BEFORE THE
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
UNITED STATES DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Pipeline Safety: Control Room Management/ Human Factors; Proposed Rule	)))	Docket No. PHMSA-2007-27954

Comments of Distrigas of Massachusetts LLC

Distrigas of Massachusetts LLC (DOMAC), located on the Mystic River in Everett, Massachusetts, was the first baseload LNG import terminal in the United States. Since 1971, DOMAC has been safely and reliably importing LNG into its Everett Marine Terminal for delivery to its customers, as a liquid being trucked to fill the various LNG peakshaving facilities in the New England region, and in vapor form for delivery into transmission and distribution pipeline systems. Among DOMAC's customers are all of the LNG storage facilities in New England, with combined total storage capacity of approximately 17 Bcf, and several electric power generating stations, including the largest power station in New England. On average, DOMAC supplies approximately 20% of the natural gas consumed in New England; on the coldest days, approximately 40% of the natural gas consumed in New England has been supplied by DOMAC. Through the first three quarters of the current year, DOMAC received over 45% of all the LNG imported into the United States, and since 1971 DOMAC has been responsible for the safe and reliable delivery through its Everett Marine Terminal of more than 35% of the LNG imported into the United States. DOMAC is pleased to provide comments to the Pipeline and Hazardous Materials Safety Administration (PHMSA) on the above-captioned proposed rule.

PHMSA has indicated that the rule has its origins in a series of accidents on hazardous liquid and gas pipelines dating back at least to 1992, including the rupture that year of a hazardous liquid pipeline that released nearly a million gallons of fuel oil into a river and surrounding areas. Over time these accidents were investigated by the National Transportation

Safety Board (NTSB), which identified certain commonalities among the probable causes, in particular relating to human factors. The NTSB also found human factors to be significant contributors in accidents it investigated in highway and other modes of transport, strengthening its resolve to minimize transportation accidents by addressing certain human factors. NTSB issued various Safety Recommendations to PHMSA (and its predecessor, the Office of Pipeline Safety, within the Research and Special Projects Administration), requesting it to require through rulemakings that hazardous liquid pipelines take specified actions intended to reduce the incidence of pipeline accidents. These actions related to enhancements in pipeline integrity management, leak detection, and personnel training and qualification, as well as recognition of the limitations of the supervisory control and data acquisition (SCADA) systems being used to monitor the pipelines. PHMSA issued Advisory Bulletins relating to some of NTSB's recommendations, and initiated rulemakings on the first three enhancement areas noted above in response to congressional mandates. Most recently, the Pipeline Integrity, Protection, Enforcement and Safety Act of 2006 (PIPES Act) directed PHMSA to address various risks to hazardous liquid pipeline integrity in which people play a large role, including safety concerns in control room management. This proceeding responds to that directive.

The Notice of Proposed Rulemaking (NPRM) on Pipeline Safety: Control Room Management/Human Factors in this proceeding proposes new regulations that would supplement existing hazardous liquid pipeline regulations in 49 C.F.R. Part 195. The NPRM proposes similar regulations to amend 49 C.F.R. Part 192, the federal regulations governing natural gas transmission and distribution pipelines.

Inexplicably, the NPRM also proposes parallel regulations to amend 49 C.F.R. Part 193, the federal safety standards that apply to LNG facilities. While we welcome PHMSA's realization that such regulations are needed for pipelines, we draw PHMSA's attention to the fact that the existing LNG regulations, since they were first issued in 1980, have required robust plant-wide safety equipment and safety-related actions of the type that are only in the past few years beginning to be promulgated in applicable counterparts for the gas and hazardous liquid pipelines regulated under 49 C.F.R. Parts 192 and 195. The LNG regulations were issued at the conclusion of a several-year rulemaking, during which all facets of safety—for equipment, plant

personnel, and the public—were considered and discussed among the Department of Transportation, the National Fire Protection Association (NFPA), and scientists and professionals in the LNG industry and in industry associations, as well as the public.

