

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

Pipeline Safety: Request for Revision of a)
Previously Approved Information) Docket No. PHMSA–2014–0092
Collection—National Pipeline Mapping)
System)

**COMMENTS AND REQUEST FOR INITIATION OF WORKING
GROUP PROCESS OF THE AMERICAN PETROLEUM INSTITUTE
AND THE ASSOCIATION OF OIL PIPE LINES**

The American Petroleum Institute (“API”) and the Association of Oil Pipe Lines (“AOPL”) appreciate the opportunity to comment in response to the Notice and request for public comment concerning the proposed “Request for Revision of a Previously Approved Information Collection - National Pipeline Mapping System (OMB Control No. 2137-0596)” (hereinafter “Notice”)¹ issued by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”). API and AOPL and members support the modernization of the National Pipeline Mapping System (“NPMS”), improving the accuracy of data submitted, and the inclusion of additional information. API and AOPL members stand ready to work toward development of a revised NPMS consistent with the goals of continuously improving the effectiveness of pipeline safety programs, enhancing the ability of emergency response personnel to provide more effective assistance in the event of a pipeline incident, and promoting public awareness of pipeline infrastructure. Notwithstanding this general support, the significant number of additional pipeline system attributes and the high levels of accuracy proposed for collection in the Notice raise a number of serious concerns that require further consideration before PHMSA moves forward with, and the Office of Management and Budget (“OMB”) approves, an information collection request (“Information Collection”) for a revised NPMS.

I. Request For Initiation of Working Group Process

API and AOPL appreciated PHMSA’s decision to hold a public workshop on November 17, 2014 to discuss the proposed Information Collection. As was evident from the discussions during the workshop, the proposed Information Collection raises numerous concerns that could best be resolved through further collaboration between PHMSA and interested stakeholders. Although the Notice has been characterized as a simple proposal to “revise and renew” the NPMS, API and AOPL submit that the extensive changes and additions proposed amount to a wholesale revision of NPMS.

¹ Request for Revision of a Previously Approved Information Collection—National Pipeline Mapping System Program, 79 Fed. Reg. 44,246 (July 30, 2014) *available at* http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_CED26916549E6246592B3F9EDADC619CA6330300/filename/NPMS-60-Day-FRnotice_July302014.pdf [hereinafter “Information Collection”].

Currently, pipeline operators are required to submit limited data to the NPMS regarding pipeline system attributes such as operator identification number, owner name, system name, commodity, interstate or intrastate nature of the facilities, and pipeline status and location. This information is submitted in order to achieve the original goal of NPMS of improving the awareness of “the location and selected attributes of the major natural gas transmission and hazardous liquid pipelines, and liquefied natural gas facilities.”² The information collection contemplated in the Notice, however, would extend to various other system attributes, including detailed positional accuracy information, maximum operating pressure (“MOP”), pipeline joining method, grade, installation methods, throughput, leak detection systems, high consequence area (“HCA”) “could affect” locations, in-line inspection (“ILI”) and hydrostatic testing information, abandoned lines, and even locations of block valves, storage fields, pump stations, breakout tanks and refineries (some of which, including refineries, are not within PHMSA’s jurisdiction).

Given the sweeping changes contemplated in the Notice, API and AOPL request that PHMSA form a working group and initiate a collaborative process to address the appropriate scope and content of a revised NPMS prior to requesting that OMB approve the proposed information collection. The working group would provide the opportunity for PHMSA, pipeline operators and other stakeholders to carefully consider the array of complex technical, security, operational and information disclosure issues raised by the proposed Information Collection. It would also provide the opportunity to determine whether the collection of specific attributes would provide sufficient benefits to justify the magnitude of resources that pipeline operators would need to expend prior to moving forward with a revised NPMS.

