Guidelines for States Participating in the Underground Storage Natural Gas Safety Program – NTSB MOU

Appendix D

Appendix D
Memorandum of Understanding Between Department of Transportation and National Transportation Safety Board

I. Purpose

The purpose of this Appendix is to establish the relationship between the Department of Transportation Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety (OPS) and the National Transportation Safety Board (NTSB) within the framework of the DOT-NTSB for the notification of underground natural gas storage failures, investigation of incidents, providing services, and program coordination.

II. Background

PHMSA is responsible for establishing and enforcing Federal safety regulations, including investigation of accidents, for the transportation of gas including the underground storage of natural gas per the 2016 Pipes Act. NTSB, by the Independent Safety Board Act of 1974, has responsibility for investigating and determining the probable cause(s) of any incident in which there is a fatality, substantial property damage (estimated $100,000), or any other accident which occurs which, in the judgment of the Board, is catastrophic.

This agreement then is established to minimize duplication in efforts and maximize exchange of information as both parties execute their respective investigatory responsibilities.

III. Notification of Underground Natural Gas Storage Failures

A representative of PHMSA will immediately notify, by telephone, NTSB of the occurrence of each Underground Natural Gas Storage accident which involves one or more fatalities or which causes substantial property damage estimated to be more than $100,000.

If, in the initial notification, the information regarding the incident is incomplete, PHMSA will provide follow-up information as appropriate.

IV. Investigation of Incidents

A. NTSB and PHMSA will coordinate and notify the other agency of incidents which it will investigate.

B. When one agency is investigating an incident and the other agency decides to investigate the same incident for its own purposes, the two agencies may jointly participate in the investigation.
C. In a joint investigation, PHMSA and NTSB will coordinate their investigative activities so as to avoid duplication of effort and in accordance with the interest and expertise of the agency representatives.
D. Each agency will be responsible for dealing with the operator, State, local officials and the press within its own area of responsibility.

V. Service

A. **Investigative.** The assistance of PHMSA personnel and any agents under contract to PHMSA may be requested by the NTSB in any investigation. When PHMSA assistance is required, NTSB will notify PHMSA as soon as practicable after receipt of initial notification of a underground natural gas storage incident and specify the assistance required. All data developed by PHMSA or its contractors in response to requests for assistance from NTSB will be provided to NTSB, and NTSB will be considered the office of record of public release of such data.

B. **Furnishing of Studies and Technical Investigations Reports.** The PHMSA will furnish to NTSB two copies of published studies and technical investigations concerning underground natural gas storage operations, design, maintenance, personnel training, and such other studies as are directly concerned with safety in underground natural gas storage and accident prevention. Likewise, NTSB will furnish OPS with two copies of all studies and technical investigations.

C. **Furnishing and Processing Underground Natural Gas Storage Safety Data.** Each party of this agreement will furnish underground natural gas storage safety data to the other party upon request.

D. **Furnishing of Accident Investigation and Hearing Reports.** The PHMSA will furnish NTSB with two copies of on-site or field investigation reports of those incidents of such significance as to prompt the completion of a report. NTSB will furnish PHMSA with two copies of incident reports at least 5 days in advance of the release of that report.

VI. Program Coordination

Each party of this agreement is invited to participate in or observe the hearings conducted by the other party. Whether the other party will participate or observe will be determined by the inviting party. Copies of the proceedings and subsequent reports will be furnished the invited party.