Texas Pipeline Association

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UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE SAFETY AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

PIPELINE SAFETY: REQUEST FOR REVISION OF A PREVIOUSLY APPROVED INFORMATION COLLECTION - NATIONAL PIPELINE MAPPING SYSTEM PROGRAM	§ § § § § §	**DOCKET NO. PHMSA-2014-0092**

COMMENTS OF THE TEXAS PIPELINE ASSOCIATION ON THE SECOND NOTICE AND REQUEST FOR COMMENTS ON REVISIONS TO AND RENEWAL OF THE NPMS

The Texas Pipeline Association (TPA) appreciates the opportunity to submit comments to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in response to the Second Notice and Request for Comments (Second Request) on Revisions to and Renewal of the National Pipeline Mapping System (NPMS). PHMSA published the Notice in this docket in the Federal Register of August 27, 2015 and subsequently extended the deadline for comments to January 8, 2016. The Second Request is a revision of the initial notice and request which was published on July 30, 2014. TPA and its members are supportive of enhancements to the NPMS and appreciate the revisions made by PHMSA in response to comments on the initial notice and request. However, TPA believes that further revisions are needed that should be developed through greater collaboration between PHMSA and industry as opposed to continuing rounds of notice and comment. Without such a collaborative approach, it is doubtful that PHMSA and industry can come to an acceptable path forward for the NPMS without significant legal issues.

TPA consists of over 50 gas and hazardous liquid pipeline operators within the State of Texas and one liquefied natural gas plant operator. TPA's members operate a majority of the natural gas and hazardous liquids pipeline mileage as well as most of the breakout tank farms within the State of Texas. TPA's members operating gas and liquid transmission pipelines, liquefied natural gas plants and breakout tank farms will be directly impacted by the proposed changes in the requirements for NPMS submissions.

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GENERAL COMMENTS

Paperwork Reduction Act Issues

The expansion of the information proposed to be included in NPMS submissions goes beyond an information collection request and is effectively the imposition of new records development and retention requirements that are more properly pursued through notice and comment rulemaking. To properly pursue an information collection under the Paperwork Reduction Act, PHMSA must demonstrate satisfaction of the three requirements of the PRA:

- The proposed collection "is the least burdensome necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives;"

- The proposed collection "is not duplicative of information otherwise accessible to the agency;" and

- The proposed collection "has practical utility."

PHMSA's stated rationale for this expanded information collection fails to demonstrate satisfaction of any of these requirements.

PHMSA asserts that it needs the information from the expanded attributes in order to perform risk analysis to prioritize inspections and to educate emergency responders on pipeline emergencies. Yet PHMSA provides no reasoning on how the expanded attributes educate emergency responders on pipeline emergencies. Grade of pipe, last year of ILI, type of coating, year of last pressure test and other attributes provide no information needed for emergency responders to plan responses to pipeline emergencies. While some of these attributes might be useful in planning a pipeline safety inspection through a risk analysis, such analysis is not required for performing pipeline inspections. Under existing regulations, operators are responsible for risk ranking their pipelines and those rankings are available to PHMSA. As will be noted in the specific comments on the attributes, most of the requested information is not even needed for performing risk rankings.

To the extent operators have the information available; PHMSA already has full access to such information upon request. Therefore, collection of this information through the NPMS is duplicative of information otherwise accessible to the agency. Emergency responders are provided the information regarding pipelines within their service areas through the public awareness programs already conducted by pipeline operators under existing regulations. Thus, the information allegedly being made available to emergency responders through the proposed information collection is already available to emergency responders in a packaged format directly applicable to them. Emergency responders have

no reason to attempt to extract the same information from the larger database of the NPMS.

As previously noted, most of the requested information has no practical value for emergency responders. Furthermore, there is no practical reason for PHMSA to perform risk analysis of operator's pipeline segments. Even assuming for the sake of argument that PHMSA can demonstrate a practical reason for performing an analysis of an individual operator's pipeline segments, PHMSA has no means of assuring comparability of this information between operators given the likelihood that some of the values submitted will be conservative assumptions by operators as allowed by the regulations where some factors are not known.

