

*Petition for Reconsideration of the Final Rule on the Definition of High Consequence Areas*

RSPA/OPS issued a final rule defining HCAs for gas transmission pipelines on August 6, 2002 (67 FR 50824). On September 5, 2002, the American Gas Association (AGA), the American Public Gas Association (APGA), the Interstate Natural Gas Association of America (INGAA), and the New York Gas Group (NYGAS) filed a petition for the reconsideration of the final rule defining HCAs for gas transmission pipelines. This petition is in the docket. The petition raised the following issues:

(1) The splitting of the gas integrity rule into two rulemakings—the definition and the integrity requirements—causes confusion, particularly, since the *Potential Impact Zone* concept was not included in the definition.

(2) The high consequence area definition should clarify that it applies to gas transmission pipelines that have the potential to impact high population density areas and does not apply to distribution pipelines.

(3) The “identified site” component of the definition (buildings and outside areas) is overly broad. The definition should instead use the current language in § 192.5 for Class 3 outside areas.

When this petition was received, RSPA/OPS was in the final stages of developing the NPRM on pipeline integrity management for gas transmission pipelines in HCAs. In addition to the proposed substantive requirements, the NPRM proposed an expanded definition of HCAs and proposed to include a definition of a Potential Impact Zone, the area likely to be affected by a failure. In the NPRM, RSPA/OPS discussed the issues raised in the petition for reconsideration and its belief that the proposal, and the final rule to follow, would address the more significant of the issues (68 FR 4278, 4295–4296; January 28, 2003). RSPA/OPS requested comments on several aspects of the final definition, particularly with respect to the “identified sites” component. In two notices published on July 17, 2003—*Response to Petition for Reconsideration* (68 FR 42458) and *Issuance of Advisory Bulletin* (68 FR 42456)—RSPA/OPS addressed the remainder of issues raised by the petitioners, and provided guidance to operators of gas transmission pipelines on how to identify HCAs.

Comments received in response to the NPRM on integrity management programs, comments at the public meetings following issuance of the

NPRM, and advice from the Technical Pipeline Safety Standards Committee (TPSSC or Committee), the statutory gas pipeline advisory committee, indicated the need for greater clarification of how operators are to implement the “identified sites” aspect of the HCA definition. The advisory bulletin published on July 17, 2003 (68 FR 42456) provides guidance to gas transmission operators on the steps RSPA/OPS expects them to take to determine “identified sites” along their pipelines. “Identified sites” include buildings housing people who are confined and of limited mobility who would be difficult to evacuate, and outside areas and buildings where people gather. The guidance allows operators to identify these sites for purposes of planning integrity management programs. RSPA has agreed that the intent of the regulation will be satisfied if an operator follows the guidance. The guidance has been incorporated into this final rule.

*Public Meetings Following the NPRM*

On January 28, 2003 (68 FR 4278), RSPA/OPS proposed integrity management program requirements for gas transmission pipelines in HCAs. The comment period for this proposal was scheduled to close on March 31, 2003, but RSPA/OPS extended this comment period to April 30, 2003. Because the proposal was complex, a series of public meetings were held to educate the industry and public about the proposed requirements and to listen to comments and concerns.

On February 20–21, 2003, RSPA/OPS participated in a public workshop sponsored by the INGAA and AGA in Houston, and on February 26, 2003, in an audio conference jointly sponsored by AGA, APGA, and other pipeline trade associations, to give an overview of the proposed rule and clarify certain proposed requirements. On March 19, 2003, RSPA/OPS held a public meeting in Washington, DC, to address issues raised at the INGAA/AGA workshop and to better explain the proposed rule. Participants included representatives from the National Association of Pipeline Safety Representatives (NAPSR), INGAA, AGA, APGA, and other Federal government agencies. Summaries of these meetings are in the docket.

On March 25, 2003, RSPA/OPS briefed the TPSSC members about issues raised in the public meetings and heard additional briefings on integrity management issues, including the HCA definition. On May 28–29, 2003, the TPSSC met to vote on the proposed gas

integrity management rule and the recommend changes.

On April 25, 2003, RSPA/OPS held another public meeting to discuss possible courses of action on issues that had been raised during the previous meetings. Participants included State pipeline safety representatives, industry representatives, and the general public.

The comments at the public meetings closely tracked the comments received to the docket and the discussions by the TPSSC at its May 2003 meeting. These issues and the advisory committee’s recommendations are discussed in the section titled, *Gas Advisory Committee Considerations*. The 12 issues addressed in the comments to the docket are discussed below in *Comments to NPRM*.

*Gas Advisory Committee Considerations*

The Technical Pipeline Safety Standards Committee is the Federal advisory committee charged with responsibility for advising on the technical feasibility, reasonableness, cost-effectiveness, and practicability of proposed gas pipeline safety standards. The 15-member Committee is comprised of individuals from industry, government, and the general public.

On May 28–30, 2003, the TPSSC met to review the proposed gas pipeline integrity management rule and the associated cost-benefit analysis. The Committee voted unanimously to accept the proposed integrity management rule as technically reasonable, feasible, and practicable, subject to the recommended changes identified during committee discussion. The Committee decided that before it could vote to accept the cost-benefit analysis, RSPA/OPS must revise it in compliance with the recommendations at the May 28–30 meeting. RSPA/OPS sent a revised cost-benefit analysis to the committee. On July 31, 2003, the Committee voted to accept the revised cost-benefit analysis. The transcripts from both meetings are in the docket.

*Discussion on the HCA Definition and Proposed Rule*

The TPSSC made the following recommendations during the May 28–30 meeting with respect to the HCA definition and the language in the proposed integrity management program rule. RSPA/OPS discusses how it addressed each recommendation in the final rule.

The Committee discussed how to best identify those segments of a pipeline that present the greatest potential hazard to people so that operators could focus integrity management efforts on those segments. The Committee considered the bifurcated approach