

## DEPARTMENT OF TRANSPORTATION

Research and Special Programs  
Administration

## 49 CFR Part 191

[Amdt. 191-5; Docket OPS-49]

Transportation of Natural and Other  
Gas by Pipeline; Annual Reports and  
Incident ReportsAGENCY: Materials Transportation  
Bureau (MTB).

ACTION: Final rule.

**SUMMARY:** This amendment changes the present requirements and reduces the burden for the reporting of gas pipeline leaks by operators of gas distribution and transmission systems and by operators of gas gathering systems in nonrural areas. It revokes certain of the present regulations for gas pipeline and liquefied natural gas (LNG) facility operators relative to telephonic, written incident and annual reports dealing with gas incidents and leaks. It also rescinds the present requirements for reporting test failures, and the reporting of an incident for the sole reason that a segment of transmission line is taken out of service or that the incident resulted in gas igniting.

EFFECTIVE DATE: June 4, 1984.

Requirements for the written reports will not be implemented until printing and distribution of the relevant forms has been completed. Distribution of the forms is scheduled to take place on or about June 1, 1984, for the incident reporting forms and December 15, 1984, for the annual reporting forms. The new incident reporting forms should be used beginning July 1, 1984. The annual reporting forms will be due March 15, 1985, to report for calendar year 1984.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Langley, 202-426-2082, regarding the content of this amendment, or the Dockets Branch, 202-426-3148, regarding copies of the amendment or other information in the docket.

## SUPPLEMENTARY INFORMATION:

## Background

The objective of this amendment, revising the present reporting requirements of 49 CFR Part 191, is to reduce the reporting burden of the present regulations. At the same time, it will continue to provide for the collection of the pipeline data that are considered necessary for the identification, analysis, and evaluation of pipeline safety problems leading to practical solutions of these problems by this agency and by industry.

The existing requirements for reporting leaks, failures, and system data, in use over the past decade, have proved useful in helping pipeline safety regulatory agencies and the reporting operators to highlight safety problems. Notable among these problems have been damage to gas pipelines by outside forces and lack of notification by outside parties preparing to excavate in the vicinity of buried pipelines. Due to the written and telephonic reports of incidents caused by outside forces, regulations<sup>1</sup> have been promulgated to aid gas pipeline operators in protecting their facilities from such damage and possible severe consequences.

The present authorized forms (the "Individual Leak Report" forms submitted in response to 49 CFR 191.9 and 191.15 and the "Annual Report" forms submitted in response to 49 CFR 191.11 and 191.17) are lengthy and may be cumbersome to the gas pipeline operators—in particular the small (less than 1,500 services) operators. Gas pipeline operators, State regulatory agencies, the National Transportation Safety Board (NTSB), and industry associations have, within recent years, requested a simplification of these forms. MTB believes that changing the reporting requirements and reducing the information requested on these forms to a minimal amount will retain the current benefits of the reporting requirements without imposing undue burdens.

In 1976, MBT specifically solicited and received comments from various State agencies, the pipeline industry, and its affiliated associations on possible revisions to the reporting forms presently in use. On June 5, 1978, Docket OPS-49; Notice 1, "Transportation of Natural and Other Gas by Pipeline; Reports of Leaks," was published in the Federal Register. The 1978 notice proposed to revise the existing gas pipeline incident and annual reporting forms.

## Review

In compliance with Executive Order 12291, the Research and Special Programs Administration (RSPA) initiated a regulatory review in 1981 of the leak reporting requirements. RSPA's Regulatory Evaluation<sup>2</sup> showed that the

<sup>1</sup> 49 CFR Part 192, Amendment No. 192-40, Docket No. PS-59 (47 FR 13818; April 1, 1982).

<sup>2</sup> See RSPA Regulatory Evaluation, Regulatory Review Report, June 3, 1982. This "Regulatory Evaluation" has been placed in the docket file and is available for inspection.

revised regulation which was subsequently proposed would reduce the burden on an estimated 81,000 master meter operators and impose additional incident reporting requirements on less than 2,000 small gas distribution operators for a net benefit overall. Following this review, a new Notice of Proposed Rulemaking (NPRM) was issued as Notice 5 to Docket OPS-49 (48 FR 13450) on March 31, 1983. The new NPRM superseded all open notices in this docket on gas pipeline leak and annual reporting requirements.