Circumvention of Notice and Comment Rulemaking

PHMSA's request to expand the information collected through the NPMS as proposed exceeds its authority under Section 60132 of the Pipeline Safety Act and imposes burdens on operators to provide information not currently required under the existing regulations, thereby circumventing notice and comment rulemaking. Under PRA, an agency is only allowed to collect records that are maintained and retained pursuant to existing regulatory requirements. As proposed, the information collection request would require operators to report information on pipelines constructed before the record retention requirements of the initial pipeline safety regulations became effective. Unless PHMSA allows for most of the data fields to be reported as unknown, PHMSA will effectively be creating record retention requirements where none currently exist. This is not only impermissible under the PRA but also isolates federal requirements for notice and comment rulemaking. Providing notice and comment under an information collection request does not substitute for notice and comment rulemaking.

TPA also notes that much of the information sought in the proposed information collection request is the subject of pending rulemakings. Requiring the information to be reported now effectively creates an impermissible "end-run" around those rulemakings. Furthermore, the proposed information collection would accelerate the timelines for the collection and retention of any missing data, thereby creating an even greater burden on operators than the mere reporting burden. The cost of collecting some of the missing data has been estimated at tens of billions of dollars. PHMSA's cost estimates on the burden of the proposed information collect does not account for these costs.

Use of "Predominant"

The draft Operator Standards Manual that was published in connection with this information collection request proposes that three attributes may be submitted on a "predominant" basis. TPA strongly objects to such instructions. First, it would be equivalent to reporting inaccurate information for release to the public. This is contrary to the goals of the NPMS and contrary to common sense. Second, it may actually increase the burden on operators to report because it will require a review of records and an evaluation of each pipeline to determine what is the predominant characteristic to be

reported, thus requiring the creation of new records, not the collection of existing record information. Lastly, use of predominant could result in misleading risk analysis by PHMSA in connection with its safety inspection prioritization, thereby defeating, or at least frustrating, one of the main objectives that allegedly justifies this information collection.

Security Concerns

The proposed information collection would place virtually all of the critical data on the nation's pipeline grids in a centralized database. Although PHMSA has proposed some enhanced security measures, the ever-evolving capabilities of "hackers" naturally raises the concerns of pipeline operators regarding the protection of such data. Support for such concerns is found in the September 2015 Government Accountability Office's report to Congress on the increasing numbers of security incidents related to information held in federal databases, the Office of Inspector General November 2014 audit report on security weaknesses in the Department of Transportation's information technology systems, and the inappropriate release of sensitive information on railroad shipments in Department of Transportation databases following the collection of that information on an allegedly confidential basis. Clearly, PHMSA's assurances that the attribute data gathered through the proposed information collection will be handled as Sensitive Security Information (SSI) is less than comforting to pipeline operators and industry trade associations.

Beyond the potential "hacks" of the federal databases, the proposed "limitations" on access to the information raise additional concerns. The highest level of restriction is on only five attributes, and even those are only protected at the SSI level in other agencies' databases. Seventeen attributes will be restricted to the Pipeline Information Mapping Management Application (PIMMA). That restriction still permits a large number of individuals access to the attribute information with varying levels of security on their systems as well as their varying levels of exposure to opens records requirements and obligations. None of the proposed security measures addresses the needs of Critical Infrastructure Information (CII). A number of TPA's members operate facilities that qualify as critical infrastructure. Information related to those facilities must be given a higher level of security than anything currently proposed by PHMSA for the attributes. This is an issue that must be addressed fully before proceeding with the proposed information collection.

Finally, two of the attributes proposed to be available to public viewers are virtually meaningless to emergency responders or other members of the public. Pipe grade and pipe joining method not information that the general public could utilize to protect themselves from a pipeline emergency or to evaluate their personal safety. These elements should be removed from the list of attributes to be accessed by the public viewer.

