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Office of Pipeline Safety

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MNOPS Alert Notice - 01-2017

Pipeline Safety: Accident and Incident Notification

Sept. 21, 2017

Purpose

This Minnesota Office of Pipeline Safety (MNOPS) Alert Notice informs pipeline operators about a final rule issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The rule specifies a timeframe for initial notification of accidents and incidents including a requirement for notice follow-up or revision, and expands on changes to pipeline systems requiring notification to the National Registry of Pipeline and LNG operators.

This Alert Notice does not change the MNOPS Reportable Event Policy required for intrastate pipeline and LNG operators. Here is an [online version of the policy](#)¹.

Effective Date

This final rule is effective **March 24, 2017**.

Applicable Codes

1. 49 CFR §191.3 — Definitions [**revised**].
2. 49 CFR §191.5 — Immediate notice of certain incidents [**revised**].
3. 49 CFR §191.22 — National Registry of Pipeline and LNG operators [**revised**].
4. 49 CFR §195.2 — Definitions [**revised**].
5. 49 CFR §195.5 — Conversion to service subject to this part [**revised**].
6. 49 CFR §195.52 — Immediate notice of certain accidents [**revised**].
7. 49 CFR §195.64 — National Registry of Pipeline and LNG operators [**revised**].

Scope

This Alert Notice applies to all Minnesota pipeline operators subject to 49 CFR Parts 191 and 195. This document only summarizes the regulatory rule change and is not intended to substitute for the completeness provided by the final rule published in the Federal Register.

Rule Requirements

There are three primary changes to Parts 191 and 195:

1. Initial notice to the National Response Center must now be made within one hour of confirmed discovery. Confirmed discovery is defined in §191.3 and §195.3 as “when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.”

2. The initial notice must be revised or confirmed within 48 hours of confirmed discovery.
3. Changes to pipeline systems requiring notice to the National Registry of Pipeline and LNG operators have been expanded under §191.22(c) and §195.64(c). These include the addition of:
 - a. Construction of 10 or more miles of replacement pipe.
 - b. Product flow reversals of more than 30 days in pipeline systems not designed for bi-directional flow.
 - c. A pipeline converted for service under §192.14 or §195.5, or a change in commodity as reported on the annual report under §191.17 or §195.49.

Here is the [online version](#)² of the complete Federal Register publication of the Final Rule. For convenience, a redlined summary of the rule change is enclosed.

Operators shall ensure that manuals are revised as necessary, and reports are completed as required. MNOPS will be incorporating this regulatory change into its inspections.

Please contact our office if you have any questions regarding this final rule.

Enclosure: Amendment Redline

Endnotes

¹ <https://dps.mn.gov/divisions/ops/reports-and-statistics/Documents/MNOPS-Reportable%20Event%20Policy.pdf>

² <https://www.gpo.gov/fdsys/pkg/FR-2017-01-23/pdf/2016-31461.pdf>

Pipeline Safety: Accident and Incident Notification

Amendment Redline. 191/195-123.82 FR 7972 Jan. 23, 2017

~~Deleted Text~~

New Text

§191.3 Definitions

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Confirmed Discovery means when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.

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§191.5 Immediate notice of certain incidents.

- a) At the earliest practicable moment following discovery, but no later than one hour after confirmed discovery, each operator must give notice in accordance with paragraph (b) of this section of each incident as defined in §191.3.
 - b) Each notice required by paragraph (a) of this section must be made to the National Response Center either by telephone to 800-424-8802 (in Washington, DC, 202 267-2675) or electronically at <http://www.nrc.uscg.mil> and must include the following information:
 - 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.
 - c) Within 48 hours after the confirmed discovery of an incident, to the extent practicable, an operator must revise or confirm its initial telephonic notice required in paragraph (b) of this section with an estimate of the amount of product released, an estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report.
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§191.22 National Registry of Pipeline and LNG Operators

- a) OPID request. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Pipeline, Underground Natural Gas Storage Facility, and LNG Operators in accordance with § 191.7
- b) OPID validation. An operator who has already been assigned one or more OPID by January 1, 2011, must validate the information associated with each OPID through the National Registry of Pipeline, Underground Natural Gas Storage Facility, and LNG Operators at <http://opsweb.phmsa.dot.gov>, and correct that information as necessary, no later than June 30, 2012.

- c) Changes. Each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant, or LNG facility must notify PHMSA electronically through the National Registry of Pipeline, Underground Natural Gas Storage Facility, and LNG Operators at <http://opsweb.phmsa.dot.gov> of certain events.
- 1) An operator must notify PHMSA of any of the following events not later than 60 days before the event occurs:
 - i) Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe, that costs \$10 million or more. If 60 day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable;
 - ii) Construction of 10 or more miles of a new or replacement pipeline;
 - iii) Construction of a new LNG plant or LNG facility; or
 - iv) Construction of a new underground natural gas storage facility or the abandonment, drilling or well workover (including replacement of wellhead, tubing, or a new casing) of an injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility.
 - v) Reversal of product flow direction when the reversal is expected to last more than 30 days. This notification is not required for pipeline systems already designed for bi-directional flow; or
 - vi) A pipeline converted for service under § 192.14 of this chapter, or a change in commodity as reported on the annual report as required by § 191.17.
 - 2) An operator must notify PHMSA of any of the following events not later than 60 days after the event occurs:
 - i) A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this part covering pipeline facilities operated under multiple OPIDs.
 - ii) A change in the name of the operator;
 - iii) A change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, pipeline facility, underground natural gas storage facility, or LNG facility;
 - iv) The acquisition or divestiture of 50 or more miles of a pipeline or pipeline system subject to Part 192 of this subchapter;
 - v) The acquisition or divestiture of an existing LNG plant or LNG facility subject to Part 193 of this subchapter; or
 - vi) The acquisition or divestiture of an existing underground natural gas storage facility subject to part 192 of this subchapter.
- d) Reporting. An operator must use the OPID issued by PHMSA for all reporting requirements covered under this subchapter and for submissions to the National Pipeline Mapping System.