## Notice of Proposed Rulemaking

The NPRM of March 31, 1983 (Notice 5 to Docket OPS-49), was issued after suggestions for revising the reporting requirements had been solicited in the regulatory review from the NTSB, the American Gas Association (AGA), the American Society of Mechanical Engineers (ASME) Gas Piping Standards Committee, the Interstate Natural Gas Association of America (INGAA), and the Plastic Pipe Institute. The Technical Pipeline Safety Standards Committee (TPSSC) considered results of this regulatory project at its meeting, November 16-17, 1982, and their suggestions are in the public transcript. All suggestions made by the TPSSC have been reviewed, and appropriate proposals have been evaluated and incorporated where practicable.

## Discussion of Comments

A total of 75 commenters responded to the NPRM and 81 percent were generally supportive of the changes. The Notice comprised nine distinct major parts consisting of the proposed amendments to 49 CFR Part 191, four separate reporting forms, and four sets of instructions (one for each proposed form). These various parts drew a total of 1,082 comments. The greatest number of comments (60 percent) were directed at the instructions for using the forms.

The NTSB and two other commenters recommended that MTB withdraw the NPRM and re-issue it in another form. The NTSB urged "the MTB to postpone action to revise the industry data reporting forms until it has developed a formal data analysis plan to identify the type and extent of data which should be collected from the several available sources." MTB understands the concern of NTSB and others that the data collected be that required to identify safety problems, but believes that the new criteria and procedures for data collection contained in this final rule will adequately monitor trends and provide indicators of potential problem

areas. More detailed investigation to pinpoint the specific nature of each safety problem or to support in-depth analysis can follow. In some cases, special studies have been appropriate, such as the AGA study on gas pipeline safety.<sup>3</sup> Such studies, particularly when conducted at the individual operator level, will more accurately determine such accident factors as frequency, severity, and specific causes. A primary purpose of this amendment now is to reduce the nonproductive paperwork burden as Congress mandated in the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) without further delay. At the same time, it will implement the requirements of the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et seq.*), by continuing to collect safety data on incidents and gas pipeline operators. It is foreseen that once relief is achieved by this amendment, it will be practical to re-examine the issue of concern to NTSB which may result in further amendments to 49 CFR Part 191 and further improve reporting requirements. By mid-1985, MTB plans to initiate such a study of pipeline safety reporting requirements and the uses of the data, and will invite specific input from the public and industry, in addition to NTSB.

Other comments and the changes made, where applicable, are grouped according to the section to which they relate:

#### Section 191.1 Scope

There were 13 commenters on § 191.1. Several commenters believed that MTB had no jurisdiction over rural gas gathering lines. They also pointed out that the small diameter of rural gathering lines, their usually low operating pressure, and remote location all contribute to their relative safety. It was pointed out that there are over 100,000 miles of rural gas gathering lines operating in remote unpopulated areas presenting no known hazard to persons or property. Nine commenters criticized the requirement for reporting incidents on onshore gas gathering lines as unnecessary or inappropriate. No comments favored the proposal.

There are approximately 23,000 miles of gathering lines in nonrural areas now subject to gas pipeline safety regulations and reporting requirements. Upon review of actual leak reports covering the 1970 to 1982 period, MTB found that gathering lines have a much lower frequency of accidents than other gas pipelines. This review supports the views of the majority of the commenters

that rural onshore gas gathering lines cannot be shown to be hazardous to the public.

MTB believes that the Hazardous Materials Transportation Act of 1975 (49 U.S.C. 1801 *et seq.*) provides a sufficient legal basis for extending the reporting requirements to rural onshore gas gathering lines. This is recognized in the legislative history which accompanied the 1979 amendments to the Natural Gas Pipeline Safety Act (H. Rep. No. 201, Part I, 96th Cong., 1st Sess., p. 29).

