

September 10, 1992

Mr. C. W. Hatley  
Exxon Pipeline Company  
P.O. Box 2220  
Houston, TX 77252-2220

Dear Mr. Hatley:

This responds to your letter dated May 29, 1992, requesting our opinion of proposed guidelines to be incorporated into your Policy and Procedures Manual for filing a supplemental report required by 49 CFR 195.54(b) for changes in information previously reported or additions to the original accident report. You asked that we respond with a statement that either affirms our concurrence with your proposal or lists acceptable DOT guidelines.

The guidelines proposed by your letter set minimum thresholds that must be exceeded to require filing of a supplemental accident report. For example, for damages less than \$100,000, the change in the original estimate would have to be 100 percent before a supplemental report would be filed.

Section 195.54, Accident reports, requires an operator to file a supplemental report whenever the operator receives "any changes" in information reported in or additions to the original report. Your proposed guidelines would not satisfy this regulation, because, by specifying minimum thresholds in the size of the change in the information previously reported, the guidelines implicitly permit changes in information below the stated thresholds to go unreported. This would contradict the specific requirement of 195.54 that an operator file a supplemental report for "any changes" in information reported or additions to the original report.

Therefore, we cannot accept your proposal. We suggest that you eliminate any language from your guidelines that specifically or implicitly excepts certain changes in information previously reported in an accident report.

Sincerely,

Cesar De Leon  
Director, Regulatory Programs  
Office of Pipeline Safety