As mentioned in TPA's comments on the initial request for comments in this docket, the financial and time burden of this significant expansion of the NPMS should not be underestimated. One TPA member, and certainly not the largest in terms of pipeline

mileage, has estimated that it will require approximately 10 years to fill-in all information gaps necessary for a complete and accurate submission to the NPMS in accordance with this proposal. The cost for achieving that completeness is approximately $300 million. In addition, it is estimated that entering and formatting the attribute data for the attributes that are not currently in the GIS System will take that member approximately 4 years. The entry and formatting estimate is based on 5 minutes for each missing attribute and does not include estimates for re-formatting or validating the attributes that are currently in the system. Clearly, this proposal is very significant to transmission pipeline operators and will impose a significant burden on industry resources beyond the other initiatives that PHMSA is currently pursuing and beyond the costs estimated by PHMSA in determining the estimated burden..

TPA would also re-urge PHMSA to utilize a more collaborative approach as was used in the initial design of the NPMS. The Joint Government/Industry Pipeline Mapping Quality Action Team was an effective means to achieve a consensus on the requirements for the NPMS. TPA believes that a similar collaborative approach for these enhancements would accomplish PHMSA's goals in a shorter time period through a more efficient process at an overall lower cost burden. A collaborative approach would also permit a final resolution concerning which attributes are necessary to accomplish PHMSA's risk analysis goals. A collaborative working group would be the best vehicle to appropriately address the balance between burdens and benefits in this effort. Such a collaborative approach worked well in the past and should do the same for this current effort.

SPECIFIC COMMENTS

Positional Accuracy

TPA appreciates PHMSA's reconsideration of its original positional accuracy requirements and the additional time provided to achieve the proposed positional accuracy.. Despite these improvements, TPA renews its request for additional time to meet the positional accuracy requirements, This is particularly important with regard to the requirement to attain that accuracy for pipelines whose potential impact radius (PIR) includes rights-of-way for interstate, freeway, expressway or other principal 4-lane arterial roadways as defined in the Federal Highway Administration's "Highway Functional Classification Concepts. Identifying all of these rights-of-way which must be evaluated in connection with PIRs, or class locations for operators who do not use the PIR method, and then evaluating them will be time consuming. This also assumes operators will consistently apply the concepts set forth by the Federal Highway Administration. Some operators are considering this added requirement related to highway rights-of-way as an expansion of the definition of HCA without a rulemaking. TPA would not go that far, but does have concerns with achieving this aspect of positional accuracy within a 3-year time frame from the effective date of the information collection. The 3-year time frame is understandable because of the approval period of information collections, but that time frame should not control the time period in which such a significant expansion of the positional accuracy requirements is to be achieved.

Pipeline Attributes

Before discussing the individual pipeline attributes that PHMSA is proposing be submitted through the NPMS, TPA would like to discuss an issue related to completeness of submissions. Because approximately 60% of the nation's transmission pipelines were designed, constructed and installed prior to the adoption of the initial Minimum Federal Pipeline Safety Regulations, it is naïve to assume that operators will have all of the information necessary to complete all of the attribute fields. However, the proposed information collection seems to require that data be entered into almost all attribute fields for a complete submission. This will be impossible for most operators and difficult for all operators. In order to allow pending rulemakings to complete their current processes of adoption and to allow reasonable time for operators to comply with any new requirements related to currently missing data, PHMSA should revise the proposed information collection to permit the submission of entries such as unavailable or unknown for attributes that are not known at the time of submission. These attributes could then be revised as that data becomes available. This would lead to the most accurate NPMS and eliminate the possibility of misleading the public or other users of the NPMS through the use of conservative estimates or reliance on predominant values.

Pipe Diameter

Many operators already have the nominal pipe diameter in their GIS systems and any data entry or formatting required for NPMS submission should be minimal. TPA supports the submission of this attribute as proposed.

Wall Thickness

Wall thickness is not needed for PHMSA to perform a risk evaluation on pipeline segments. This attribute is redundant and unnecessary for risk assessment because the submission of the % SMYS attribute effectively incorporates this attribute. This attribute is also of little value to emergency responders or other governmental agencies. TPA recommends that this attribute be eliminated as a required component of NPMS submissions. If wall thickness remains a required attribute, PHMSA must allow for submission with "unavailable" or "unknown" entries because of the large amount of pre-1970 pipe still in service for which there were no record retention requirements at the time of the pipe's design, construction and installation.