However, MTB has concluded that rural onshore gas gathering lines are not, at this time, a safety problem. Therefore, the final rule will retain the existing exclusion of rural onshore gas gathering lines from reporting requirements. Wording of the Scope has been revised to clarify that the reporting requirements do apply to offshore gas pipelines, including gathering lines and to be consistent with the Scope of 49 CFR Part 192.

To aid the Department in meeting its responsibilities under the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*), MTB is requiring operators to identify in reports those incidents and leaks repaired, or scheduled for repair on Federal lands. The decision to exclude rural onshore gathering lines from reporting requirements will not prevent the Department from meeting these responsibilities. MTB will be made aware in the future of significant safety problems on many such pipelines on Federal lands by way of the Department of the Interior/Bureau of Land Management (DOI/BLM) reports. Such rural onshore gas gathering lines will continue to report leaks of over 500,000 cubic feet to the DOI/BLM under DOI/BLM "Notice to Lessees (NTL)-3A."

Three commenters objected to the removal of the phrase "that require immediate or scheduled repair." Since the annual report forms ask for the total number of leaks repaired and not just those requiring immediate repair, the phrase "that require immediate or scheduled repair" was removed from the Scope. This helps to clarify the requirements that have been and are part of the annual reporting forms and to help all operators report in a consistent manner. The exception proposed in the NPRM for "planned and controlled release of gas intended by operators" has been deleted from the Scope because it is not needed with the revised definition of "incident" in the final rule.

#### Section 191.3 Definitions

The largest number of comments on this section had to do with the definition

of "incident." The commenters felt that the definition of "incident" as presented in the NPRM was vague and could be construed as any accident occurring on a pipeline facility and not just an event involving a gas pipeline. In both the existing and proposed rule, the criteria for reporting are largely contained in § 191.5(a). Because of comments that both criticized definition of "incident" and the proposed criteria of § 191.5(a) as confusing and producing unintended results, MTB has revised the criteria to more accurately reflect the intent of the rule and has incorporated all of the criteria into the definition of "incident" in this section. For that reason, the majority of comments on the criteria are discussed here.

Two commenters wanted the original wording "caused a death or injury" returned to § 191.5(a)(1) in place of "resulted in death or injury." In discussions during the regulatory review, operators and associations preferred not to relate the "cause" to an incident, but preferred use of the term "resulted in." By use of the word "involves" in defining "incident" in the final rule, MTB has moved away from the unintended implication of the existing rule that a report of a leak that involved a death or injury amounted to a preliminary determination of cause of the death or injury.

The final rule clarifies a requirement of the existing rule, namely that, in computing property damage, the cost of the gas lost must be included. It was apparent from comments made about the reporting from instructions that some operators had never included the cost of gas lost as property damage. An interpretation was issued by the Office of Pipeline Safety in 1972 in order to clarify the instructions that were issued with the first reporting forms. That interpretation stated that "'property damage' will include the cost of gas lost." Many operators have historically included the cost of gas lost, particularly when the incident was caused by outside forces and MTB believes that the same data should continue to be reported.

The majority of commenters favored the increase to \$50,000 for the criterion for reporting incidents. A few other commenters suggested figures ranging from the present \$5,000 to \$25,000 with no two suggesting the same amount. Based on the information from the commenters and data included in the regulatory review, MTB uses the \$50,000 criteria for property damage in the final rule as was proposed. It should be noted that State agencies may utilize a lower dollar level criteria for intrastate

<sup>3</sup>"Guide to System Safety Analysis in the Gas Industry," 1975.

pipelines since one of the requirements for completing their annual certification requires a listing of the number of incidents with losses of \$5,000 or more as required by the Natural Gas Pipeline Safety Act of 1968, as amended.