The LNG industry has an enviable safety record. However, in contrast to LNG plants, where there have been no reportable incidents since at least 1980, the pipeline incidents appear to be a significant concern, so much so that PHMSA's pipeline safety budget for fiscal 2009 presents key performance goals that include limiting serious pipeline incidents to no more than 38, and reducing hazardous liquid pipeline spills in high consequence areas to no more than 49.[1]

While the distinction between pipelines and LNG facilities, and the regulations applicable to each, was acknowledged when the rulemaking on operator qualifications was promulgated, and it is equally imperative that the distinction be revisited here to demonstrate why the proposed regulations concerning LNG control room management are unnecessary, at best, and potentially counterproductive, at worst. In short, inclusion of LNG facilities in the current rulemaking appears to be an error, and acts as a distraction from the very real concerns PHMSA is attempting to address in identifying and rectifying the factors that contribute to accidents on actual pipelines that may harm personnel, the public, and the environment.

Existing LNG Regulations Already Provide Comprehensive Safety and Security Requirements that Render the NOPR Redundant, Contradictory, and Potentially Distracting.

Existing LNG regulations in 49 C.F.R. Part 193 are tailored to the unique issues associated with operating LNG plants, including appropriate and robust regulations governing LNG plant operating personnel. Such regulations apply to onshore LNG importers and exporters; baseload and peak-shaving (both liquefaction and satellite) LNG plants; and plants that liquefy, transport, store, and regasify LNG for use in natural gas pipelines that are subject to 49 C.F.R. Part 192. As the following paragraphs demonstrate, Part 193 provides comprehensive controls and safeguards to ensure safety at LNG plants.

[1] Department of Transportation web site, http://www.dot.gov/bib2009/htm/PHMSA.html.

An LNG plant is itself a local facility. Despite the statutory terminology ("LNG pipeline facility"), any natural gas pipeline to which an LNG plant connects is not part of the plant and would be regulated separately under Part 192 as a pipeline. The plant components themselves, however, are distinct and are surrounded by a secure enclosure. Access to the plant site is controlled, and the plant is monitored at all times by security personnel. Operations personnel monitor and control the LNG components, with the aid of a system that monitors, controls, and can shut down the equipment when parameters for safe operations are exceeded. While single loop controller equipment initially performed these functions, most facilities have now integrated their control systems into an electronic distributed control system (DCS), into which the parameters for safe operations and preferred notifications have been programmed. Alarms in the DCS annunciate departures from the preferred operating range, enabling operations personnel to respond to conditions moment-to-moment.

In the unlikely event of a process emergency that requires immediate intervention, operations personnel in an LNG plant may activate an emergency shutdown system (ESD), to isolate or shut off a source of LNG or flammable gas, and shut down affected equipment. Further, the LNG plant is equipped with temperature, pressure, and flow sensors that through the DCS will automatically initiate a process shutdown in the affected area when specified safety parameters are exceeded, even without intervention by operating personnel. In particular, sensors monitor the discharge from the vaporizers on piping that leads to transmission or distribution pipelines, and either the operations personnel or the DCS would shut down the flow under specified abnormal conditions.

Each LNG plant is required to have a professional fire protection evaluation to determine the appropriate fire and hazard detection and protection equipment. Installed detection equipment monitors the LNG components and buildings on site, and would notify those in the area and in the control room in the unlikely event of a vapor leak or liquid spill, or a fire from any cause. Fire protection equipment, either hand-held or installed systems, would enable incipient protection of plant components and critical areas until professionally trained fire fighters were available in the field. A fire protection water system would enable cooling of components in the event of a fire, and control of hazardous vapor in the event of a leak or spill.

