo. / / / / day						
e. Test medium: ☐ Water ☐ Inert Gas ☐ Other _____						
f. Time held at test pressure: / / / hr.						
g. Estimated test pressure at point of accident: _____ PSIG						
H6 - EQUIPMENT						
20.	☐ Malfunction of Control/Relief Equipment	⇒	☐ Control valve	☐ Instrumentation	☐ SCADA	☐ Communications
			☐ Block valve	☐ Relief valve	☐ Power failure	☐ Other _____
21.	☐ Threads Stripped, Broken Pipe Coupling	⇒	☐ Nipples	☐ Valve Threads	☐ Dresser Couplings	☐ Other _____
22.	☐ Seal Failure	⇒	☐ Gasket	☐ O-Ring	☐ Seal/Pump Packing	☐ Other _____
H7 - INCORRECT OPERATION						
23.	☐ Incorrect Operation					
a. Type: ☐ Inadequate Procedures ☐ Inadequate Safety Practices ☐ Failure to Follow Procedures ☐ Other _____						
b. Number of employees involved who failed a post-accident test: drug test: / / / / alcohol test / / / /						
H8 - OTHER						
24.	☐ Miscellaneous, describe: _____					
25.	☐ Unknown					
☐ Investigation Complete ☐ Still Under Investigation (submit a supplemental report when investigation is complete)						
PART I - NARRATIVE DESCRIPTION OF FACTORS CONTRIBUTING TO THE EVENT (Attach additional sheets as necessary)						

INSTRUCTIONS FOR FORM RSPA F 7000-1 (1-2001)
ACCIDENT REPORT - HAZARDOUS LIQUID PIPE SYSTEMS

GENERAL INSTRUCTIONS

Each hazardous liquid pipeline operator shall file Form RSPA F 7000-1 for an accident that meets the criteria in 49 CFR §195.50 as soon as practicable but not more than 30 days after the accident. Hazardous liquid releases during maintenance activities need not be reported if the spill was less than 5 barrels, not otherwise reportable under 49 CFR §195.50, and did not result in water pollution as described by 49 CFR §195.52(a)(4). Any spill of 5 gallons or more to water shall be reported.

Consult 49 CFR §195.50 for reporting requirements. If you have questions about this report or these instructions or need copies of Form RSPA F 7000-1, please write to the Information Resources Manager, or call (202)366-4569. All forms and instructions are on the OPS home page, <http://ops.dot.gov>.

SPECIAL INSTRUCTIONS

1. An entry should be made in each space.
2. Please try to obtain the information necessary to accurately and completely answer each question.
3. If the data is unavailable, enter "unknown"
4. If possible, provide an estimate in lieu of answering a question with "Unknown".
5. For unknown or estimated data entries, the operator should file a supplemental report when additional information becomes available.
6. If the block is not applicable, please enter N/A.

In blocks requiring numbers, all blocks should be filled in using zeroes when appropriate. When decimal points are required, the decimal point should be placed in a separate block.

Examples: (Part D, item 1) Nominal Pipe Size /0/0/2/4/ inches
/1/.5/0/ inches

(Part D, item 1) Wall Thickness /.5/0/0/ inches
/1/.2/5/ inches

If OTHER is checked, include an explanation or description on the line next to the item checked.

SPECIFIC INSTRUCTIONS

PART A - GENERAL REPORT INFORMATION

Initial, Supplemental, Final Report Section

Check the appropriate box:

☐ Original Report ☐ Supplemental Report ☐ Final Report.

If this is the initial report filed for this accident, check the box for "Original Report". If all of the information requested is known and provided at the time the initial report is filed, including final property damages and failure cause information, check the box for Final Report as well as the box for Original Report, indicating that no further information will be forthcoming.

If this is an update or revision to an Original Report but all information requested is still not known, check "Supplemental Report".

If all requested relevant information has been provided, and there will be no further updates to reported property damages or accident cause information, check the box for "Final Report".

If you are filing a supplemental or final report, please check the Supplemental Report or Final Report box and complete Part A(1) and Part B. Please do not enter previously submitted information.

A 1. The Research and Special Programs Administration (RSPA) assigns the operator's five-digit identification number. If you do not know the operator identification number, please leave that item blank. The operator address entry in 1.d and 1.e is the office filing the accident report. If the operator does not own the pipeline, enter the Owner's five digit identification number in 1.b. You may contact us at (202)366-8075 during our business hours of 7:30 AM to 5:00 PM Eastern time if you need assistance with an identification number for 1.a or 1.b.