The working group process would be consistent with the approach employed when NPMS was first instituted, whereby PHMSA’s predecessor, the Research and Special Programs Administration (“RSPA”), formed a working group that included representatives from government and industry to develop an appropriate and workable NPMS. The RSPA working group reviewed many issues before launching NPMS, including the ability of pipeline operators to submit data that meets the proposed standards, costs, effort required, the usability of data formats, and the ability of the repositories to process the submitted data.³

As discussed in the comments below, some of the information the Notice seeks to collect is security sensitive, proprietary⁴ and/or otherwise confidential in nature and the Notice does not include any discussion about whether or how the confidentiality of the information will be protected. In addition, the Notice proposes the collection of certain information that pipeline operators generally do not collect in geographic information

² Pipeline Safety: National Pipeline Mapping System, 63 Fed. Reg. 36,030 (July 1, 1998) *available at* <http://www.gpo.gov/fdsys/pkg/FR-1998-07-01/pdf/98-17477.pdf>.

³ *Id.*

⁴ Such proprietary information may include information that can be utilized by competing parties to gain a commercial advantage.

systems (“GIS”) or pipeline open data standard (“PODS”), as well as information that would require the dedication of significant man hours and resources yet would seem to offer limited, if any, improvement in pipeline safety oversight, assistance to emergency responders, or improvement in public awareness. Moreover, much of the additional information sought seems to be focused on not only enhancing the traditional public awareness role of NPMS, but also in pursuit of other regulatory goals that should be considered only after a thorough discussion among PHMSA, the regulated industry, and other interested stakeholders. For example, the Notice indicates that information sought would be used to assist with “risk rankings and evaluations, which are used as a factor in determining pipeline inspection priority and frequency,” and help determine “whether operator IM plans are adequate and complete.”⁵ API and AOPL believe that pursuit of PHMSA’s broader regulatory objectives may be better achieved through a thorough discussion of the issues, and, if necessary, a traditional notice and comment rulemaking process that would allow for the development of an adequate administrative record.

Given the numerous and complex issues raised by the Notice, API and AOPL submit that a working group process would offer an appropriate forum for government, industry, and the public to collaborate on effective solutions, reach a common understanding of how information sought would be used to achieve the agency’s objectives, determine appropriate revisions to NPMS that are achievable, and advance the traditional goals of the NPMS. The liquids pipeline industry stands ready to participate in such a collaborative process and help facilitate the development of appropriate revisions to NPMS.

II. General Concerns With The Proposed Information Collection

A. Protection of Security Sensitive and Other Confidential Information

While the liquids pipeline industry stands ready to collaborate with PHMSA on achieving a more robust NPMS, before the Information Collection moves forward, it is essential that PHMSA ensure that Security Sensitive Information (“SSI”) is categorically excluded from NPMS. As discussed below, several pipeline attributes that are proposed to be collected pursuant to the Notice are classified as SSI,⁶ but this information should be exempt from inclusion in NPMS consistent with the requirements of the Pipeline Safety Act.⁷ Importantly, in a 2012 emergency planning and response tools handout, PHMSA did in fact acknowledge that certain attributes should be excluded from NPMS due to the associated security risks posed by potential disclosure of the information. The

⁵ Information Collection, *supra* note 1 at P 44247.

⁶ SSI is defined as “information obtained or developed in the conduct of security activities, ... the disclosure of which ... would ... (3) Be detrimental to transportation safety.” 49 C.F.R. §15.5. API and AOPL submit that several attributes sought in the Information Collection should be classified as SSI, including MOP, SMYS, could affect HCAs, Special Permit, throughput, mainline block valve, storage field locations, type of storage, refinery locations, pump stations.

⁷ 49 U.S.C. §60132(d). While this provision expressly precludes collection of SSI in connection of mapping HCAs, there is no reason to distinguish between HCA information and other attributes collected for NPMS when it comes to protection of SSI.

handout states that “[d]ue to security concerns, the NPMS does not contain information about pipeline interconnects, pump and compressor stations, valves... throughput or operating pressure” (emphasis added).⁸ Consequently, as described more fully below, API and AOPL oppose the integration of such sensitive attributes into NPMS. API and AOPL request that PHMSA carefully review the security implications of disclosing information that is proposed to be collected pursuant to the Notice, consult with the Department of Homeland Security, safety management professionals, and industry participants, and implement necessary safeguards to protect pipeline and related assets from any increased risk that could result from the Information Collection contemplated in the Notice.

