

officials and/or emergency response officials" was preferable to "public officials." PG&E maintained the term "public officials" was too broad and provided too much variance for interpretation.

Both the Washington State Advisory Committee on Pipeline Safety and the Washington City and County Pipeline Safety Consortium suggested that operators work with local cities or municipalities to identify additional HCAs within their territories. They asserted that the cities and municipalities have the best information on facilities and on growth trends in their areas and would be in the best position to identify HCAs.

The Association of Texas Intrastate Natural Gas Pipelines and several other commenters asserted that the requirement to identify a site under the HCA definition by reference to commercially available databases is not reasonable. Kern River suggested that the rule needs to be expanded to define the exact process to follow to identify locations of people with limited mobility. Kansas Gas Service commented that the methods to identify these sites are unduly burdensome and impractical.

Several commenters sought more specificity in the procedure to identify outdoor areas and buildings requiring consideration as "identified sites," and recommended that local public safety officials be relied upon in making these identifications.

Discussion at the public meetings and the May 2003 meeting of the advisory committee further highlighted industry concerns about locating buildings housing populations of limited mobility and areas where people congregate. The TPSSC recommended that local emergency planning committees (LEPC) be considered in addition to public safety and emergency response officials and that local public safety and emergency response officials or LEPCs be relied on as a principal source of information in identifying buildings containing populations of limited mobility. The TPSSC recommended that the focus for such buildings be those known to these local safety officials and meeting one of the tests: Be visibly marked, be licensed or registered, or be listed on a government map.

*Response:* RSPA/OPS agrees that specifying public safety officials, emergency response officials, or local emergency planning committees is clearer than the term "public officials" for purposes of this rule. These are the officials and agencies charged with protecting the health and safety of the community, and they are most likely to

have information relevant to identifying and protecting areas where people could be affected by pipeline accidents. Other employees of local governments, who might be considered "public officials," would be less likely to know the relevant information. The final rule has been revised to use this more focused terminology, and to make these officials a principal source of information regarding places where people congregate and buildings housing populations of limited mobility. RSPA/OPS is working to inform local emergency responders about the need to be knowledgeable about the "identified sites." This change is consistent with the advisory bulletin RSPA/OPS issued on July 17, 2003.

The "identified sites" component of the definition included a list of methods operators could use to identify facilities with persons of limited mobility. However, the definition caused consternation because many operators saw it as an exclusive list. To address this concern, in the advisory bulletin issued on July 17, 2003 (68 FR 42458) we explained that it was never intended that operators perform an exhaustive search of every possible source of information. Rather, operators who consult public safety or emergency response or planning officials who indicate that they have knowledge of the "identified sites" need not do more (68 FR 42458, 42460).

In the final definition, we have clarified that local safety officials are the principal source of information on places where people congregate and buildings housing populations of limited mobility. This change is consistent with the guidance in the advisory bulletin issued on July 17, 2003. If these officials do not have the information to identify these sites, then an operator must use at least one of the other methods, such as visible marking or registration lists to identify the sites. These methods are explained in the new § 192.905 on how an operator is to identify a high consequence area. Rather than include these methods in the high consequence area definition in § 192.903, we moved them to the new section that explains the methods for identifying these sites. For outdoor areas, the final rule also relies on the knowledge of local safety officials to identify these areas.

*People in Outside Areas and in Identified Site Buildings—§ 192.903 (Formerly § 192.763(i))*

In the petition for reconsideration of the high consequence area definition, petitioners argued that RSPA should clarify the definition, particularly with

regard to "identified sites," because the definition is so broad and vague as to make compliance impractical.

Petitioners noted that the definition references two standards for identifying places as HCAs because people congregate at those places. Petitioners requested that for consistency the same standard be used as the one used in the Class 3 definition, *i.e.*, 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period.

We had included rural churches in the example of outside areas under the HCA definition. In the petition for reconsideration, petitioners contended that the definition would pick up isolated and infrequently occupied buildings. In the Preamble to the NPRM on integrity management program requirements, RSPA/OPS acknowledged it did not know how many rural buildings would be covered and requested comment on whether to include these buildings, instead, as Moderate Risk Areas. The definition did not require a minimum number of confined or mobility-impaired people needed to occupy a facility. The definition did require that for outside gathering areas, there be 20 or more persons on at least 50 days in any 12-month period. The NPRM did not propose a new threshold for the number of persons needed to occupy an identified site. Nonetheless, we received a variety of comments on the number that had been included in the final definition.

Citizens for Safe Pipelines was adamant that Congress intended to protect sites similar to the Carlsbad accident site and, as support, referenced statements made by members of Congress. Citizens for Safe Pipelines contended that the definition is under-inclusive of places where pipelines should be inspected. Cook Inlet Keeper, along with the Washington City and County Pipeline Safety Consortium commented that the threshold for persons in outside areas of congregation should be 10 instead of 20. Accufacts supported having the outside area threshold as 10 instead of 20, but keeping the building threshold at 20. Most of industry sided with INGAA which supported 20 or more persons in outside areas of congregation with a much stricter frequency of 5 days a week, 10 weeks a year.

INGAA also proposed that we change the "identified sites" component to differentiate between rural buildings and outside areas, and to use different occupancy rates. The definition had grouped rural buildings and outside areas together, subject to a minimum use by 20 persons on at least 50 days in