

operator could choose from two approaches to determine HCAs. Both approaches would require that an operator identify potential HCAs for certain "identified sites" located within a Potential Impact Circle. In addition to the "identified sites," the operator would either identify the remaining HCAs by selecting all Class 3 and 4 areas or by determining all Potential Impact Circles containing 20 or more buildings intended for human occupancy. Potential Impact Circles would be based on the C-FER model. When the size of the pipeline requires that the radius is greater than 660 feet, INGAA's proposal would allow prorating the number of buildings in the circle based on an increased circle size. INGAA's proposed proration scheme would allow operators additional time to collect the expanded population data—until as late as 2007.

AGA supported this approach because it is simpler, allows operators to use existing data from house count surveys, and provides safety benefits to unsheltered areas. At least 30 other commenters endorsed this alternative approach.

*Response:* RSPA/OPS has adopted a bifurcated definition, as suggested by INGAA. It gives an operator two options to define HCAs. In both options "identified sites" are treated the same. However, an operator will now be allowed to identify the HCAs associated with high population density either by including all Class 3 and 4 areas or by counting the residences within a potential impact circle to determine whether the threshold number is present. Changes made to the "identified sites" definition are described further below. We agree that this approach is less complex, allows flexibility to operators (particularly local distribution companies who may wish to designate all Class 3 and 4 areas), and better focuses on areas where people could be most affected by pipeline ruptures, fires, and explosions.

RSPA/OPS has decided to allow operators to prorate the number of buildings in Potential Impact Circles larger than 660 feet in radius for a period of three years. We believe that the recommended five-year period for proration is too long, but acknowledge that collecting all of the additional data in one year would be an unreasonable resource burden. Operators now have data on the number of buildings located within 660 feet from their pipelines because they have needed this information for identifying Class Location areas pursuant to § 192.5. The three-year period is adequate for operators to gather additional

information for the large-diameter, high-pressure pipelines for which Potential Impact Circle(s) will exceed 660 feet.

RSPA/OPS expects that many, perhaps most, operators will follow the Potential Impact Circle option for defining HCAs. Under this approach, an operator would calculate the heat affected zones along its pipeline that would result from a pipeline rupture. An operator would determine the radius of the Potential Impact Circle for the pipeline, identify segments of pipeline within a Potential Impact Radius of "identified sites," and identify segments of pipeline having 20 or more residences within a Potential Impact Circle. Such segments would be HCAs, and the length of pipeline included in the HCA would be the pipe within the HCA plus the length of pipe extending one Potential Impact Radius in both directions beyond the HCA.

For transmission pipelines operating at low pressures, like much of the pipeline operated by distribution companies, the radius of the Potential Impact Circle calculated with the C-FER model will be small. For example, the radius for a 6-inch diameter pipeline operating at 150 psi would be 50 feet. It is unlikely that 20 buildings intended for human occupancy could be found in circles of such small radius. It is also less likely that "identified sites" will be found within the circles as the radius decreases. As a result, using the Potential Impact Circle option will tend to exclude much low-pressure pipeline from the assessment requirements of this rule. Because accidents along these pipelines in developed areas can affect people and property, the rule requires an operator of a low-stress pipeline in these developed area to take additional preventive and mitigative actions.

#### *Additional Areas*

Several commenters suggested adding other sites as HCAs. The Florida State Clearinghouse, the Washington City and County Safety Consortium, and the New York State Department of Public Service all asserted that certain critical infrastructure facilities be included as HCAs. These included, but were not limited to, interstate interchanges, bridges, tunnels, certain railway facilities, electric transmission substations, drinking water plants, and sewer facilities. They asserted that impacts to these types of facilities could detrimentally impact a wide range of people. The Washington City and County Safety Consortium further contended that environmentally sensitive areas, particularly those critical to endangered species, should be included as well.

*Response:* RSPA/OPS has not included these additional areas in the final rule. We addressed comments such as this in the rulemaking on high consequence areas. Other than the issues that had been raised in the petition for reconsideration, and the areas in the NPRM for integrity management program requirements we proposed to add, or requested comment, we did not open the final definition up for changes. When we issued the final rule defining these areas, we agreed that impacts to critical infrastructure could have detrimental impact but that such impacts would not likely include death or serious injury. A major purpose of the integrity management rule is to focus the highest level of operator attention on those portions of its pipeline that can have the most severe safety consequences, *i.e.*, can cause death and injury.

However, to protect vital infrastructure, the rule provides for applying lessons learned through integrity management to areas outside HCAs. The ASME/ANSI B31.8S process provides that operators use their risk assessments to guide them in applying these lessons. Proper risk assessments will identify portions of pipeline that have a higher likelihood of failure.

Similarly, as we explained when we finalized the definition of HCAs (67 FR 50824), we did not include environmentally sensitive areas in the definition. The impact of gas pipeline accidents on such areas is expected to be significantly less than a similar accident involving a hazardous liquid pipeline because of the different nature of gas and hazardous liquids.

#### *Public Officials and Identified Sites*

For the "identified sites" component of the high consequence area definition, the definition listed various means by which an operator could identify these areas. The list included a site being visibly marked, being licensed or registered by a Federal, State, or local agency, being known to public safety officials or being on a list or map maintained by or available from a Federal, State, or local agency. In the preamble to the NPRM, RSPA/OPS invited comment on whether we should use the term public safety officials and/or emergency response officials instead of public officials (68 FR 4278, 4295).

In the petition for reconsideration of the high consequence area definition, petitioners objected to relying on public safety officials for identifying these sites because these officials might not be able to convey accurate information.

PECO, PG&E, and Peoples Energy all concurred that the phrase "public safety