In addition to SSI, the Notice seeks to collect other information that is sensitive in nature but provides no discussion regarding how the information would be protected. It is important to recognize that, if the Information Collection were to be implemented as proposed, NPMS would become a singular public outlet for review of such detailed information as precise locations of pipelines and other infrastructure facilities, along with facility specifications, the location of “could affect” HCAs, and details about the commodity being transported. The security concerns raised by disclosure of such information are heightened further by the fact that NPMS would serve as a one stop shop to gather detailed critical energy infrastructure information across the entire United States.⁹ While furthering the cause of pipeline safety and protection of the environment are of utmost importance, the broad dissemination of the information proposed to be collected could compromise the security of human life and property, including pipeline assets and their operability.

Accordingly, API and AOPL request that PHMSA individually assess each attribute proposed to be collected and its unique security risks.¹⁰ API and AOPL propose that PHMSA should place such attributes into three categories: (1) attributes that are appropriate for widespread public dissemination on the NPMS public viewer; (2) attributes that involve a higher security risk and should be disclosed only to government officials through a password-protected system, the Pipeline Information Mapping Application (“PIMMA”);¹¹ and (3) attributes that pose such a significant security risk that they should be characterized as SSI which should not be collected in NPMS and provided only in the event an official “needs to know.” In the comments set forth below, API and

⁸ *Pipeline Emergency Planning & Response Tools* (Jan. 1, 2012) available at <http://primis.phmsa.dot.gov/comm/publications/PipelineEmergencyPlanning-and-ResponseTools-Article-FireRescue-January2012R2.pdf>. [hereinafter “Emergency Response”]

⁹ In comparison to other energy facilities, pipelines are considered “soft targets,” or readily accessible to attack.

¹⁰ Moreover, pursuant to Section 60132(f) of the Pipeline Safety Act, 49 U.S.C. §60132(d), PHMSA is required to ensure that information collected is not disclosed “except to the extent permitted by section 552 of title 5.”

¹¹ Moreover, as stated at the public workshop, there are 8,000 registered users of PIMMA. Therefore, API and AOPL members request that there be a careful review of the precautions taken by PIMMA users to ensure data security.

AOPL identify the category that should apply to the specific information collections proposed in the Notice.

B. Ensure Benefits to Pipeline Safety Justify the Costs

While the oil pipeline industry supports PHMSA's efforts to update the NPMS, API and AOPL submit that the additional attributes to be included in the NPMS should be focused on continuous improvement to pipeline safety, and that PHMSA should avoid imposing data collections that are unduly burdensome or duplicative, and not seek to collect attributes where the practical utility of the information is not adequately demonstrated.¹²

As discussed below, responding to the proposed data collections would require the dedication of significant resources by pipeline operators. While the Notice estimates that the burden for pipeline operators would equal 420,516 hours, or approximately 229 hours per year per Operator ID,¹³ liquid pipeline operators estimate the dedication of resources would be much more significant and it would take several *years* to acquire and adopt the technology to comply with a number of the information collections. The proposed Information Collection would require operators to hire additional personnel, invest in employee training, and expend resources to revise data compilation and entry procedures. Indeed, based upon feedback from API and AOPL members, operators estimate they would individually incur between \$10.8 million to \$21 million to adopt the technologies, hire personnel, and obtain greater positional accuracy as set forth in the Information Collection.¹⁴

For example, the current file format for NPMS is not conducive to accommodate the level of detailed information sought. Therefore, data that is not geospatially defined would need to be reconfigured to align with the attribute tables and profiles associated

¹² See 5 CFR §1320.5. Under OMB's regulations, an agency must be able to "demonstrate that it has taken every reasonable step to ensure that the proposed collection of information:

- i. is the least burdensome necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives;
- ii. is not duplicative of information otherwise accessible to the agency; and
- iii. has practical utility. The agency shall also seek to minimize the cost to itself of collecting, processing, and using the information, but shall not do so by means of shifting disproportionate costs or burdens onto the public."