SMALL SPILLS (5 GALLONS TO 5 BARRELS)

IMPORTANT: For small spills not otherwise reportable under CFR 195.50 nor resulting in water pollution as described by 49 CFR 195.52, complete only page one. If spill is less than one barrel, enter loss in gallons. Estimate amount spilled and recovered as closely as possible. Estimate the total property damage for sections under property damage reporting if exact amounts aren't known. Complete preparer's name and contact information section. Check the box for FINAL REPORT and submit the report.

ALL OTHER REPORTABLE SPILLS

For spills: of 5 or more gallons resulting in water pollution as described in 49 CFR §195.52(A)(4); of 5 or more barrels; or reportable by other criteria as per 49 CFR §195.50, complete as much of the form as possible within the 30 day filing period. If total property damage, cause information or other information is not known within 30 days, submit the original report and provide supplemental updates every 6 months until such time as a final report can be submitted. We plan to remind operators every six months about reports needing updates.

A 2. The time of the accident should be shown by 24-hour clock notation.

Examples:

1. (0000) = midnight = /0/0/0/0/
2. (0800) = 8:00 a.m. = /0/8/0/0/
3. (1200) = Noon = /1/2/0/0/
4. (1715) = 5:15 p.m. = /1/7/1/5/
5. (2200) = 10:00 p.m. = /2/2/0/0/

A 3. Accident location information should be as complete as possible, including the nearest City, Town, Township, County or Parish, Borough, Section, and Range. Offshore accident identification should be located by State or Outer Continental Shelf (OCS) identification and block identification. In addition to the general location information, provide latitude and longitude, if available, including projection and datum used in collecting the data.

Federal Land other than Outer Continental Shelf means all lands the United States owns, including military reservations, except lands in National Parks and lands held in trust for Native Americans. Accidents at Federal buildings, such as Federal Court Houses, Custom Houses, and other Federal office buildings and warehouses, are not to be reported as being on Federal Lands.

A 5. Estimate costs/losses for the items provided in this section. Do not report costs incurred for facility repair, replacement, or change that is not related to the accident done solely for convenience. An example of doing work solely for convenience is working on facilities unearthed because of the accident. Litigation and other legal expenses related to the accident are not reportable.

PART B - PREPARER AND AUTHORIZED SIGNATURE

Preparer is the name of the person who prepared the responses to the form and who is to be contacted for more information (preferably the person most knowledgeable about the information in the report).

Authorized Signature may be the preparer, an officer, or other person whom the operator has designated to review and sign reports. Please enter the preparer's e-mail address if the preparer has one.

PART C - ORIGIN OF Accident

C 2. Location of System Involved:

High consequence area means:

1. A commercially navigable waterway, which means a waterway where a substantial likelihood of commercial navigation exists;
2. A high population area, which means an urbanized area as defined and delineated by the Census Bureau that contains 50,000 or more people and has a population density of at least 1,000 people per square mile;
3. Any other populated area, which means a place as defined and

delineated by the Census Bureau that contains a concentrated population, such as an incorporated or unincorporated city, town, village, or other designated residential or commercial area;

4. An unusually sensitive area, as defined in 195.6

C 3. Part of System Involved in Accident

If the failure occurred on an item not provided in this section, check the "OTHER" box and specify in the space provided the part of the structure that failed. If failure occurred on **onshore or offshore pipeline**, complete C a through g.

Leak - an unintentional release of product from a pipeline requiring repair to the pipeline. The source of the leak may be holes, cracks (including propagating and non-propagating, longitudinal and circumferential cracks), separation or pull-out, and loose connections.

Rupture - a complete failure of a portion of the pipeline.

Propagation - the extension of the original opening in the pipeline in an area of nominal wall thickness resulting from the internal forces on the pipeline.

Tear - an extension of the original opening in the pipeline resulting from an externally applied force, such as a bulldozer, backhoe, or grader.

Note: for C 3 a - {Type of Leak or Rupture}, *Connection Failure* refers only to accidents where failure occurred on a connection that joined two segments of pipe.

"Year the pipe/component which failed was installed" means the year installed at the accident location.

PART D - MATERIAL SPECIFICATION

Complete section D (1 through 6), if pipe or valve failed.