Eighteen commenters suggested revisions to the reporting criteria for an LNG facility in § 191.5(a)(4) of the NPRM. The only incident reports required for LNG facilities are telephonic notices. MTB's reason for proposing this requirement was to learn immediately of significant emergencies at LNG facilities so that enforcement personnel of MTB and other Federal and State agencies would be aware of such incidents in order to promptly conduct any needed investigations. Although some commenters noted that the proposed requirement meant that a report would have to be made each time an LNG emergency shutdown control system was activated, MTB intended that the telephonic notice be given when an emergency shutdown of an LNG facility actually occurred. The definition of "incident" in § 191.3 now makes that meaning clear. Some commenters thought that reporting requirements for LNG in Part 191 were redundant since § 193.2011 of 49 CFR requires that "leaks and spills of LNG must be reported in accordance with the requirements of Part 191 \* \* \*". By specifically stating in Part 191 the criteria for reporting an incident at an LNG facility and eliminating the need for a written report for these facilities, the reporting requirements are more clearly stated rather than merely being referenced in § 193.2011. By this action, the reporting requirements of Part 191 for LNG facilities are clarified, and the burden on operators is reduced while MTB will receive the future safety data needed on LNG facilities.

With respect to § 191.5(a)(5) in the NPRM, a significant number of commenters thought that the proposed subparagraph (ii) would create too many unnecessary reports. This was true particularly in light of the proposed definition of "incident" which included a term "probable hazardous." One operator estimated that he would have to report approximately 3,700 leaks a year because of this criterion. The two subparagraphs proposed in § 191.5(a)(5) have been rewritten and incorporated in the definition of "incident" and the term "probable hazardous" has been deleted.

Five commenters suggested other variations for the definition of "master meter system," but the only consistent change suggested was the insertion of "pipeline" before "system." This recommendation was adopted.

Commenters noted that if the word "stations" was left in the definition for "pipeline," it might be read that accidents not related to gas release were apt to be reported. MTB does not believe this is a valid concern based on the new definition of "incident" and the clear meaning in the "pipeline" definition that it applies to "physical facilities through which gas moves." The words "pipeline system" are added in the definition of "pipeline" for clarification that, as used in this part, a "pipeline system" is synonymous with "pipeline."

#### *Section 191.5 Telephonic notice of certain incidents*

Forty-one commenters made one or more comments on § 191.5. Several commenters observed that the reduced requirements for making a telephonic notice of an incident would cut reporting costs by, in some instances, as much as 70 percent. For reasons discussed earlier under § 191.3, the criteria for telephonic notice of certain incidents have been modified based upon public comments and are now incorporated in the definition of "incident" in § 191.3 rather than in § 191.5(a). Section 191.5(a) in the final rule requires that all "incidents" as defined in § 191.3 be reported.

Section 191.5(a)(3) proposed in the NPRM (§ 191.5(a)(2) in the present regulation) is deleted. In response to MTB's query in the preamble of the NPRM, eighty percent of the commenters commented that § 191.5(a)(2) in the present rule should be deleted. Section 191.5(a)(3) in the present regulation is also deleted as was proposed. Four commenters favored this action and no negative comments were received. Also deleted is the final paragraph of § 191.5(a) of the present regulation which excepted the reporting of a taking of a segment of transmission line out of service or a leak which involved gas igniting if the leak is in connection with "planned or routine maintenance or construction." MTB has concluded that these regulations do not serve a useful purpose for the safety of gas pipelines and they are therefore deleted.

In response to a suggestion, § 191.5(b)(4) has been modified by inserting "number of" before "fatalities," to eliminate the question as to whether the fatalities should be identified. The remainder of § 191.5(b) is issued as proposed.

#### *Section 191.7—Address for written reports*

There were no comments concerning this section which is issued as proposed.

#### *Section 191.9—Distribution system: Incident report*

"Pipeline" is inserted following "distribution" for clarification. (The reporting form is discussed later.)

#### *Section 191.11—Distribution system: Annual report*

Three changes are made for clarification. "Pipeline" is inserted following "distribution" and "for that system" is inserted after report in the first sentence. In the second sentence of § 191.11(a), the words "each year" have been inserted after "submitted." (The reporting form is discussed later.)

#### *Section 191.13—Distribution systems reporting transmission pipelines; Transmission or gathering systems reporting distribution pipelines*

Several commenters suggested rewording to clarify this section. These comments have been used to develop the final wording of this section.

#### *Section 191.15—Transmission and gathering system: Incident report*

In the NPRM, MTB asked for specific comments regarding the feasibility and reasonableness of reporting test failures occurring subsequent to a transmission or gathering line being placed in initial service. MTB proposed to eliminate the requirement for the reporting of test failures. Twenty-three commenters concurred with MTB's dropping this requirement. The majority of the commenters were of the opinion that the requirements of § 191.5 would adequately take care of any serious incidents involving this type of failure. MTB concurs and, therefore, the final rule does not contain a requirement for the reporting of test failures.

