

Citizens Advisory Committee on
Pipeline Safety

Via Fax: (202) 493-2251

January 17, 2012

U.S. Department of Transportation
Docket Operations
Pipelines and Hazardous Materials
Safety Administration
M-30 West Building Ground Floor
Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

**RE: Docket No. PHMSA-2011-0023 Comments of the State of Washington Citizens
Advisory Committee on Pipeline Safety (CCOPS) on Advanced Notice of Proposed
Rulemaking Relating to the Safety of Gas Transmission Lines**

REFERENCE: FR 53086-53102, Vol. 76, No. 165, Thursday August 25, 2011; comment period extended to January 20, 2012.

The nine voting members of the CCOPS committee are appointed by the Governor. Four non-voting members represent the pipeline industry in our discussions.

Since our formation in the wake of the 1999 Bellingham, WA pipeline tragedy, the CCOPS has helped bridge the communications gap between the pipeline industry and safety regulators, and the public. In addition to ongoing projects between meetings, the committee meets as a whole four times a year, examining questions arising about pipeline safety, activities of regulators and pipeline operators, and studying issues surrounding new technical and regulatory developments.

The CCOPS appreciates this opportunity to comment on the ANPRM and expect to comment further at a future stage. Right now, our only comment is that the CFR definitions do not clearly distinguish for regulatory purposes transmission lines from distribution lines and gathering lines. A reading of the definitions of gathering, transmission and distribution lines in Part 192 is an exercise in circular reading, with each definition relying on the definition of the other. We encourage the report to identify the need to bring greater clarity to this issue. We welcome the opportunity to participate in this discussion in the future.

A regulatory program lives or dies by its definitions, which are the first recourse for any court interpreting the program or attorney of a regulated entity in offering legal advice. It is important that the definitions fit together, not unlike a gas delivery system. A vague definition, figuratively, is a "hole" in the fabric of any regulatory program. The agency does not know what to do, the court does not know, and the regulated entity and public have no understanding or there is "leakage" in program continuity.

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See 49 CFR §192.3 Definitions

Transmission line means a pipeline, other than a gathering line, that: (1) Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not down-stream from a distribution center; (2) operates at a hoop stress of 20 percent or more of SMYS; or (3) transports gas within a storage field.

Note: A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.

Compare from same section:

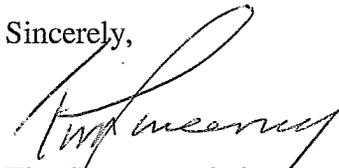
Distribution line means a pipeline other than a gathering or transmission line.

Gathering line means a pipeline that transports gas from a current production facility to a transmission line or main.

A clearer definition will establish three mutually exclusive types of lines: gathering lines, transmission lines and distribution lines.

Thank you for this opportunity to comment on the proposed rulemaking.

Sincerely,



Tim Sweeney, chairman
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