ITEM 1. Nominal pipe size is the diameter in inches used to describe the pipe size; for example, 2-inch, 4-inch, 8-inch, 12-inch, 30-inch.

ITEM 2. Enter pipe wall thickness in inches. Use decimals as necessary.

ITEM 3. Specification is the specification to which the pipe or component was manufactured, such as API 5L or ASTM A106. When more than one item has failed, and the origin of the failure is not clear, complete Part C ITEM 2 to explain the additional item(s).

ITEM 4. *Common seam types: (Acronyms used in Part H5, item 19:*

LF ERW : low frequency electro-resistance weld

HF ERW : high frequency electro-resistance weld

DSAW : double-submerged arc weld

SAW : submerged arc weld

ITEM 5. Some valve types are: flange-welded, bell-plug, etc.

PART E - ENVIRONMENT

"Under pavement" includes under streets, sidewalks, paved roads, driveways and parking lots.

Provide depth of cover in inches where accident involved buried pipe or component.

PART F - CONSEQUENCES

F 1 a. - injuries are those that require in-patient hospitalization, meaning hospital admission and at least one overnight stay.

For F 2 a, because of the difficulty in estimating number of individual animals or species affected, we do not ask quantity, rather, we only provide a check box to indicate if any species were impacted.

If product ignited, but there was no explosion, check box F1c. If an explosion occurred, check box F1d.

For F 1 f, "Elapsed time until the area was made safe" means the amount of time starting from the accident occurrence until the time that the accident is brought under control and does not significantly threaten public safety. This does not necessarily mean that the flow of product has been stopped. If the time of occurrence is unknown, the time when the operator was first notified or made aware of the accident should be used to calculate elapsed time.

PART G - LEAK DETECTION INFORMATION

Enter the requested information about leak detection systems.

PART H - APPARENT CAUSE

There are 25 numbered causes in Part H. The 25 causes are divided into 8 categories in sections H1 through H8. Check the box indicating the general cause of the accident and check the circle indicating the specific cause.

PART H1 - CORROSION

Corrosion includes a leak or failure caused by galvanic, bacterial, chemical, stray current, or other corrosive action. Examples: A corrosion leak is not limited to a hole in the pipe. If the bonnet or packing gland on a valve or flange on piping becomes loose and leaks due to corrosion and failure of bolts, it is classified as Corrosion. If the bonnet, packing, or other gasket has deteriorated before the end of its expected life and caused a leak or failure and a new gasket is required, it is classified as a Material Defect. Leaks resulting from materials deteriorating after the expected life of the materials are classified as "Other". Leaks due to deterioration from corrosion, however, are classified as "Corrosion".

Complete H1 parts a - e where applicable.

If the cause was Stress Corrosion Cracking, check the block for Stress Corrosion Cracking under H1 (c).

Subpart a - Pipe Coating

Galvanized pipe with no dielectric coating is considered bare.

Subpart d - Cathodic Protection

"Under cathodic protection" means cathodic protection in accordance with Part 192, Appendix D. Recognizing that older pipelines may have had cathodic protection added over a number of years, provide an estimate if exact year cathodic protection started is unknown.

PART H2 - NATURAL FORCES

ITEMS 3 - 7: Natural Forces.

This includes all outside forces attributable to causes not involving humans. "Earth Movement" refers to failures caused by land shifts such as earthquakes, landslides, or subsidence.

"Heavy rains and floods" refer to all water related failure causes such as washouts, flotation, mudslides, or water scouring. While mudslides involve earth movement, report them here since typically they are an effect of heavy rains or floods.

"Temperature" refers to those causes that are related to temperature effects, or where temperature was the initial cause; for example, thermal stress, frost heave, or frozen component failures.

PART H3 - EXCAVATION DAMAGE

This section covers excavator damage by operator, operator's contractor, utilities, or others.

Complete subparts a - g if any cause was checked in Part H3(9).

ITEMS 8 - 9: Excavation.

Item 8: check this item if the operator or the operator's contractor or agent caused the failure, or if caused by another party working for the operator as a result of excavation.

Item 9: Third Party Damage- check this item if failure cause was from excavation damages resulting from action by a third party, that is, by a party other than the operator or the operator's agent.

Subpart 9e- "Prior notification" means that the operator had been notified that excavation or construction work was to be done near the pipeline before the accident occurred. If the operator was notified, but the operator believes the notice was inadequate, improper, or incomplete, check NO and explain in Part G, Narrative Description Of Factors Contributing to the Event, how the notice was inadequate, improper or incomplete.