Subparagraph (c) is made consistent with the "Scope" as regards rural onshore gas gathering lines. (The reporting form is discussed later.)

#### *Section 191.17—Transmission and gathering systems: Annual report*

For clarification "pipeline" was inserted following "gathering" and "for that system" added after "report" in § 191.17(a). The words "each year" were also added after "submitted" in the last sentence as was also done in § 191.11(a). Subparagraph (b) is made consistent with the "Scope" as regards rural onshore gas gathering lines. (The reporting form is discussed below.)

#### *Comments on Reporting Forms*

Most of the comments on the reporting forms were supportive and helpful, consisting mostly of requests for editorial changes of wording for

clarification. A change common to all forms is the removal of a place for the address label, since the transfer type labels contemplated will not be available. The "Report Sequence Number" has been put in the title box as this number is assigned by MTB's computer.

Minor changes in Part 1.2.e of the transmission form were made in response to comments. For both incident forms, Part 1.5 was changed to "elapsed time until area was made safe" since some commenters stated they did not always know the actual detection time. Also, Part 1.7.c was changed on both forms to allow the option of using 49 CFR 192.619(a)(3) as the method by which the MAOP was established. In Part 1.3 on the transmission incident form, "shear fracture" and "cleavage fracture" have been removed from the form to eliminate the controversial "types of rupture" which were a holdover from the 1970 form. Part 2 of both incident forms now are comparable. The editorial change for Part 3 was at the suggestion of commenters. Part 6 of the distribution incident form and Part 7 of the transmission incident form have had the signature block reworked since the preparer and the person affixing the signature may not necessarily be the same for some operators. Many commenters suggested the revised wording for Part B of both forms and pointed out that damage is not always done by equipment. Except for minor clarifications in wording, there were no other changes made on the incident reporting forms.

The major change made on the annual reporting forms with the final rule that differs from the forms as proposed is in Parts C and D. To help avoid confusion as to precisely which leaks must be reported, the words "eliminated/ repaired" and "scheduled for repair" have been added in an appropriate manner.

Some commenters preferred to have a numerical classification for leaks as suggested in Section 5.2 of Appendix G-11 of the 1980 ASME "Guide for Gas Transmission and Distribution Piping Systems." With the exception of a leak designated "Grade 3," a numbering system, similar to this, was suggested in Notice No. 69-1, Docket No. OPS-2, July 8, 1969, for Part 191. As noted in the preamble to the final rule for that docket, published in the Federal Register, January 8, 1970, there were several objections to a numbering system. MTB feels that the assignment of a numbering system, for the purpose of designating leaks, was beyond the

scope of the NPRM and raises the same objections received 14 years ago.

Diameters of services were changed on the distribution annual report form to make the column headings more realistic. Some commenters objected to use of the term "average service length." Many operators erroneously have continued to list "miles" or "feet" of services. When the average length of the service line is provided, MTB will be able to estimate the number of services for those operators erroneously reporting "miles" or "feet" of service line.

The "year ending" date for reporting the unaccounted-for gas percentage is "6/30" as on the present forms.

The heading on "Part D" has been changed on both annual report forms to include leaks "Repaired or Scheduled for Repair" for the same reason that Part C was changed.

The signature blocks were changed for the same reason they were changed on the incident forms.

Some commenters objected to having to designate those leaks repaired on Federal lands. MTB is requiring this designation, which some operators have been doing, to facilitate processing this information for reporting to Congress in accordance with the Mineral Leasing Act.

An objection to having to make an "estimate," if actual figures are not available, was made by several commenters. For most incidents, by the end of the 30 day reporting period a very good estimate, if not an actual figure, is available. This is particularly true when the fire department is involved. MTB's data processor can hold estimates aside until supplemented reports can supply a more accurate figure. Totals and grand totals were omitted as part of the burden reduction. Totalizing will be done automatically by MTB's data processor.

