



File Ad-GA-RG-GFR-FMAP 01
13 July 2017

To: National Energy Board Regulated Pipeline Companies

National Energy Board Filing Manual Revision 2017-01

The National Energy Board (NEB or Board) committed to updating its *Filing Manual* to clarify Emergency Management (EM) filing requirements for its regulated companies during the application process. Updating the *Filing Manual* is another important step in the Board's initiative to improve transparency of EM information and to promote continual improvement in EM. Other important steps to date include Board Order MO-006-2016 compelling publication of emergency procedures manuals on company websites and Board Order MO-002-2017 compelling publication of EM Program information on company websites.

Changes Regarding Emergency Management Filing Requirements

The *Filing Manual* is designed to assist applicants who seek approval from the Board and interested parties in understanding the Board's expectations about the information an applicant is to include in an application under the *National Energy Board Act*.

On 11 January 2017, the Board initiated a consultation process on proposed changes to the *Filing Manual* regarding EM filing requirements. The proposed changes were based on learnings from the Board's EM consultation and transparency project, recent regulatory processes, and general changes to the Board's and stakeholders' expectations regarding the types and scope of EM information made publicly available.

The Board sought comments on the draft text for inclusion in the *Filing Manual* from NEB-regulated companies, first responders, municipalities, Indigenous groups, members of the public, and other interested parties. The comment period closed on 13 March 2017.

Consideration of Comments Received

The Board received comments from seven parties regarding the draft EM filing requirements. All comments received are available on the Board's website at <http://www.neb-one.gc.ca/bts/ctrg/gnnb/flngmnl/nbl/2017-07-13nbl-eng.html>. Of the seven parties that commented, three proposed changes to the draft text (County of Strathcona, City of Montreal, and the Canadian Energy Pipeline Association) with the remaining four commenters expressing

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no concerns regarding the draft text (City of Montreal Police Department, Laval Fire Department, City of Windsor Fire Department, and Tim Loncarich).

The Board has considered the comments received and it has decided to make changes to the draft text regarding EM filing requirements and to amend the *Filing Manual* accordingly. Comments received and the Board's response, particularly for comments that have resulted in changes to the draft text, are summarized in Attachment I.

The final text of the EM filing requirements expands on information in the current *Filing Manual* and the changes explicitly address the amount and scope of EM information to be filed in an application. In the Board's view, this will result in more detailed EM information being filed earlier on in the hearing process to inform hearing participants' understanding of the proposed project and participation in the hearing process as well as the Board's assessment of the project. The desired outcome of the revised filing requirements is a more complete application that leads to a more consistent, efficient hearing process that includes a comprehensive record of EM information.

Next Steps

The new EM Filing Requirements, along with additional administrative amendments, have been added to the *Filing Manual* Release 2017-01. The amendments are summarized in the attached *Filing Manual* table of concordance. Additional amendments to the *Filing Manual* are expected to be made this year.

The revised *Filing Manual* is available on the Board's website (www.neb-one.gc.ca) and hard copies may be requested by calling the NEB at 1-800-899-1265. The Board welcomes any comments that readers might have on the content and usability of the *Filing Manual*, or other matters that could assist with its future updates and revisions. All comments may be directed to the Board by:

E-mail: filingmanual@neb-one.gc.ca

Facsimile: Secretary of the Board at 403-292-5503 or toll free at 1-877-288-8803

Mail: Sheri Young
Secretary of the Board
National Energy Board
Suite 210, 517 Tenth Avenue SW
Calgary, AB T2P 0X8

Should you have any questions of a more general nature related to emergency management and NEB-regulated pipelines, please contact Jeff Bird, Acting Director – Emergency Management and Security Team at 1-800-899-1265 or via e-mail at jeff.bird@neb-one.gc.ca.

Thank you for your interest in the *Filing Manual* Update.

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Attachments

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Ville de Montréal (City of Montreal) - Andres.bayona@ville.montreal.qc.ca

CEPA - AMiller@cepa.com

Bureau du directeur et relations avec les élus
Service de Police de la Ville de Montréal
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Service de sécurité incendie de Laval
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Tim Loncarich - tim@bidocean.biz