¹³ The 229 hour estimate is calculated by dividing the 420,516 hours by the over 550 hazardous liquids, 80 LNG, and 1,200 gas Operator IDS that filed annual reports in 2013. PHMSA Distribution, Transmission & Gathering, LNG, and Liquid Annual Data, *available at* <http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.6f23687cf7b00b0f22e4c6962d9c8789/?vgnextoid=a872dfa122a1d110VgnVCM1000009ed07898RCRD&vgnextchannel=3430fb649a2dc110VgnVCM1000009ed07898RCRD&vgnextfmt=print>

¹⁴ Furthermore, the NPMS National Repository would need to expend a great deal of resources to verify the additions to NPMS. Currently, the NPMS verification process involves seven major steps before data is incorporated into the system. See Minnesota Geographic Metadata Guidelines, National Pipeline Mapping System, *available at* <http://www.mngeo.state.mn.us/chouse/metadata/npms.html>. Each additional attribute would require additional verification and further analysis. Consequently, additional burdens would also be imposed upon government resources.

with the pipe segment. This could entail the integration of multiple databases, and because each pipeline operator has a unique system to store data to meet the needs of its operations, the request would require operators to spend substantial time and effort to process their existing data into a scheme that is compliant with the request (and may be subject to change in subsequent years). Undertaking such a process could require operators to develop entirely new data processing systems in place of existing systems in which they have already invested. The attributes associated with the data would also likely require additional bandwidth and additional time to upload and download, in addition to staffing and database administration expenses.

PHMSA should carefully consider the proposed Information Collection requirements not only to ensure that expenditures of resources are the least burdensome possible, but also to verify the practical utility of the information sought and that the information will make the NPMS a more useful tool for its intended purposes.¹⁵ Indeed, API and AOPL are concerned that, in certain respects, the proposed Information Collection could actually result in making NPMS a less useful tool for those that are intended to benefit from the added information and that the information sought will not advance the goals of continuously improving the effectiveness of pipeline safety programs, enhancing the ability of emergency response personnel to provide more effective assistance in the event of a pipeline incident, and promoting public awareness of pipeline infrastructure.

For example, the additional attributes requested in the Notice could make NPMS unmanageable given the addition of such large data files, and could frustrate the goal of ensuring that NPMS is a nimble and easily manageable data tool. Dynamically segmenting pipelines with all the requested attributes could result in cumbersome and unwieldy data files for both the submitter as well as the NPMS database. Data submissions that were very large to begin with would exponentially increase.¹⁶ The current NPMS, which does not contain the large data files that would be added pursuant to the Notice, already runs slowly. The current shape file size of NPMS can hold only data sizes of up to only two gigabytes, which API and AOPL estimate would be exceeded with the added data requested in the Notice. Consequently, NPMS itself may need to be reconfigured to hold the amount of data that would be collected pursuant to the Notice.

¹⁵ President Obama's Executive Order 13563 directed that federal agencies must "propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs...[and] tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations." Exec. Order No. 13,563 (Jan. 18, 2011) available at <http://www.gpo.gov/fdsys/pkg/FR-2011-01-21/pdf/2011-1385.pdf> The Paperwork Reduction Act similarly states that the Federal Government should "(1) minimize the paperwork burden ... resulting from the collection of information by or for the Federal Government; 2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government." *Paperwork Reduction Act*, 44 U.S.C. §3501 et. seq. 1980.

¹⁶ One operator estimated that the additional bytes in the database would equal: $(100 + ((52+(20y)x) =$ number of bytes, where x represents the number of pipe records (rows in the database) and y represents the average vertices per record.

In many respects, the level of detail that would be added to NPMS would provide a great deal of information that is too technical and cumbersome to benefit emergency responders or increase public awareness. Pipeline operators and local emergency officials already coordinate to develop practices and procedures to ensure an appropriate response in the event of a pipeline incident, as required pursuant to federal regulation.¹⁷ Pipeline operators frequently meet with local emergency personnel, conduct training exercises and speak at town halls to inform the public about living and working safely near pipelines. Pipeline operators are dedicated and committed to working with emergency response agencies to facilitate emergency response planning and community preparedness.¹⁸ However, adding specific information, such as that sought in the Notice (SMYS, MOP, pipe joining method, year of original hydrotest, etc.), is not necessary for emergency response immediately following an incident. In fact, much of this data is the type of information that would be required in a post-incident investigation, rather than used by the public or first-responders, and too much information and data on parameters that are not relevant to the initial response may prove to be a hindrance rather than a benefit. In the event of a release, emergency responders will rely on well-established practices and procedures and direct communication with the operator rather than trying to access a database to obtain pertinent information.

