

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

Information Collection Activities

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Docket No. PHMSA–2013–0137

**COMMENTS OF THE
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 the Pipeline and Hazardous Materials Safety Administration’s (“PHMSA”) proposed information collection activities for the national pipeline mapping system (“NPMS”). API and AOPL do not oppose PHMSA’s renewal of its information collection, which states that operators of pipeline facilities (except distribution lines and gathering lines) must provide PHMSA contact information and geospatial data on their pipeline system and provide updates on an annual basis. However, certain suggestions by the Pipeline Safety Trust (“PST”) in response to this request for renewal raise concerns, which API and AOPL address below.

I. NTSB (P-11-1) Recommendation & Security Sensitive Information

In its comments, the PST states that an NTSB recommendation to PHMSA requires that pipeline operators share "...system-specific information, including pipe diameter, operating pressure, product transported, and potential impact radius, about their pipeline systems..."³ and that pipeline operators should share this information through the

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, AOPL and API members operate approximately 90% of the hazardous liquids pipeline miles in the United States.

³ Although the PST references NTSB recommendation (P-11-1), it is worthwhile to mention that this recommendation was superseded by NTSB recommendation (P-11-8), which directs PHMSA to, “[r]equire operators of natural gas transmission and distribution pipelines and hazardous liquid pipelines to provide system-specific information about their pipeline systems to the emergency response agencies of the communities and jurisdictions in which those pipelines are located. This information should include pipe diameter, operating pressure, product transported, and potential impact radius. (P-11-8) *This recommendation supersedes Safety Recommendation P-11-1.*

existing NPMS to increase the data accessible to emergency personnel and planning professionals.

a. Proposal Exceeds Scope of NPMS

First, it should be recognized that the PST's recommendation exceeds the intended scope of NPMS, which is to provide limited data for regulatory oversight and monitoring pipeline security.⁴ Indeed, the potential security sensitive nature of the pipeline data is cited as the reason why public access to this data should be limited. The security of operator's data should remain a leading concern regarding data to be posted publicly.

b. Proposal Compares Two Unlike Terms

API and AOPL further submit that the PST's proposal attempts to link an unrelated NTSB recommendation that pipeline operators provide certain information to local emergency response officials with NPMS. The NTSB proposal was developed in the wake of the San Bruno incident and does not appear to have contemplated the NPMS as the mechanism to deliver the recommended information in the initial, or updated recommendation. PHMSA should view the PST's proposal through this lens.

c. Coordination Remains the Key to Working With Emergency Responders

As stated above, the PST suggests that posting additional data onto the NPMS system will increase the data accessible to emergency response personnel and planning professionals.

Years of experience have informed operators that NPMS is not likely the most effective vehicle to provide information about pipelines to emergency response agencies. The information sought by the PST is more appropriately shared directly between pipeline operators and emergency response agencies. This is a responsibility that pipeline operators take seriously. The key to effective emergency response is active interaction between those agencies and pipeline operators rather than information merely posted on a web page.

Pipeline operators are dedicated and committed to working with emergency response agencies to facilitate emergency response planning and community preparedness. Operators frequently meet with local emergency personnel, conduct training exercises, and meet in town halls to inform the public about living and working safely near pipelines and how to respond in the event of an incident. Operators also participate in the "811" call-before you dig program, where those seeking to excavate near a pipeline can have operators mark the location of their pipelines so they may excavate safely.

⁴ The Advisory Bulletin states, "[t]he data collected for the NPMS is necessary for regulatory oversight and for monitoring the security of the pipelines. Therefore, public access to the data is limited." Department of Transportation, *Pipeline Safety: Required Submission of Data to the National Pipeline Mapping System Under the Pipeline Safety Improvement Act of 2002*, 68 Fed. Reg. 5,338 (Feb. 3, 2003).

Consequently, greater communication between operators and the communities they serve is the appropriate solution to ensuring safer communities.

d. API/AOPL Do Not Oppose a Single Annual Report and NPMS Submission

Although API and AOPL do not support the public display of all the requested data by the PST into NPMS, API and AOPL do not oppose a single submission to PHMSA that would cover both the annual report information as well as the NPMS information. API and AOPL believe that a single submission would simplify the data submission processes and potentially increase data quality.

API and AOPL note that it may not be technically feasible for all operators to submit annual report information via a geospatial information system (GIS) submission at this time, so any such change in reporting would need to be phased in over time. API and AOPL would welcome the opportunity to work with PHMSA to pilot any effort to change NPMS and/or annual reporting.

II. Increased High Consequence Area Accuracy

In its comments, the PST states that not all High Consequence Areas are viewable on the NPMS maps, and requested data from pipeline companies to allow the public to view pipelines, including their location within any HCA, with a higher degree of accuracy.

API and AOPL acknowledge that Section 6(a)(d)(1) of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (“Act”) requires that the NPMS “maintain ... a map of designated high-consequence areas (as described in section 60109(a)) in which pipelines are required to meet integrity management program regulations, excluding any proprietary or sensitive security information.” Specifically, API and AOPL draw attention to the provision in this section that excludes security information from this requirement. There may be instances in which sensitive security information (as well as proprietary information) would be excluded from the NPMS with respect to HCAs and otherwise. The potential misuse of such highly sensitive data cannot be underscored enough.

Additionally, API and AOPL note that potential public safety risks created by a more accurate NPMS data could undermine the strides made with the national one-call notification system. The one-call notification system requires excavators to submit a one-call request before excavating. A more accurate NPMS could encourage excavators to utilize NPMS as a replacement to placing a one-call. The NPMS should continue to remind viewers that information about the location of a pipeline on this system does not replace the importance of calling a one-call center before excavation.

As PHMSA moves to implement this provision, API and AOPL again raise the technical limitations of GIS based systems. It is unlikely that operators could currently provide a level of accuracy in the single or even double digit(s) for many locations along their systems.

III. Conclusion

API and AOPL request that PHMSA consider these comments when promulgating revisions to the National Pipeline Mapping System.

Sincerely,



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