#### Comments on the Instructions for the Forms

The comments on the instructions were numerous. Most of the comments on the instructions are incorporated with this publication. The instructions should be considered merely as guides to completing the forms and subject to change from time to time. If and when MTB's Information Systems Manager finds that there are problems with a particular form or part of a form, or operators propose other future changes, the instructions will be changed accordingly.

#### Benefits

The anticipated benefits that would be derived from the use of these revised reporting forms are as follows:

1. Collect additional or revised statistical information necessary to assemble facts that will enable the Department of define safety problems and to devise regulatory solutions more effectively.
2. Provide information necessary to comply with the additional statutory responsibilities assigned to DOT since the reporting regulations were promulgated in 1970.
3. Delete information which has been determined unnecessary after 12 years of data collection experience.
4. Make it easier for operations to submit requested information since the burden for unnecessarily detailed reporting is reduced substantially.
5. Provide improved and easier to understand instructions and clarification of terms needed for the appropriate completion of the forms.
6. Save the government and industry an estimated \$5 million <sup>2</sup> annually of the present cost of comply with reporting regulations for pipeline incidents.

#### Classification

This final rule is considered to be nonmajor under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected and copied at the Dockets Branch, Room 8421, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street SW., Washington, D.C., from 8:30 a.m. to 5:00 p.m., Monday through Friday.

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) requires a review of certain rules proposed after January 1, 1981, for their effects on small businesses, organizations, and governmental bodies. I certify that this final rule will not have a significant economic impact on a substantial number of small entities because the final rule will reduce the burden on an estimated 81,000 master meter operators and impose additional incident reporting requirements on fewer than 2,000 small gas distribution operators for small net benefits overall.

This rule contains information collection requirements. Those requirements are contained in 49 CFR Part 191, §§ 191.5, 191.9, 191.11, 191.13, 191.15, and 191.17. These items have been submitted to OMB for review under the Paperwork Reduction Act (44

U.S.C. 3501, *et seq.*), and OMB approval numbers have been assigned.

**List of Subjects in 49 CFR Part 191**

Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, MTB amends Part 191 of Title 49 of the Code of Federal Regulations as follows:

1. The part leading is revised to read as follows:

**PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL REPORTS AND INCIDENT REPORTS**

2. The statement of authority is revised to read as follows:

Authority: 49 U.S.C. 1681(b) and 1808(b); 49 CFR 1.53, and Appendix A of Part 1.

3. Section 191.1 is revised to read as follows:

**§ 191.1 Scope**

(a) This part prescribes requirements for the reporting of incidents and annual pipeline summary data by operators of gas pipeline facilities located in the United States or Puerto Rico, including pipelines within the limits of the Outer Continental Shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) This part does not apply to—

(1) Offshore gathering of gas upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; or

(2) Onshore gathering of gas outside of the following areas:

(i) An area within the limits of any incorporated or unincorporated city, town, or village.

(ii) Any designated residential or commercial area such as a subdivision, business or shipping center, or community development.

4. In § 191.3, the introductory text is revised, the definitions of "Pipeline facilities," "System," and "Test failure" are removed, and the following new definitions are added:

**§ 191.3 Definitions.**

As used in this part and the RSPA Forms referenced in this part—

\* \* \* \* \*

"Incident" means any of the following events:

(1) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and

(i) A death, or personal injury necessitating in-patient hospitalization; or

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.

(2) An event that results in an emergency shutdown of an LNG facility.

(3) An event that is significant, in the judgement of the operator, even though it did not meet the criteria of paragraphs (1) or (2).

"LNG facility" means a liquefied natural gas facility as defined in § 193.2007 of Part 193 of this Chapter;

"Master Meter System" means a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents;

\* \* \* \* \*

"Offshore" means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters;

\* \* \* \* \*

"Pipeline" or "Pipeline System" means all parts of those physical facilities through which gas moves in transportation, including, but not limited to, pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

\* \* \* \* \*

5. Section 191.5 is amended by revising paragraphs (a) and (b) (1) through (5) to read as follows:

**§ 191.5 Telephonic notice of certain incidents.**

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with paragraph (b) of this section of each incident as defined in § 191.3.