Existing LNG regulations require plants to create and implement procedures to document actions to be taken to safely operate all plant components, including startup, monitoring operation, and shutdown, as well as the indicators of abnormal conditions and appropriate responses to be followed. Procedures to handle all types of emergencies (including personnel error, operating malfunctions, activities adjacent to the plant, and others, in addition to fires) are also required, including contacting and coordinating with local officials responding to the emergency. Procedures must detail the maintenance to be performed on each component, control system, and fire and hazard detection and protection equipment to ensure it remains in a condition compatible with its operational or safety purpose; for many components, the maintenance standard and/or interval is specified in Part 193.

Operations and maintenance personnel receive initial and recurring training and are tested on the characteristics of LNG, the potential hazards of operations and maintenance activities, and the numerous emergency procedures, as well as detailed knowledge specific to their duties, including the procedures relating to their operations and maintenance roles. All of their work is on site, and their supervisors continue to monitor their performance both directly and through the records of operations and maintenance activities they are required to keep. They also receive training in fire protection and, in import and export facilities under the jurisdiction of the United States Coast Guard, advanced hands-on training with LNG fires, and they regularly conduct drills to remain proficient in responding to emergencies in the plant. Operations and maintenance personnel are required to have physical examinations to detect any physical condition that may impair their performance of their assigned duties.

Each LNG plant is required to have primary and backup communications, with auxiliary power sources, to ensure personnel communications under all plant conditions. Included in various procedures are recognition of safety-related conditions, recognition of controllable and uncontrollable emergencies, actions required to notify plant personnel and local responders and other officials of emergencies, and coordination with them in the event of an emergency; the responders take part in plant drills periodically as well.

Operations personnel have direct experience with the layout and operation of equipment in the field. They become experts in the plant piping and instrumentation diagrams from their

daily rounds to check the status of field equipment, as well as periodic field reviews during which they ensure equipment is properly identified with tags, and check the open or closed status of critical valves. Even in LNG plants where advanced-level operations personnel primarily operate plant equipment from the DCS, their field knowledge and prior experience inform their actions under all conditions.

The procedures for standard operations, emergency operations, and maintenance, as well as those for personnel qualification and training, security, and personnel safety, and plans documenting plant equipment including plant controls, are all required by Part 193 to be reviewed for needed updates when there are significant changes to equipment, and every two years even when there are no significant changes.

Finally, each LNG plant is inspected regularly by PHMSA (or its delegate in the state, using the PHMSA requirements). Plans and procedures are carefully reviewed. Records of operations, maintenance, security, training, and safety activities are scrutinized. PHMSA has authority to require changes to plans and procedures, and to enforce sanctions against the facility for failing to comply with any aspect of 49 C.F.R. Part 193.

At DOMAC's particular plant site, the distance is less than one-half mile from the waterfront where the LNG is received to the farthest discharge to a transmission or distribution pipeline where regasified LNG enters the pipeline system. Yet within its small area, the plant has over 350 detection devices installed which annunciate on a fire protection panel in the control room; each device receives regular preventive maintenance according to the requirements of the NFPA 72 standard. The DOMAC maintenance personnel test each of the 335 safety relief valves each year as required in Part 193, as well as nearly a thousand electronic loops to valves and sensors that are monitored by the DCS, including cold temperature sensors that would annunciate in case of a spill at all LNG booster pump discharges and in impoundment areas. Controls for fire protection equipment are tested twice each year.

Although incidents at LNG plants are exceedingly rare, an impending incident would most likely appear as an extreme excursion of the type that operations personnel experience to a minor degree and handle routinely during normal operations. A leak or spill would annunciate through the fire protection panel upon detection of the combustible vapor, enabling operations

personnel to investigate as needed, visually through control room windows if available and nearby, through closed circuit camera monitors, and/or in person, and to determine how best to make the affected area of the plant safe.