§195.2 Definitions

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Confirmed Discovery means when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.

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§195.5 Conversion to service subject to this part

- a) A steel pipeline previously used in service not subject to this part qualifies for use under this part if the operator prepares and follows a written procedure to accomplish the following:
 - 1) The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in satisfactory condition for safe operation. If one or more of the variables necessary to verify the design pressure under §195.106 or

to perform the testing under paragraph (a) (4) of this section is unknown, the design pressure may be verified and the maximum operating pressure determined by-

- i) Testing the pipeline in accordance with ASME/ANSI B31.8 (incorporated by reference, see §195.3), Appendix N, to produce a stress equal to the yield strength; and
 - ii) Applying, to not more than 80 percent of the first pressure that produces a yielding, the design factor F in §195.106(a) and the appropriate factors in §195.106(e).
- 2) The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.
 - 3) All known unsafe defects and conditions must be corrected in accordance with this part.
 - 4) The pipeline must be tested in accordance with the subpart E of this part to substantiate the maximum operating pressure permitted by §195.406.
- b) A pipeline that qualifies for use under this section need not comply with the corrosion control requirements of subpart H of this part until 12 months after it is placed into service, notwithstanding any previous deadlines for compliance.
 - c) Each operator must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (a) of this section.
 - d) An operator converting a pipeline from service not previously covered by this part must notify PHMSA 60 days before the conversion occurs as required by § 195.64.
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§195.52 Immediate notice of certain accidents.

- a) Notice requirements. At the earliest practicable moment following discovery, of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in § 195.50, but no later than one hour after confirmed discovery, the operator of the system must give notice, in accordance with paragraph (b) of this section of any failure that:
 - 1) Caused a death or a personal injury requiring hospitalization;
 - 2) Resulted in either a fire or explosion not intentionally set by the operator;
 - 3) Caused estimated property damage, including cost of cleanup and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000;
 - 4) Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or
 - 5) In the judgment of the operator was significant even though it did not meet the criteria of any other paragraph of this section.
- b) Information required. Each notice required by paragraph (a) of this section must be made to the National Response Center either by telephone to 800-424-8802 (in Washington, DC, 202-267-2675) or electronically at <http://www.nrc.uscg.mil> and must include the following information:
 - 1) Name, address and identification number of the operator
 - 2) Name and telephone number of the reporter.
 - 3) The location of the failure.
 - 4) The time of the failure.
 - 5) The fatalities and personal injuries, if any.
 - 6) Initial estimate of amount of product released in accordance with paragraph (c) of this section.
 - 7) All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages.
- c) Calculation. A pipeline operator must have a written procedure to calculate and provide a reasonable initial estimate of the amount of released product.
- d) New information. An operator must provide an additional telephonic report to the NRC if significant new information becomes available during the emergency response phase of a reported event at the earliest practicable moment after such additional information becomes known. Within 48 hours after the confirmed discovery of an accident, to the extent

practicable, an operator must revise or confirm its initial telephonic notice required in paragraph (b) of this section with a revised estimate of the amount of product released, location of the failure, time of the failure, a revised estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the accident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report.

§195.64 National Registry of Pipeline and LNG Operators

- a) OPID Request. Effective January 1, 2012, each operator of a hazardous liquid or carbon dioxide pipeline or pipeline facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID or a change to an OPID, an operator must complete an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Pipeline and LNG Operators in accordance with §195.58.
- b) OPID validation. An operator who has already been assigned one or more OPID by January 1, 2011 must validate the information associated with each such OPID through the National Registry of Pipeline and LNG Operators at <http://opsweb.phmsa.dot.gov>, and correct that information as necessary, no later than June 30, 2012.
- c) Changes. Each operator must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at <http://opsweb.phmsa.dot.gov>, of certain events.
 - 1) An operator must notify PHMSA of any of the following events not later than 60 days before the event occurs:
 - i) Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe, that costs \$10 million or more. If 60 day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable;
 - ii) Construction of 10 or more miles of a new or replacement hazardous liquid or carbon dioxide pipeline;
 - iii) Reversal of product flow direction when the reversal is expected to last more than 30 days. This notification is not required for pipeline systems already designed for bi-directional flow; or
 - iv) A pipeline converted for service under § 195.5, or a change in commodity as reported on the annual report as required by § 195.49.
 - 2) An operator must notify PHMSA of any following event not later than 60 days after the event occurs:
 - i) A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this part covering pipeline facilities operated under multiple OPIDs.
 - ii) A change in the name of the operator;
 - iii) A change in the entity (e.g., company, municipality) responsible for operating an existing pipeline, pipeline segment, or pipeline facility;
 - iv) The acquisition or divestiture of 50 or more miles of pipeline or pipeline system subject to this part; or
 - v) The acquisition or divestiture of an existing pipeline facility subject to this part.
- d) Reporting. An operator must use the OPID issued by PHMSA for all reporting requirements covered under this subchapter and for submissions to the National Pipeline Mapping System.