County of Strathcona - Lori.mills@strathcona.ca

Summary of Comments Received and the Board’s Response

<u>Commenter</u>	<u>Comment</u>	<u>Board Response</u>
County of Strathcona	<p>The County of Strathcona (County) suggested that the Board note that consultation agreements with municipalities should be considered by applicants in Section 3.4.2 <i>Designing Project-Specific Consultation Activities</i>.</p>	<p>The Board has revised the draft text in Section 3.4.2 to address this comment.</p>
	<p>The County suggested that the word "planning" be included in the revised text in the last paragraph of Section 3.4 <i>Consultation</i> so that it reads, "The Board also expects companies to conduct effective public consultation activities during the "planning", construction, and operation phases of a project."</p>	<p>The Board notes that Section 3.4 <i>Consultation</i> is primarily focused on an applicant’s consultation obligations during the planning and application phases of a proposed project and the Board has included draft text throughout this section to further clarify its expectations.</p> <p>The Board also expects companies to conduct consultation activities during the construction and operation phases of a project and this is the context of the paragraph referred to by the County. The Board has included revised text to clarify the context of this paragraph as applying to construction and operations.</p> <p>Therefore, the Board has not added the word “planning” to the paragraph as suggested by the County. The Board is of the view that consultation expectations during the planning phase of a project are sufficiently addressed elsewhere in Section 3.4.</p>
	<p>The County had questions related to how the Board considers issues related to fire protection and suppression and fire codes.</p>	<p>The Board views these questions as being outside of the scope of the proposed <i>Filing Manual</i> revisions and has not made any changes to the draft text. Board Staff have contacted the County to discuss its questions further.</p>

City of Montreal	The City of Montreal (City) suggested that the Board make certain filing requirements more prescriptive and mandatory in nature at the time of filing an application.	<p>The Board has revised the text of the <i>Filing Manual</i> to promote the filing of more complete applications to lead to a more consistent, efficient hearing process that includes a comprehensive record of EM information. The Board also has regulatory and policy requirements and an established EM oversight program that applies to operating facilities.</p> <p>The Board agrees that the issues noted by the City within its suggested filing requirements are important issues related to planning for and responding to emergencies. However, the Board is of the view that the issues noted by the City:</p> <ul style="list-style-type: none">• Would be informed by consultation activities associated with the project application and the Board has revised its expectations for consultation regarding emergency management in the draft text;• Are adequately addressed in the draft <i>Filing Manual</i> text already, which emphasizes a risk informed approach in addressing issues related to malfunctions and accidents and emergency management;• Are covered by existing regulatory requirements under the <i>National Energy Board Onshore Pipeline Regulations</i>; and/or• Are more appropriately addressed following project approval if approval is granted. <p>The Board will continue to engage the City regarding emergency management and NEB-regulated pipelines, particularly through its Montreal Regional Office, to</p>
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		further explain its regulatory requirements and regulatory approach.
Canadian Energy Pipeline Association (CEPA)	CEPA requested clarification of certain sections of the draft text regarding the type and extent of information that the Board expects to be filed with an application.	The Board has revised the draft text in certain sections to provide clarity as to its expectations but the Board does not agree with CEPA that additional clarification is required in all of the areas noted by CEPA. The Board notes that none of the draft text affects the process for filing of applications. The <i>Filing Manual</i> requires the types and scope of information to be provided by applicants to be commensurate with the scope of the project, potential risks, and level of stakeholder interest.
	CEPA suggested that the Board clarify its expectations regarding the filing of emergency procedures manuals in Section 1.5 <i>Confidential Filing</i> and Guide AA - <i>Post Certificate or Order Requirements</i> .	The Board agrees with the need for clarification in these sections and has revised the draft text accordingly.
	CEPA suggested that the Board clarify its expectations regarding the use of external website links as part of an application or during a regulatory proceeding in Section A.2.6.2 <i>Mitigation Measures, Mitigation for Potential Effects of Accidents and Malfunctions</i> .	The Board agrees with the need for clarification in this section and has revised the draft text accordingly.
	CEPA requested clarification on the draft text in Section 3.4 <i>Consultation</i> pertaining to an applicant's consultation program regarding emergency management.	The Board is of the view that the draft text is sufficiently clear and has not made changes in response to these comments. The Board notes that the draft text was added to bring clarity to existing wording in the <i>Filing Manual</i> . Except for the section entitled "Consultation Regarding Emergency Management", substantive new text was not added and the Board's expectations of an applicant's consultation program remain unchanged. It is the responsibility of the applicant to justify its methodology for consultation and how it considered any comments received.
	CEPA requested that the Board clarify whether its proposed changes to the section entitled, "Consultation	The Board has not made changes to the draft text in response to this comment. The Board notes that the draft

	<p>Regarding Emergency Management” in Section 3.4 <i>Consultation</i> would have any impact on the requirements for Public Awareness Programs.</p>	<p>text for the <i>Filing Manual</i> does not impact Public Awareness Programs which are a requirement under <i>the National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies</i> and address operating pipelines, not proposed projects.</p>
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