

**DEPARTMENT OF TRANSPORTATION
BEFORE THE
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

Pipeline Safety: Information Collection Activities,	)	
Revision to Gas Transmission and Gathering	)	
Pipeline Systems Annual Report,	)	Docket No. PHMSA-2012-0024
Gas Transmission and Gathering Pipeline Systems	)	
Incident Report, and Hazardous Liquid Pipeline	)	
Systems Accident Report	)	

**COMMENTS OF
THE AMERICAN PETROLEUM INSTITUTE
AND THE ASSOCIATION OF OIL PIPE LINES**

The American Petroleum Institute (“API”)¹ and the Association of Oil Pipe Lines (“AOPL”)² appreciate the opportunity to comment on PHMSA’s proposed changes to the Hazardous Liquid Pipeline Systems Accident Report in the above captioned proceeding.

I. PHMSA F 7000-1 Accident Report Form

API and AOPL submit the following suggestions pursuant to PHMSA’s request for methods to enhance the quality, utility, and clarity of the information to be collected. API and AOPL also request that any changes to the PHMSA F 7000-1 Accident Report Form (“Form 7000-1”) be reflected in the Instructions for Form PHMSA F 7000-1 Accident Report — Hazardous Liquid Pipeline Systems.

1. Part A. Key Report Information

API and AOPL propose that PHMSA add the phrase “(HVL/CO₂ releases only)” to the Form 7000-1 on Page 1, Question 10³ so that the question reads, “Estimated volume of

¹ API is the only national trade association that represents all aspects of America’s oil and natural gas industry—an industry which supports 9.2 million American jobs and 7.7 percent of the U.S. economy. API’s more than 500 corporate members, from the largest major oil company to the smallest of independents, come from all segments of the industry. They are producers, refiners, suppliers, pipeline operators and marine transporters, as well as service and supply companies that support all segments of the industry.

² AOPL is a national trade association that represents owners and operators of oil pipelines across North America, and educates the public about the vital role oil pipelines serve in the daily lives of Americans. AOPL members bring crude oil to the nation’s refineries and important petroleum products to our communities, including all grades of gasoline, diesel, jet fuel, home heating oil, kerosene, propane, and biofuels. Together, API and AOPL members operate approximately 90% of the hazardous liquids pipeline miles in the United States.

³ PHMSA F 7000-1 Accident Report Form [“Form 7000-1”] at 1, Question 10.

2. Part C. Additional Facility Information

II. Instructions for Form PHMSA F 7000-1 Accident Report- Hazardous Liquid Pipeline Systems

API and AOPL note that changes to the Form 7000-1 instructions were issued in October 2011 without an opportunity for public comment or communication that the changes had been made. Several of those changes to the instructions raise significant concerns and have widespread impacts to the release data. We request that PHMSA issue a Federal Register notice to inform the public that new guidance is available. Since the 7000-1 Form is so closely intertwined with the Form 7000-1 instructions, we raise several suggestions and concerns below regarding the Form 7000-1 instructions:

1. Secondary Ignition Guidance

In the General Instructions on Page 1, PHMSA added additional guidance for operators to use when secondary ignition is involved. Although secondary ignition remains an important concern for gas distribution, it does not impact reporting requirements for hazardous liquid pipeline operators in the same manner. Hazardous liquid operators must report any release when a fire not intentionally set by the operator is involved, irrespective of which party initiated the release or the dollar amount of damage to facilities. Hazardous liquids operators must also report all injuries or fatalities associated with a release. Thus, the added guidance by PHMSA is unnecessary and confusing. API and AOPL request that this section be deleted from the instructions.

2. Supplemental Report

API and AOPL respectfully note that in the Supplemental Report Section on Page 8 of the Specific Instructions, the instructions incorrectly cite the natural gas regulations, 49 CFR §191.15(c), rather than the hazardous liquids regulations, 49 CFR §195.54(b). Subsequently, the instructional language also incorrectly references the gas standard in §191.15(c), rather than the hazardous liquids standard in §195.54(b), creating confusion as to filing requirements for Supplemental Reports by hazardous liquids operators. We raise this matter not merely as a technical concern. The standards set forth in Part 191 significantly differ from the standards set forth in Part 195. We request that PHMSA correct the references as soon as possible.

3. Local Time (24-hr clock) and Date of Initial Telephonic Report to the National Response Center

The Specific Instructions on Page 11 direct operators to report the local time and date of the Immediate Notice of the accident to the National Response Center (“NRC”). API and AOPL observe that NRC time stamps reports utilizing Eastern Time and not local time at the accident location. To minimize confusion, API and AOPL request that PHMSA note the time discrepancy in the “Specific Instructions” on Page 11, Number 7, as follows:

7. Local time (24-hr clock) and date of initial telephonic report to the National Response Center

Enter the time and date of the Immediate Notice of the accident to the NRC. The time is to be shown by 24-hour clock notation, and is to reflect the time in the time zone where the accident was physically

located. **Please note that the NRC time stamp is in Eastern Time.** (See “Special Instructions”, numbers 9 and 10.)

We believe this notation will minimize confusion regarding the disparity in reporting formats.

4. Estimated Volumes in Barrels

On Page 13 in the Specific Instructions for Form PHMSA F 7000-1, PHMSA added a requirement to include volumes consumed by fire or explosion within the estimated volumes reported. This requirement represents a significant departure from previous PHMSA guidance, and will make historical comparisons difficult if not impossible to conduct. At a minimum, PHMSA should note the change in reporting guidance in areas where operators and the public can access this data so that individuals do not misinterpret or incorrectly analyze this data. The change should also be footnoted on any data trends, just as the change in volume threshold is noted.

5. Estimated Volume of Intentional and/or Controlled Release/Blowdown

As indicated above, the addition of the phrase, “(HVL/CO₂ releases only),” to Question 10 on Form 7000-1, will offer significant clarity to the information sought by PHMSA in this inquiry. PHMSA should also reflect this revision to the Form on Page 14 of the Specific Instructions, so that the guidance reads as follows:

10. Estimated volume of intentional and/or controlled release/blowdown (HVL/CO₂ releases only)

Estimate the amount of commodity that was released during any intentional release or controlled blowdown conducted as part of responding to or recovering from the accident. Intentional and controlled blowdown implies a level of control of the site and situation by the operator such that the area and the public are protected during the controlled release. For releases of crude oil or refined product, do not enter any volume other than zero in this field.

6. Guidance on Pipeline Facility Shutdown

On Page 15 in the Specific Instructions, PHMSA formerly issued guidance on how and when operators must report shutdowns.⁶ However, PHMSA removed this guidance in 2011 which stated, “Instances in which an accident was caused by a release that did not involve damage to the pipeline (e.g. incorrect operations) and in which no need for repairs resulted need not be reported as being shutdown, even though the pipeline may have been shutdown as a precautionary measure to inspect for damages.” API and AOPL request that PHMSA reinstate the language to ensure uniform reporting amongst operators.

III. Conclusion

API and AOPL appreciate the opportunity to comment on the proposed changes to Form 7000-1 and request that PHMSA consider these comments in promulgating this rulemaking.

⁶ *Id.* at 15, Question 14.

Respectfully submitted,



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