Subpart 9f- "Was pipeline marked as a result of location request for excavation?": Indicate whether the pipeline was marked. If the pipeline was marked, complete all items i through iv that apply.

PART H4 - OTHER OUTSIDE FORCE DAMAGE

This section covers damages to pipelines or facilities caused by external forces other than excavation damage.

ITEMS 10- 13 Cover other failures caused by damages to pipelines by external

forces other than excavation or natural forces. Fire/explosion as primary cause of failure implies that fire/explosion occurred prior to failure and not as a result of failure. If a fire/explosion occurred as a result of the failure not as primary cause of the failure, do not check item 10, but check Part F item 1c or 1d. If the primary failure cause was damage by a vehicle other than a vehicle involved in excavation, check item 11. If a vehicle involved in excavation caused the damage, check the appropriate item under the Excavation Damage section (items 8 and 9).

PART H5 - MATERIAL AND/OR WELD FAILURES

"Fitting" means a device, usually metal, for joining lengths of pipe into various piping systems. It includes couplings, ells, tees, crosses, reducers, unions, caps and plugs.

ITEMS 14 - 16, Material.

This section includes leaks or failures from a defect within the material of the pipe, component or joint due to faulty manufacturing procedures. Leaks or failures resulting from material deterioration and not resulting from an original defect or corrosion are reported under "Other". Complete subparts a - g if any cause was checked in Part H5.

ITEMS 17 - 19, Welds.

Acronyms used in this section:

LF ERW : low frequency electro-resistance weld

HF ERW : high frequency electro-resistance weld

DSAW : double-submerged arc weld

SAW : submerged arc weld

"Weld-related material defects" includes leaks or failures from a defect within the material of the pipe, component or longitudinal weld or seam due to faulty welding or weld-related manufacturing procedures.

Sub-Elements a - g

"Construction defect" includes leaks in or failures of originally sound material due to force being applied during field construction that caused a dent, gouge, excessive stress, or some other defect that eventually resulted in failure. Included are leaks in or failures of wrinkle bends, field welds, and damage sustained in transportation to the construction or fabrication site.

PART H6 - EQUIPMENT

This section includes malfunctions of control and relief equipment (typically the result of failed and leaking valves), failures of threaded components and broken pipe couplings, including thread failures, and failures in seal/pump packings. Accidents resulting from incorrect operations or inadequate procedures are also included in this category. Report gasket or o-ring failures under Part H5, item 16, Joints, by checking the appropriate circle for gasket or o-ring.

Item 20- Malfunction of Control/Relief Equipment

Examples of this type of failure cause include: overpressurizations resulting from malfunction of control or alarm device; relief valve malfunction: and valves failing to open or close on command; or which opened or closed when not commanded to do so.

Item 21 - Threads stripped, broken pipe coupling

Examples of this type of failure include failures on compressors, meters, or regulator stations where the failure resulted from a crack in a component or threads of a component such as nipples, flanges, valve connections, line pipe collars, etc.

Item 22 - Ruptured or Leaking Seal/Pump Packing

Examples of this type of failure generally include failures of compressor pump packing or other pump seals.

PART H7 - INCORRECT OPERATION

Incorrect operation failures typically result from faulty or inadequate procedures. These types of failures most often occur during maintenance activities. Some examples of this type of failure are unintentional product ignition during a welding or maintenance activity; other reportable accidents causing a fire, or failures where human error, employee fatigue, and/or lack of experience may have played a role.

PART H8 - OTHER

This section is provided for failure causes that do not fit in any category in Sections H1 through H7. If the failure cause is unknown at time of filing this report, check item 25. If the failure cause is known but doesn't fit in any category in sections H1 through H7, check item 24 and describe the cause. Continue in Part I, narrative description, if more space is needed.

**PART I - NARRATIVE DESCRIPTION OF
FACTORS CONTRIBUTING TO THE ACCIDENT**

Concisely describe the accident, including the facts, circumstances, and conditions that may have contributed directly or indirectly to causing the accident. You may explain any estimated data in the narrative. If you checked the OTHER block in Part H8 item 24 or 25, the narrative should describe the accident in detail, including the timeline, sequence of events, and all known or suspected causes. Use this section to clarify or explain unusual conditions.