

meet requirements of this rule in a cost-effective manner should approach pipeline operators directly.

10. Methods To Measure Program Effectiveness—§ 192.941 (Formerly §§ 192.763(c)(5) and 192.763(l))

Reporting requirements associated with the proposed rule generated a number of comments, most in opposition to the proposed requirements. Proposed requirements included an operator making accessible in real time the four overall performance measures and the additional performance measures, if trying to qualify for exceptional performance under the performance-based option.

New Jersey Natural Gas Company and New York State Department of Public Service commented that a rule will need to clarify “real time.” Northeast Gas Association also requested a definition and clarification of what is meant by “real time” and suggested that we use the performance measures identified in Section 9.4 of ASME/ANSI B31.8S instead of those in the proposed rule.

Many commenters, including Nicor Gas, Kern River, and Consumers Energy, opposed the use of “real time” accessibility to performance data and suggested alternatives ranging from quarterly to annually. El Paso suggested a web-based reporting system and PECO was concerned about security of database systems housing this data.

Numerous commenters supported INGAA’s proposal about how to make the collection of data on performance measures more efficient and reflective of the effectiveness of an integrity management program. INGAA proposed that real time mean on a quarterly basis for reporting the number of miles assessed and the number of repairs. In addition INGAA recommended that information fields be added to the Annual report form submitted by gas transmission operators to track and compare the number of leaks eliminated or repaired in HCAs with those not in HCAs.

Response: RSPA/OPS has eliminated the requirement for operators to post performance measures in a manner that would allow regulators to access them electronically in real time. Instead, the general performance measures (which are those specified in Section 9.4 of ASME/ANSI B31.8S) must be submitted to OPS semi-annually. This periodicity results from discussions at the public meetings held during the comment period and with the Technical Pipeline Safety Standards Committee, and is consistent with the recommendation adopted by the committee. RSPA/OPS will compile this information and make

it available electronically to other pipeline safety officials and to the public.

Other suggestions by INGAA concerned forms that were not part of the rulemaking. We will consider these suggestions and if the forms should be revised to incorporate fields for the data.

11. Information for Local Officials and the Public

The proposed rule did not propose that operators provide information to the public. The proposed rule proposed that an operator have a means to provide a copy of its integrity management program to a State with which OPS has an interstate agent agreement and a communications plan that included a process for addressing safety concerns raised by OPS or an interstate agent. These requirements were mandated by statute. The notice further proposed that the performance measures be provided in real time to state pipeline safety officials.

At the advisory committee meeting, the Committee noted that State authorities need to be aware of these reports for intrastate pipelines, and for interstate pipelines in states in which the State acts as an interstate agent.

Carol Parker suggested that a requirement should be included to notify people who frequent areas where pipelines are not inspected.

Cook Inlet Keeper commented that the four overall performance measures that OPS proposed an operator maintain (*i.e.*, the measures in Section 9.4 of ASME/ANSI B31.8S standard), should be made available to the public in a web-based analyzable format. In addition, Cook Inlet suggested providing other information such as the primary threats to covered segments, the assessment tools and their schedules, along with other non security-related data.

Similarly, the Inline Inspection Association suggested that operators should be required to report to OPS certain information from their plans, including segments to be inspected, diameters, potential threats, and planned assessment methods. OPS should then make this information available to the public to allow the inline inspection industry to develop and procure the appropriate tools and train personnel to provide the needed services.

Accufacts asserted that a rule should include “Right-to-Know” provisions, to include reporting specific information to RSPA/OPS such as mileage in HCAs and total mileage by Class area. Accufacts further commented that high consequence area information should be

reported to state and local governmental agencies when requested.

As previously discussed, 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 cities and municipalities have the best information on facilities and on growth trends for their areas which would be beneficial in identifying HCAs.

The Iowa Utilities Board commented that the proposed rule appears to reserve all reporting and oversight for RSPA/OPS, with no recognition of the role played by the states. Iowa opined that the proposed rule recognizes only interstate pipelines, when by including all gas transmission pipelines within the scope of the rule, large numbers of transmission pipelines belonging to intrastate operators will be affected. Iowa suggested that the rule recognize the traditional role of state pipeline safety programs and their oversight of intrastate pipeline operators.

Industry commenters had many concerns about the security of providing information to the public. Consolidated Edison requested that OPS clarify how security will be maintained if the detailed information submitted by operators is made available to the public. Duke Energy contended that implementation of the proposed integrity management regulations have implications for national security that have not been considered or addressed. Duke Energy noted that at the public meeting in Houston, RSPA/OPS had agreed to look into how to control access to this information.

Response: RSPA/OPS agrees that information concerning gas transmission pipeline integrity management should be made available to the public. At the same time, RSPA/OPS agrees that there are issues, including security concerns, regarding how much information is provided. RSPA/OPS recognizes that not every state has laws to protect the release of proprietary or sensitive information. In the final rule, RSPA/OPS has tried to balance the need to know against the need to keep certain critical information secure. RSPA/OPS believes that the four performance measures an operator is required to include in its program (as specified in Section 9.4 of ASME/ANSI B31.8S) provide the appropriate level of information for members of the public to see how pipeline operators are doing in their integrity management program. The rule provides that operators submit this information to OPS semi-annually.