(b) \* \* \*

(1) Names of operator and person making report and their telephone numbers.

(2) The location of the incident.

(3) The time of the incident.

(4) The number of fatalities and personal injuries, if any.

(5) All other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages.

6. Section 191.7 is revised to read as follows:

**§ 191.7 Addressee for written reports.**

Each written report required by this part must be made to the Information Systems Manager, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. However, reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968 may be submitted in duplicate to the State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy, within 10 days of receipt for incident reports and not later than March 15 for annual reports, to the Information Systems Manager, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

7. Section 191.9 is revised to read as follows:

**§ 191.9 Distribution system: Incident report.**

(a) Except as provided in paragraph (c) of this section, each operator of a distribution pipeline system shall submit Department of Transportation Form RSPA F 7100.1 as soon as practicable but not more than 30 days after detection of an incident required to be reported under § 191.5.

(b) When additional relevant information is obtained after the report is submitted under paragraph (a) of this section, the operator shall make supplementary reports as deemed necessary with a clear reference by date and subject to the original report.

(c) The incident report required by this section need not be submitted with respect to master meter systems or LNG facilities.

8. Section 191.11 is revised to read as follows:

**§ 191.11 Distribution system: Annual report.**

(a) Except as provided in paragraph (b) of this section, each operator of a distribution pipeline system shall submit an annual report for that system on Department of Transportation Form RSPA F 7100.1-1. This report must be submitted each year, not later than March 15, for the preceding calendar year.

(b) The annual report required by this section need not be submitted with respect to:

(1) Petroleum gas systems which serve fewer than 100 customers from a single source;

(2) Master meter systems; or

(3) LNG facilities.

9. Section 191.13 is revised to read as follows:

**§ 191.13 Distribution systems reporting transmission pipelines; transmission or gathering systems reporting distribution pipelines.**

Each operator, primarily engaged in gas distribution, who also operates gas transmission or gathering pipelines shall submit separate reports for these pipelines as required by §§ 191.15 and 191.17. Each operator, primarily engaged in gas transmission or gathering, who also operates gas distribution pipelines shall submit separate reports for these pipelines as required by §§ 191.9 and 191.11.

10. Paragraphs (a) and (c) of § 191.15 are revised to read as follows:

**§ 191.15 Transmission and gathering systems: incident report.**

(a) Except as provided in paragraph (c) of this section, each operator of a transmission or a gathering pipeline system shall submit Department of Transportation Form RSPA F 7100.2 as soon as practicable but not more than 30

days after detection of an incident required to be reported under § 191.5.

(b) \* \* \*

(c) The incident report required by paragraph (a) of this section need not be submitted with respect to LNG facilities.

11. Section 191.17 is revised to read as follows:

**§ 191.17 Transmission and gathering systems: Annual report.**

(a) Except as provided in paragraph (b) of this section, each operator of a transmission or a gathering pipeline system shall submit an annual report for that system on Department of Transportation Form RSPA 7100.2-1. This report must be submitted each year, not later than March 15, for the preceding calendar year.

(b) The annual report required by paragraph (a) of this section need not be submitted with respect to LNG facilities.

\* \* \* \* \*

12. A new § 191.21 is added to read as follows:

**§ 191.21 OMB control number assigned to information collection.**

This section displays the control number assigned by the Office of

Management and Budget (OMB) to the gas pipeline information collection requirements of the Materials Transportation Bureau pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. It is the intent of this section to comply with the requirements of Section 3507(f) of the Paperwork Reduction Act which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement.

OMB Control Number 2137-0522 (approved through March 31, 1986).

Section of 49 CFR Part 191 where identified	Form No.
191.5 _____	Telephone
191.9 _____	RSPA 7100.1
191.11 _____	RSPA 7100.1-1
191.15 _____	RSPA 7100.2
191.17 _____	RSPA 7100.2-1.

(49 U.S.C. 1681(b) and 1808(b); 49 CFR 1.53, and Appendix A of Part 1)

Issued in Washington, D.C., on April 27, 1984.

L. D. Santman,  
Director, Materials Transportation Bureau.

BILLING CODE 4910-60-M