Commodity Detail

This attribute should be readily available to operators and the data entry burden should be minimal. TPA supports the submission of this attribute as proposed.

Pipe Grade

Pipe grade is not needed for PHMSA to perform a risk evaluation on pipeline segments. This attribute is redundant and unnecessary for risk assessment because the submission of the % SMYS attribute effectively incorporates this attribute. This attribute is also of little value to emergency responders or other governmental agencies. TPA recommends that this attribute be eliminated as a required component of NPMS submissions. If pipe grade remains a required attribute, PHMSA must allow for submission with "unavailable" or "unknown" entries because of the large amount of pre-1970 pipe still in service for which there were no record retention requirements at the time of the pipe's design, construction and installation.

Pipe Join Method

For transmission pipeline segments, the predominant method of joining pipe is going to be welding. This attribute would be of little value in any relative risk evaluation of pipe segments, and even that limited value would not justify the effort needed to collect and format this information for inclusion in a submission to the NPMS. TPA strongly urges PHMSA to eliminate this attribute as a part of the required elements of a NPMS submission. If pipe join method remains a required attribute, PHMSA must allow for submission with "unavailable" or "unknown" entries because of the large amount of pre-1970 pipe still in service for which there were no record retention requirements at the time of the pipe's design, construction and installation. In addition, PHMSA should clarify that this attribute is for line pipe, not above ground appurtenances. This will clarify what is being reported and avoid confusion on how to deal with above ground flanged stations. PHMSA should also eliminate the category of "flanged" as an option for submission. TPA is unaware of any flanged pipelines in service, but it there are any, they could be reported under "Other."

Highest Percent Operating SMYS

The original proposed description of this attribute based the % SMYS calculation on the highest operating pressure of a pipeline segment during the last year. The Second Request appears to alter this attribute's definition to Maximum Operating Pressure(MOP) or Maximum Allowable Operating Pressure (MAOP) which would be consistent with TPA's comments on the original proposal. However, later in its discussion of this attribute, PHMSA

states that it is proceeding with the attribute as originally proposed. TPA again urges PHMSA to use MOP or MAOP for the calculation of this attribute and to eliminate the confusion introduced by the discussion of this attribute in the Second Request. Without the clarification, each operator would be required to track the operating pressure on many discrete segments of pipeline that are not currently monitored individually or to make assumptions of the highest operating pressure on a pipeline segment based on operating pressures at upstream or downstream monitoring points during each year. This description will also force operators to confirm or recalculate the % SMYS on each pipeline segment every year because the highest operating pressure on a segment will vary from year to year. This will significantly increase the burden of compliance and the related cost. TPA recommends that this attribute be described as the % SMYS for a pipeline segment based on its established MAOP. This would allow operators to submit the attribute and leave it unchanged until a subsequent change in the operating conditions of the pipeline segment that would either increase the stress on the pipeline segment or permanently reduce the stress on the pipeline segment.

TPA is concerned about the disclosure of this attribute because it will give individuals desiring to do harm to the pipeline system a roadmap to the pipeline segments operating at the highest stress levels. These would likely be the pipeline segments where the least amount of effort would be needed to create a disruption in the system. As discussed earlier in these comments, designation as a PIMMMA category attribute does not provide much protection for this information.

Maximum Allowable Operating Pressure (MAOP)

While every pipeline segment is required to have an MAOP, TPA does not believe that this attribute is as accurate a predictor of risk for a particular segment as the % SMYS attribute. An operator is not required to set a pipeline segment's MAOP at the highest pressure at which the segment could be qualified to operate. For example, a replacement segment may qualify for a higher MAOP than the remainder of the pipeline, but the operator may choose to just match the MAOP of the remainder of the pipeline to avoid a potential inadvertent over pressuring. Without full knowledge of how the MAOP of a particular segment was established, use of this attribute by PHMSA personnel for risk analysis may lead to faulty conclusions.

