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TransCanada
In business to deliver

450 – 1st Street S.W.
Calgary, Alberta, Canada T2P 5H1
tel 1.832.320.5505
fax 1.832.320.5708
E-mail vern_meler@transcanada.com

20 October 2014

Ms. Sheri Young
Secretary of the Board
National Energy Board
517 – 10 Ave SW
Calgary AB T2R 0A8

Dear Ms. Young:

Re: NEB Proposed Amendments to Regulations for Pipeline Damage Prevention

On behalf of TransCanada Pipelines Limited (TransCanada), I would like to respectfully submit comments regarding the National Energy Board's (NEB) *Proposed Amendments to Regulations for Pipeline Damage Prevention* ("proposed amendments") issued on 18 September 2014.

TransCanada's executive leadership team, management and employees are committed to being an industry leader in safety, security of people and the protection of the environment and property. We believe excellence in these practices is vital to the well-being of all people everywhere and essential to all aspects of our global business. We follow a number of principles which guide and measure our corporate goals and objectives in these areas and we are committed to continuously improving our safety and environmental protection performance.

TransCanada's priority is to ensure our pipeline systems are safe and reliable.

For these reasons, the proposed amendments are of much interest to TransCanada.

As a member of Canadian Energy Pipeline Association (CEPA), TransCanada supports the comments in CEPA's letter to the NEB regarding the proposed amendments. TransCanada and other CEPA members continue to learn from each other and this has certainly helped make Canadian pipelines safe and will continue to make pipelines safer.

TransCanada agrees with CEPA's comments in a number of areas. The proposed amendments are a good attempt to demonstrate the NEB's commitment to creating an avenue in which safety, security of people and protection of the environment and property is adequately communicated to stakeholders.

TransCanada fully supports the need for the establishment of a comprehensive stakeholder review process prior to finalizing and implementing such proposed amendments.

Attached in Appendix 1 are comments regarding the specific content of the proposed amendments for your consideration.

Yours very truly,
TransCanada PipeLines Limited

Original signed by

Roel P. Lancée, P. Eng.
Manager, Canadian Regulatory Compliance
Pipeline Safety & Compliance

Attach.

cc: J. Baggs
A. Jalbert
K. Crowl
D. Harvey
D. King
R. Lancée
B. Lord
V. Meir
M. Yeomans

Appendix 1

**TransCanada Comments on the NEB's Proposed Amendments to Regulations for
Pipeline Damage Prevention (September 2014)**

Section	NEB's Proposed Amendments	TransCanada Suggested Changes and Rationale
<i>NEB Pipeline Damage Prevention Regulations Part 1</i>		
2	Definition of "pipe" - "pipe" means a line that is used or is to be used for the transmission of hydrocarbons by a pipeline.	"pipeline" is defined under the NEB Act. TransCanada realizes that the proposed definition is not intended to supersede the definition of "pipeline" in the Act, however by adding the definition of "pipe" to the Regulations, it may lead to confusion.
3.1 (1) and (2)	Adding "Locate Requests" to the legislation.	TransCanada believes this to be a good addition to the Regulations. It may however be beneficial to move the definition of "one-call centre" from 3.1 (2) to the Interpretation section.
		TransCanada suggests the Regulation include a definition for "ground disturbance" to replace "mechanical excavation". A mechanical excavation is not all-inclusive. Examples of ground disturbance include, but are not limited to: mechanical excavation activities, fence post pounding, brushing, grubbing, piling excess burden over the pipeline, etc.
3 (1) (a)	"mandataries".	TransCanada suggest the Regulations define the term "mandataries"
3.2	"Responsibilities of the Project Owner"	TransCanada suggests the Regulation define "Project Owner". The Project owner is typically interpreted to mean the person "accountable" for the project; i.e. the landowner contracts out work to a third party drain tile company. The landowner is the "project owner".
3 (2)	"(2) Despite paragraph (1)(b), these Regulations apply to the construction or installation of a facility — or the crossing of a pipeline with a vehicle or mobile equipment that is used to perform an agricultural activity as defined in subsection 7.1(1) — that disturbs less than 30 cm of ground below the initial grade and does not reduce the total cover over the pipe."	The additional wording may add confusion to the intent of this section. Alternatively, it may be clearer to describe when the Regulations do apply to and then include clauses/examples when they do not apply.

Appendix 1

Section	NEB's Proposed Amendments	TransCanada Suggested Changes and Rationale
<i>NEB Pipeline Damage Prevention Regulations Part 1 (cont.)</i>		
4 (a)	"offshore area"	TransCanada suggests the Regulations include a definition for "offshore area".
7.1 (1)	"In this section "agricultural activity" means the work of producing crops and raising livestock and includes tillage, plowing, disking, harrowing, pasturing, mushroom growing, nursery and sod operations and installation of conservation measures, but does not include construction of new buildings or impervious areas or placement of footings, foundations, pilings or fence posts.	The definition of "agricultural activity" requires clarification. Experience has shown that some of the tillage, disking and harrowing activities could potentially disturb soil greater than 30cm deep. TransCanada recommends that the definition for "agricultural activity" be moved to the Interpretation section?
7.1 (2) (c)	"minimal rutting"	Without a definition for "minimal rutting", the interpretation of this term can be very subjective. TransCanada recommends the Regulations include a definition for "minimal rutting"?
9	"When a pipeline company receives a locate request, the pipeline company may designate an area situated in the vicinity of the proposed facility or excavation, which may extend beyond 30 m from the pipeline, as a restricted area in which excavation is not to be performed until the pipeline is located and marked by the pipeline company or the expiry of three working days after the date of the request, whichever occurs first, unless the pipeline company and the facility owner or excavator making the locate request have agreed on an extension of time for the pipeline company to locate and mark the pipeline."	There needs to be greater emphasis on ensuring the pipeline locate and marking is completed PRIOR to any work commencing to reduce any risks.
<i>NEB Pipeline Damage Prevention Regulations Part 2</i>		
3 (1) (a)	Additional word "mandatarles".	TransCanada suggest the Regulations define the term "mandatarles".
<i>National Energy Board Onshore Pipeline Regulations</i>		
		No comment
<i>Administrative Monetary Penalties Regulation</i>		
		No comment



fax

date October 20, 2014

attention Ms. Sheri Young, Secretary of the Board

company National Energy Board

fax no. (403) 292-5503

from

no. of pages 5 including cover page

P.O. Box 1000 Stallion M
 Calgary, Alberta T2P 4K5
 tel 403.920-7069
 fax 403.920-2415
 e-mail roel_lancee@transcanada.com

On behalf of TransCanada PipeLines Limited (TransCanada), I would like to respectfully submit comments regarding the National Energy Board's (NEB) *Proposed Amendments to Regulations for Pipeline Damage Prevention* ("proposed amendments") issued on 18 September 2014.

Should the Board require any further information with respect to this filing, please contact the undersigned at (403) 920-7069 or by email at roel_lancee@transcanada.com

Yours very truly,
 TransCanada PipeLines Limited

Original signed by

Roel P. Lancee, P. Eng.
 Manager, Canadian Regulatory Compliance

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