The tasks of operations personnel at an LNG plant are varied. At DOMAC's plant, multiple operators are on duty each 12-hour shift. Outside rounds to check equipment are completed several times per shift. At baseload import terminals, ship watch tasks, rotated among personnel during a cargo delivery, include monitoring the unloading from the ship's control room, walking the unloading line to check for abnormalities, and monitoring, controlling, and keeping detailed records of the line cooldown and cargo unloading in the plant control room. Routine tasks at DOMAC's plant include loading LNG truck trailers (at peak times of the year as many as 100 a day), controlling vapor send-out to customers, and starting up and shutting down equipment in the field according to demand, as well as issuing plant permits for all work being done on site, testing the atmosphere for confined space entries, issuing equipment out of service reports and equipment shutdown procedures for components to prepare for maintenance or repair, logging varied status data each day, monitoring weekly fire pump tests, performing monthly equipment rotations, and participating in safety training sessions.

The Comprehensive Regulations Governing Discrete LNG Facility Operations Are in Marked Contrast to the More Limited Existing Regulations Governing Geographically Widespread Pipeline Operations.

All of these longstanding safety mechanisms and procedures for LNG plants under Part 193 appear to be in stark contrast to the requirements for Part 192 and Part 195 pipelines, where evidence of a pipeline leak may be "ambiguous" and subject to some discussion before an action is taken, according to the Safety Study on Supervisory Control and Data Acquisition (SCADA) in Liquid Pipelines, by the National Transportation Safety Board.[2]

[2] Supervisory Control and Data Acquisition (SCADA) in Liquid Pipelines, Safety Study, National Transportation Safety Board, NTSB/SS-05/02, PB2005-917005, Notation 7505A, Adopted November 29, 2005.

Control rooms that monitor actual pipelines under the jurisdiction of 49 C.F.R. Part 192 or Part 195 receive information about equipment that may be many miles away and not continuously attended. Controllers on pipelines have not previously been required to be trained in recognizing and responding to emergencies. Further, these controllers may have been working without the advantages of hands-on experience in the field and growing familiarity with the workings of the equipment about which they are receiving discrete pieces of information—which they must then analyze (often without the opportunity to confer with a colleague in a control room), in order to make appropriate notifications to others to control a developing emergency, and ensure safety to the public and the environment.

Perhaps the greatest difference between the role of the pipeline controller and that of LNG operations personnel is captured in the fact that the pipeline role is "supervisory," over remote, perhaps unfamiliar equipment that is part of a vast pipeline system; over an electronic control and data acquisition system that can give only incomplete indications of equipment status; and over remote staff who would investigate in the field, depending on the reported observations, analysis, and decisions of the controller. The role of LNG operations personnel, conversely, is primary and proximate, in relation to equipment familiar and no more than a radio call or a few minutes' walk away; in relation to their DCS system that, combined with a fire protection monitoring system and visual monitoring of the site, gives a full indication of equipment status (and is programmed to shut down the equipment in the event of an emergency); and in relation to the complete responsibility that LNG operations personnel are trained for and assume in the control and operation of plant equipment, just as their maintenance colleagues are fully trained and responsible for the equipment's performance and repair.

In Proposing that LNG Facilities Regulated Under 49 C.F.R. Part 193 Be Included in This Proceeding on Control Room Management, PHMSA Appears to Ignore Both the Superior Safety Record of LNG Plants and the Mechanisms Already in Place to Ensure that Their Outstanding Record Continues.

The history and work products of this proceeding indicate that LNG facilities as an industry distinct from natural gas pipelines were given short shrift in an accelerated effort to promulgate regulations that are responsive to Congress and the NTSB, in order to meet certain

deadlines, and before other serious hazardous liquid pipeline accidents occur. The NPRM in this proceeding was under discussion for several years by PHMSA and the hazardous liquid pipeline community, and the gas pipeline industry was later included. The LNG industry was inserted in the process only at the conclusion of extensive studies and discussions on factors that may affect hazardous liquid and gas pipeline safety, and the regulations proposed for LNG plants are virtually identical to those proposed for the pipelines, even to the point of implying a high level of concern about ensuring personnel understanding of the "hydraulics" within LNG plants. The term "hydraulics" has a very different and dynamic meaning as it relates to pipelines, but the hydraulics of an LNG plant are aspects of design, and have negligible importance within LNG operations.