Finally, PHMSA should clarify whether or not the Information Collection would result in duplicative reporting. As discussed below, certain information requested is already available through the Annual Report submitted by pipeline operators. Indeed, PHMSA acknowledges this overlap and seeks comment on how the Information Collection will affect the Annual Report. Further, PHMSA should not impose obligations on pipeline operators to submit information that it already possesses. For instance, the Notice seeks information on special permits, but as the issuer of special permits, PHMSA is already privy to the information it needs from those records. In short, API and AOPL request that PHMSA remove requirements that would provide for duplicative submissions.

C. Phased Implementation of Proposed Information Collection

Given the significant commitment of resources and challenges that would be faced in implementing the proposed Information Collection, for those attributes that pipeline operators are ultimately required to submit, API and AOPL request that PHMSA implement a phased approach over a period of several years for incorporating additional information into the NPMS. This would help both pipeline operators and PHMSA allocate resources as efficiently as possible and help mitigate the burden of implementing the Information Collection.

¹⁷ 49 C.F.R. §195.52; 49 C.F.R. §195.403.

¹⁸ It has been the pipeline operators' experience that such trainings, interactions, pamphlets, and mailings provide emergency responders the necessary information to conduct their operations, and emergency responders concur that this avenue is most effective for transferring important information. A recent INGAA study suggests that emergency responders acquire the information needed by face-to-face interactions.

API and AOPL recommend a three-phase approach. Phase I would consist of attributes that can be readily integrated into GIS systems and would be ready for integration into NPMS in 2016, or the first year of implementation.¹⁹ The timeframe for the Information Collection indicates that 2016 would be the earliest opportunity by which operators would be able to implement and update the NPMS viewer. Phase II would consist of attributes not readily available for incorporation into a GIS system, and require additional time and the ability to budget for integration of attributes into a GIS format. Such attributes would be available for full integration into GIS systems in 2019. Phase III would involve attributes that require the commitment of more extensive resources, investigation and analysis, and may involve alteration of existing systems. As such, more time would be needed to enable operators the opportunity to integrate those attributes into GIS systems. Operators indicate to API and AOPL that they would expect to be able to complete such integration in 2023. API and AOPL request that PHMSA make clear up front that it will consider a variance or waiver of compliance with the Information Collection for situations in which the operator is unable to meet the new reporting obligations but good faith has been demonstrated or extenuating circumstances exist. This would also provide an opportunity for an open dialogue between the operator and PHMSA to resolve issues with impunity. The comments below respond to the specific proposals in the Notice identify the specific Phase by which pipeline operators would strive to fulfill the information request.

D. Definition of “Predominant”

As discussed below, certain proposals in the Notice request attributes based on a “predominant” characteristic (for example, operators are to submit information on the “predominant” pipe grade of a pipeline segment), and, thus, API and AOPL request herein that PHMSA clarify that it is seeking a “predominant” characteristic of an attribute. Both the Operator Standards Manual accompanying the Information Collection, and the Information Collection itself, are void of a definition of the term “predominant.” API and AOPL request that PHMSA define the term “predominant,” for purposes of the Information Collection and the comments submitted herein, as follows: “On a per mile basis, the most utilized pipe characteristic on a pipeline segment (e.g., predominant coating type would be the coating that was used to the greatest extent as compared to other coatings).”

III. Comments on Specific Proposals

1. Positional Accuracy

¹⁹ The proposed dates are based upon OMB approval of the Information Collection in 2015. In the event the Information Collection approval is not approved in 2015, API and AOPL request that PHMSA implement the phased approach starting in the next reporting year, and adjust Phase II and II implementation accordingly.

In the Notice, PHMSA proposes that for pipeline segments located within an HCA or areas that “could-affect” an HCA, pipeline operators submit data to the NPMS with a positional accuracy of five feet. The five-foot positional accuracy standard should not be adopted, as it would be impractical to satisfy in many cases, and, thus, would result in the expenditure of significant resources without any demonstration of sufficient benefits for pipeline safety, and could lead to disclosure of sensitive information. Current technology is not able to consistently offer a five-foot degree of accuracy across all pipeline segments. Obstructions, weather, terrain, and even time of day can impact the surveyed location and satellite image. To help address these concerns, API and AOPL request that a positional accuracy standard of not less than fifty feet for all pipeline segments be adopted.