The rationale for requiring this attribute is an excellent example of the failure of PHMSA to comply with the PRA. PHMSA states that this attribute is an important attribute for incident analysis, helps enforce pressure levels between segments and is useful for determining the potential impact radius. With regard to incident analysis, rather than collect this information as part of an NPMS submission, it would be less burdensome and more practical to collect MAOP information for incident analysis at the time of an incident through the

incident report. Collecting the MAOP information through an incident report for incident analysis would satisfy the requirements of the PRA while collection of the same information through the NPMS seems to violate the PRA. Similarly, collection of MAOP information for the purposes of enforcement of proper pressure levels between pipeline segments would better be accomplished as part of an audit or safety evaluation, a less burdensome and practical approach as well as compliant with the PRA.

Seam Type

Seam Type is one of the attributes that is part of the ongoing rulemaking efforts related to integrity verification. TPA doubts that all operators will have this information on all pipeline segments and current regulations allow operators to utilize a conservative default value. As transmission pipeline operators continue their integrity verification activities, they will eventually be able to provide the Seam Type for all pipeline segments submitted to the NPMS. While this information would assist PHMSA in its risk evaluations, PHMSA should not make this a required field until the time deadline for integrity verification efforts is known and operators have reached that deadline. At this time, TPA supports excluding this attribute from NPMS submissions.

Pipe Material

Most operators already have the pipe material for segments in their GIS systems or have the information readily available. The data entry burden for this attribute should be minimal other than the impact of greater segmentation of pipelines due to the increased number of attributes.

Decade of Installation

TPA appreciates PHMSA's movement on this attribute to the concept of construction or installation, but is opposed to submission of this attribute on the basis of predominant decade. Utilizing "predominant decade of construction or installation" will likely require additional analysis of construction records increasing the burden of the collection and will reduce the quality of PHMSA's risk-ranking algorithms by eliminating this information for particular segments. One of the benefits of a geospatial submission is the clarity that it brings to the risk analysis and the follow-through when an issue with a particular pipeline characteristic arises. TPA would encourage PHMSA to permit the submission of this attribute as unknown in order to permit some of the other pipeline safety rulemakings to be finalized and implemented. As those rulemakings are implemented, the desired clarity and precision will be provided.

Offshore/Onshore

This attribute should be readily available to operators and the data entry burden should be minimal. TPA supports the submission of this attribute as proposed.

Inline Inspection

TPA does not consider a pipeline segment's inline inspection capabilities of significant value in performing risk evaluation prioritization and does not see the inclusion of this attribute as any part of a meaningful response to the two NTSB recommendations referenced in the Notice. However, TPA does recognize the value of enhanced transparency to the public of knowing whether a particular pipeline segment can be assessed through inline inspection. While TPA would not see significant value in including this attribute in NPMS submissions, it does not oppose its inclusion.

Class Locations

This attribute should be readily available to operators and the data entry burden should be minimal. TPA supports the submission of this attribute as proposed.

Gas HCA Segment

This attribute should be readily available to operators and the data entry burden should be minimal. TPA supports the submission of this attribute as proposed.

Segment Could Affect an HCA

This attribute is only applicable to hazardous liquids pipelines and is information already required by existing regulations. TPA Supports the inclusion of this attribute as proposed.

Year of Last ILI

This information provides no meaningful input to a risk evaluation prioritization. While listed only once in the Notice, it is actually a proposal to require four attributes to be reported. These attributes merely provide an indication of the timing of the last integrity assessment by a particular methodology. At best, it will provide assurance to the public that the integrity of the pipeline segment has undergone an assessment for a particular threat and will alert PHMSA to the nature of the assessment and the time period remaining until the next required reassessment in HCAs. TPA recommends that these attributes not be a required element in NPMS submissions.

Coated/Uncoated and Cathodic Protection and Type of Coating

TPA believes that the presence or absence of an effective coating and the presence or absence of cathodic protection are the necessary data elements for risk evaluation and should be submitted as Yes/No responses. This information should be readily available to operators for their pipeline segments. While there is some value in knowing the type of coating on a pipeline segment; it is not critical to risk evaluation and may not be readily available for all pipeline segments. TPA supports the inclusion of a Coated/Uncoated attribute and a Cathodic Protection attribute with Yes/No responses. TPA opposes the inclusion of a Type of Coating attribute.