Unfounded generalizations were made in the regulatory evaluation that accompanied the NPRM, portraying inaccurately the workings that are designed into an LNG plant under current safety regulations: plant layout (including delineation and protection of the operational interface between the LNG plant and the transmission or distribution pipelines); installed safety equipment; staffing patterns; task distribution in the control room and the field; available communication modes; the experience, training, and qualification of personnel; and the existing procedures, requirements, and documentation that 49 C.F.R. Part 193 requires.

PHMSA's statutory responsibility is to prescribe minimum safety standards. New regulations may be justified if their projected benefits (in this proceeding, reduction of accidents or incidents) exceed their costs, provided other requirements are met. LNG plants in recent years plainly do not have an incident record to improve upon. Enactment of the proposed rule as it applies to LNG facilities would produce revisions to Part 193 that would create redundant, confusing requirements that conflict with existing regulations; may encourage ineffectual training by introducing Operator Qualification requirements, and may cause reduced or ineffectual communication within LNG control rooms due to the pressure to generate documentation to show compliance.

For instance, because of the existing training and qualification requirements in 49 C.F.R. Part 193, LNG facilities were excluded from the regulations on operator qualification promulgated by PHMSA for pipelines in recent years. The NPRM appears to require that LNG

plants now create a separate operator qualification program, identifying discrete tasks and preparing training and qualification materials for them, rather than maintaining the existing training programs that train operations and maintenance personnel in all aspects of their respective roles, as is appropriate to and needed in an LNG plant.

As a result of this inappropriate effort to discount differences between process plant and pipeline control rooms, and achieve a "one-size-fits-all" regulation, safety and reliability at LNG facilities may be compromised rather than enhanced. In sum, the regulations proposed to apply to LNG plants are ill-considered, duplicative of existing LNG regulations that have stood the test of time, and beyond the authority of PHMSA to impose on LNG plants.

PHMSA Cannot Rely on the Econometrica Report Because It Fails to Satisfy Rulemaking Requirements and Contains Insufficient Support for PHMSA's Conclusions with Respect to LNG Facilities.

The statutorily mandated regulatory analysis in this proceeding takes the form of a Final Report submitted by Econometrica, Inc. (Econometrica report).[3] The Econometrica report did not consider LNG facilities as a separate industry, and in footnotes throughout merely attempted to extrapolate from inapplicable natural gas pipeline data.

The Econometrica report inappropriately introduced security issues, which are not the subject of the proposed rule. Section 2.4.3 intimates that the Federal Energy Regulatory Commission's LNG group was reorganized to further promote LNG security following the attacks of September 11, 2001, when, in fact, such reorganization was to enable processing of the numerous and voluminous applications from developers proposing new LNG facilities, while still maintaining effective oversight of existing jurisdictional LNG facilities.

The Econometrica report misrepresented LNG safety history in section 2.4.3.2, "Gas," erroneously citing as an LNG incident a 1973 accident that occurred when the Staten Island plant was being constructed.

[3] Final Report, Preliminary Regulatory Analyses: Control Room Management/Human Factors Notice of Proposed Rulemaking, submitted by Econometrica, Inc., June 23, 2008, in docket in this proceeding.

Finally, the Econometrica report provides no actual regulatory evaluation, regulatory flexibility analysis, or Paperwork Reduction Act analysis for the effects of the proposed rule on LNG facilities. Specifically:

- Cost Benefit Analysis: When costs to LNG facilities of the proposed rule are discussed in the Econometrica report, the values presented are either mere mathematical extrapolations of the values for gas pipelines, or not separated from those of gas pipelines at all. LNG facility compliance with existing LNG regulations would an entirely different cost profile from that of gas pipelines. Further, the annual benefit from the proposed rule of preventing an LNG facility fatality, the Value of Statistical Life (VSL) estimate, is not a valid measure of the reasonable costs of the proposed rule, given the absence of incidents caused by controllers in the LNG industry's entire history. This single fact should have excluded LNG facilities from the proposed rule, had the calculations been performed from real LNG data.