Indeed, achieving fifty foot positional accuracy for all pipeline segments would still present significant challenges and expenditure of operator resources, which necessitates allowance for a sufficient implementation timeframe. Increasing positional accuracy would require pipelines to adopt, upgrade, or integrate expensive new technologies, re-survey the majority of their pipeline systems, and update the centerline location and associated records. Some operators would be required to build processes to export or integrate data from existing GIS/PODS or other information systems and output it into a new format that would meet the NPMS input requirements. For existing buried pipelines, operators would need to employ either in-line inspection or line-locating techniques to determine centerline position. Operators have estimated that this could take several years to achieve even assuming the utmost perfect conditions. Consequently, if PHMSA seeks a more precise positional accuracy, API and AOPL request that the new standard not be adopted prior to 2019.

PHMSA should also consider the inherent inaccuracies between distinct versions of GIS systems when implementing and updating NPMS. Base maps, or standard geographic maps, are used to identify the location of a pipeline relative to the features of a pipeline’s true location (such as rivers, highways, buildings, etc.) Often, GIS specialists true up a geospatial point with the image depicted on a base map, and periodically update this point when base map updates are issued to retain relative positional accuracy. In addition to appreciating potential differences between an operator’s relative positional GIS data and the NPMS base map, PHMSA should consider the implications from any future adjustments to the base map, as the adjustments could result in a potential loss in geospatial accuracy and precision. API and AOPL note that there is a distinct difference between linear accuracy (the measure along the pipeline) and positional accuracy (geographic location of the pipeline such as latitude and longitude), and that a linear accuracy standard may not be achievable at this time. GIS capabilities are just one example of how a working group process could help address the unique technical issues that arise with the proposed revisions to the NPMS system.

Importantly, before a more precise positional accuracy standard is adopted, it is essential that PHMSA ensure necessary safeguards are implemented to protect against disclosure of sensitive information that would be collected from pipeline operators. As stated above, disclosure of detailed positional accuracy information raises serious

concerns about the security of pipeline infrastructure. Precise positional accuracy information could provide actionable intelligence information that could be used against our homeland, and thereby create an unnecessary risk to the safety and security of human life and property. Moreover, disclosure of more precise positional accuracy information, combined with other attributes in the proposed Information Collection -- such as the location of storage facilities, pipeline throughput, and other segment-specific information -- may offer those that desire to harm our homeland the ability to assess critical energy infrastructure across the country. API and AOPL request that PHMSA carefully consider the potential security risks before moving forward with the collection of more precise positional accuracy and other information discussed in the Notice.

2. Pipe Diameter

PHMSA proposes to require operators to submit data on the nominal diameter of a pipe segment. While API and AOPL do not oppose this information collection, API and AOPL request that PHMSA affirm that only “nominal” information is sought, and not “actual” pipeline diameter information. Given that the NPMS Operator Standards Manual accompanying the Notice²⁰ includes space to include up to three decimal places of data for pipe diameter (suggesting that “actual diameter” rather than “nominal data” is sought), API and AOPL request that PHMSA clarify that only nominal data is requested and adjust the precision implied in the manual consistent with reporting nominal diameter. API and AOPL believe operators can provide pipe diameter starting in 2016 and that this attribute would be appropriate for display on the NPMS public viewer.

3. Maximum Operating Pressure

In the Notice, PHMSA proposes that pipeline operators submit MOP information for each pipeline segment. API and AOPL request that this data collection not be pursued.

It would be extremely burdensome and difficult for liquids pipelines to provide MOP information on a segment-by-segment basis given the variable nature of MOP, which may change across pipeline segments due to factors such as elevation, terrain and climate. In addition to the practical difficulties with reporting consistent MOP information on a segment-by-segment basis, MOP is not currently geospatially defined in operator systems, and is generally maintained in separate systems from the data submitted to NPMS. The integration of MOP information into those systems for submission to NPMS would be costly and time consuming, and, as stated earlier, because of the voluminous data that would need to be collected, would be an extreme burden to the NPMS storage and reporting capabilities.