FRP Control Number and Sequence Number, if Applicable

These attributes contribute no value to risk evaluation prioritization and provide the pubic and emergency responders no useful information. However, because the information should be readily available to operators and submission should not pose a significant burden, TPA does not oppose this attribute's inclusion in the NPMS submissions.

Year and Pressure of Last and Original Pressure Test

TPA sees little value in requiring the original pressure test date and pressure in NPMS submissions. Because of the likelihood that most pipelines have had some replacement sections installed over time, the more useful and reasonable attribute to be submitted as part of the NPMS is the date of the last pressure test. If there have not been any subsequent pressure tests, the date of the original pressure test will be the date of the last pressure test. For gas pipelines, the length of time since the last pressure test is not an indicator of increased risk, contrary to PHMSA's statement in the Notice, unless the pressure test is the only assessment of integrity performed on the pipeline. A less burdensome means of obtaining the same information is its collection during a safety evaluation. TPA would not oppose submission of the year and pressure of the last pressure test, but opposes submission of the year and pressure of the original pressure test.

Abandoned Pipelines

PHMSA has shifted its reasoning for the inclusion of this attribute in NPMS submission to enforcement of abandonment procedures. This information would more easily be collected through enforcement actions or safety evaluations. Although TPA sees little value in submitting abandoned lines to the NPMS, PHMSA has minimized the impact and burden on operators by

limiting the submissions to those pipe line segments abandoned in the just completed calendar year. Adding this attribute to the NPMS submissions may not add value but the burden of adding the attribute will not be great.

Pump and Compressor Stations

This attribute should be readily available to operators and the data entry burden should be minimal. Subject to its security concerns, TPA supports the submission of this attribute as proposed.

Mainline Block Valve Locations and Type

TPA does see the value of including non-emergency mainline block valve locations in the NPMS. Valve location knowledge is of no value to emergency responders because they have no authorization to operate the valves and they lack the knowledge of the pipeline system necessary to determine the consequences of closing any particular valve. This would likely be a case of too much knowledge to properly take action. Including the mainline block valve location in the NPMS increases the vulnerability of a pipeline unless PHMSA can guarantee that the information will never be accessed by any unauthorized person.

Similarly, the type of valve operation is of limited value. Even for risk evaluation purposes, PHMSA's own study on automatic and remotely controlled valves indicates that there are other factors impacting a risk determination other than the method of valve closure.

TPA opposes inclusion of non-emergency mainline block valve information and valve type in the NPMS submissions.

Gas Storage Fields

Many storage fields are classified as critical infrastructure and providing their location in the NPMS increases their vulnerability. From the language of the Notice, it appears that PHMSA is limiting this attribute to gas storage fields on interstate pipelines, but the NPMS Operator Standards manual does not appear to contain a similar limitation. At a minimum, PHMSA should clarify the scope of this attribute requirement. The long-required liaison meetings between operators and emergency responders are a more effective and less burdensome means of making emergency responders aware of storage facilities within their jurisdictions without the security risks posed by a centralized national database. Unless limited to interstate pipeline operators, TPA opposes the required submission of gas storage facility locations and types to the NPMS.

Breakout Tanks

Subject to security concerns, TPA does not oppose the submission of this attribute as proposed.

LNG Attributes

Subject to security concerns, TPA does not oppose the submission of this attribute as proposed.

CONCLUSION

TPA has attempted through these comments to refine its earlier comments on the proposed increased attributes for submission to the NPMS. TPA appreciates the areas where PHMSA has been sensitive to operator concerns and modified its proposal. TPA remains generally supportive of enhanced transparency through the NPMS, but that transparency must be tempered by security concerns. TPA is ready and willing to engage with PHMSA on the necessary discussions to arrive at a final set of attributes for NPMS submission if PHMSA chooses not to utilize a government/public/industry work group as has been used in past NPMS revisions. If you have any questions, concerning these comments, please contact me at 512-478-2871 or Charles Yarbrough, Chair of the TPA Pipeline Safety Committee, at 214-206-2809.

Respectfully submitted,

TEXAS PIPELINE ASSOCIATION

By: _____

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