- Regulatory Flexibility Analysis (RFA): The RFA must include the following:

  Small Entities Impact: Because a true cost benefit analysis for LNG facilities has not been provided due to the lack of actual LNG data, the impact on small operators of the proposed rule cannot be determined. It should be noted for reference that DOMAC is the operator of one LNG import terminal and operates no natural gas or liquid pipelines. DOMAC estimates that the cost of complying with the proposed alarm management requirements alone could exceed $100,000 annually, far more than the average annual cost of $7,726 to $14,422 presented in the Econometrica report.

  A description of the reasons why action by the agency is being considered. The Econometrica report states in section 3.2 only that the rule is being proposed to incorporate lessons learned from PHMSA and NTSB studies of pipeline control rooms

and pipeline controllers. The rationale that links pipelines to LNG plants is not discussed.

A succinct statement of the objectives of, and legal basis for, the proposed rule. The discussion in the Econometrica report cites the requirements in the PIPES Act that PHMSA require operators of gas or hazardous liquid pipelines to develop human factors management plans, and to implement recommendations from NTSB's SCADA study. The referenced report has no recommendations for LNG facilities, nor does it list any incidents within LNG facilities. The typical LNG control room uses a DCS system, not a SCADA system. The report cites PHMSA's legal authority to prescribe safety standards for LNG facilities, although as discussed below, the proposed regulation as it applies to LNG facilities is flawed and the proposed regulation is without merit.

A description of and, where feasible, an estimate of the number of small entities to which the proposed rule would apply. This section addresses only liquid pipeline operators and natural gas transmission, distribution, and gathering firms. There is no mention of LNG facilities within this required section of the analysis.

A description of the proposed reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that would be subject to the requirement and the type of professional skills necessary for preparing the report or record. The Econometrica report estimates that controllers will require only one hour per week to generate the appropriate records within existing logs for inspection purposes, and only one additional hour per year for supervisors to conduct tests. Such times are grossly underestimated. The NOPR is approximately 30 pages long and would amend four existing sections within 49 C.F.R. 193 and add a new section that contains over 95 paragraphs or subparagraphs. Although records may not be required for each of these paragraphs, the alarm management requirements alone require weekly, prescriptive review of alarms. It is presumed that a documented analysis of each one

must be prepared each week, in order to be available at the time of inspection. Clearly the operating personnel in an LNG control room would need to divide their concentration between safely and efficiently running the LNG facility, and performing the alarm analysis. Alarms within LNG facilities have many purposes, and trained LNG operating personnel use the alarms to safely and reliably operate the facility. Such a burdensome requirement to analyze alarms to meet prescriptive requirements for documentation may ultimately lead to reduced safety and reliability.

An identification, to the extent practicable, of all Federal rules that may duplicate, overlap, or conflict with the proposed rule. The Econometrica report states that no Federal rules will duplicate, overlap, or conflict with the proposed rule. However, as noted above, this is incorrect for LNG facilities, which are highly regulated under 49 C.F.R. Part 193. The proposed rule contains numerous such sections which duplicate, overlap, and conflict with, but do not add value to, the existing requirements in Part 193, including but not limited to its Section A, General; Section F, Operations; Section G, Maintenance; Section H, Personnel Qualifications and Training; Section I, Fire Protection; and Section J, Security.

- Paperwork Reduction Act: PHMSA's assertions on the data collection requirements are inaccurate. Again using the example of alarm management, hundreds of alarms will be required to be formally evaluated for the sole purpose of compliance, without any proportional benefit to safety or reliability. Based on PHMSA's proposed methods for evaluating alarms, plant operations personnel would need to operate the LNG facility while devoting a significant portion of their concentration to reviewing and analyzing alarms, a distraction that could potentially compromise safety. An experienced operator would not choose this method to review and improve control room operations. Because both the data used to represent LNG facilities and the assumptions regarding existing activities in LNG control rooms do not reflect actual LNG industry data, the paperwork estimate is unsupported by fact.

Because of PHMSA's Failure to Provide a Regulatory Evaluation in This Proceeding That Accounts for the LNG Industry, the Proposed Rule Cannot Be Promulgated for LNG Facilities.

Because PHMSA has accepted the Econometrica report despite its lack of facts on LNG facilities, the proposed rule as it applies to LNG plants exceeds the authority of PHMSA set forth in 49 U.S.C. 60103 (d), to prescribe "minimum operating and maintenance standards for a liquefied natural gas pipeline facility". The statute continues:

> In prescribing a standard, the Secretary of Transportation shall consider –
>
> (1) the conditions, features, and type of equipment and structures that make up or are used in connection with the facility;
>
> (2) the fire prevention and containment equipment at the facility;
>
> (3) security measures to prevent an intentional act that could cause a liquefied natural gas accident;
>
> (4) maintenance procedures and equipment;
>
> (5) the training of personnel in matters specified by this subsection; and
>
> (6) other factors and conditions related to the safe handling of liquefied natural gas.

49 U.S.C. sec. 60103 (d).

Further, the proposed rule exceeds the authority set forth in 49 U.S.C. sec. 60102, as to paragraph (b)(2), Practicability and Safety Needs Standards, by failing to have specifically considered information directly relevant to LNG facilities, relating to the following:

(A) LNG facility safety information

(B) the appropriateness of the standard for LNG facilities

(C) the reasonableness of the standard

(D) based on a risk assessment, the reasonably identifiable benefits to LNG facilities that would be expected to result from implementation

(E) based on a risk assessment, the reasonably estimated costs to LNG facilities that could be expected to result from implementation

The proposed rule as it would apply to LNG facilities was not subjected to a risk assessment as required in 49 U.S.C. 60102 (b)(3); a risk assessment was not published and reviewed by peer review panels and the Secretary as required in 49 U.S.C. 60102 (b)(4); and the Secretary was therefore not able to make a reasoned determination that the benefits of the intended standard would justify its costs as required in 49 U.S.C. 60102 (b)(5).

The proposed rule does not constitute an exception from the requirements to conduct a risk assessment, because it does not meet any of the following standards in 49 U.S.C. 60102 (b)(6):

(A) no significant adverse comment received within 60 days of notice in the Federal Register

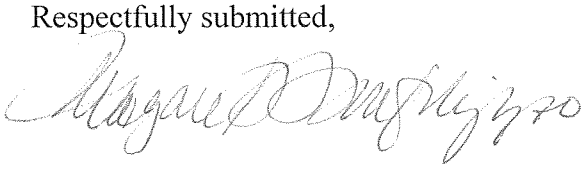
(B) following near-unanimous recommendation of the Technical Pipeline Safety Standards Committee, the Secretary waives the requirements

(C) PHMSA for good cause finds that notice and public procedure on the proposed rule are impracticable, unnecessary, or contrary to the public interest.

For all of the above reasons, DOMAC hereby joins with the American Gas Association and others in calling on PHMSA to withdraw the proposed changes to 49 C.F.R. Part 193 in the proposed rule on control room management. We strongly recommend that PHMSA seize this opportunity to correct the error of including LNG facilities as an afterthought in this rulemaking, and return its focus to the still unaddressed hazards particular to actual pipeline operations, and the constructive actions that can be taken to prevent pipeline accidents.

Thank you for the opportunity to comment on the proposed rule.

Respectfully submitted,



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