API and AOPL also question the benefit and practical utility of providing MOP information because it affords opportunities for misinterpretation – pipeline operators

²⁰ Operator Standards Manual, Draft to Accompany Information Collection 2137-0596, (2014) *available at* https://www.npms.phmsa.dot.gov/Documents/Draft_Operator_Standards.pdf.

generally do not operate their systems at MOP, so the disclosure of segmented MOP could confuse or misinform the public or emergency responders regarding actual operating pressures. Moreover, in the event of a release, the pipeline is often depressurized. Therefore, it is difficult to discern how the collection of such information would advance the cause of pipeline safety.

Finally, it is important to recognize that the release of MOP information could increase security risks on specific pipeline segments. Indeed, as stated above, PHMSA's 2012 emergency planning and response tools handout explained that operating pressure information is not included in the NPMS because of security concerns.²¹ Particularly when combined with other information proposed to be collected in the Notice, disclosure of MOP information could be used to target segments of critical infrastructure that could result in significant harm to human life, the environment, and property.

For these reasons, API and AOPL request that PHMSA not pursue this proposed collection.

4. Pipe Grade

The Notice proposes that operators submit information on the "predominant" pipe grade of a pipeline segment. API and AOPL do not oppose this information collection, but pipeline operators will need to devote substantial time and resources to incorporate this information into their GIS systems before the information can be included in the NPMS. Given the time needed to incorporate the information into GIS systems, API and AOPL believe this attribute can be collected starting in 2019.

API and AOPL request that, given the potential security risks of disclosing the pipe grade contemplated in the Notice, PHMSA should ensure that this information remains on the PIMMA website. API and AOPL also request that the term "predominant" be defined as stated above.

5. Specified Minimum Yield Strength ("SMYS")

The Notice proposes that pipeline operators should submit the percent of SMYS at which the pipeline is operating for all pipeline segments. API and AOPL do not oppose this attribute's inclusion in NPMS, but request that PHMSA not initiate this collection until 2019, so that operators have sufficient time to incorporate the information into their GIS systems. In addition, since SMYS demonstrates a particular pipeline segment's vulnerabilities, and given that it would be collected on a segment-specific basis, API and AOPL request that the information be provided PIMMA protection. Further, API and AOPL suggest that this attribute would be most useful if collected in the following SMYS intervals -- <20, 20-50, 50-70, 72+. Finally, in order to avoid duplicative reporting, to the extent that SMYS information is submitted to PHMSA for

²¹ Emergency Response, *supra* note 8.

inclusion in the NPMS, pipeline operators should not also be required to include the information in the Annual Report.

6. Leak Detection

The Notice proposes that operators submit information on the type of leak detection system used for inclusion in the NPMS system. API and AOPL do not oppose this information collection, but ask that NPMS provide sufficient data submission options so that operators can accurately report the types of systems they employ, allow sufficient time to incorporate the information into GIS systems before the information must be included in the NPMS, and protect this information from public disclosure.

API and AOPL note that the operator manual provides limited options for providing a leak detection method, which includes: SCADA-based, computational pipeline monitoring (“CPM”), aerial patrol only, combination aerial/ground patrol, instrumented, ground patrol for gas operators, instrument ground patrol and instrumented air patrol. Since pipeline operator leak detection systems employ multiple methods of leak detection, API and AOPL request that the NPMS allow for more than one leak detection method to be selected from the list. Moreover, PHMSA recognized many leak detection methods in its 2010 Safety of On-Shore Hazardous Liquid Pipeline NPRM,²² and should ensure those leak detection methods are properly captured in the selections offered.

For most operators, leak detection methods are not currently available in a geospatial format, but are housed in separate systems. Consequently, operators will need time to update technologies and transfer the information into a GIS format. As such, API and AOPL believe that Leak Detection systems can be incorporated into the NPMS system starting in 2019. PHMSA should ensure that this attribute is included only in the password-protected PIMMA website, as the methods used by pipeline operators to monitor for leaks is sensitive by its very nature and should not be available for public viewing.

7. Pipe Coating/Type of Coating

PHMSA proposes that operators include the level of and types of coating on a pipeline segment in the NPMS system. API and AOPL note that pipe coating may vary with some frequency throughout a pipeline system. In some instances, pipe joint coating may even differ from body coating (i.e., field applied coatings for girth welds versus mill applied coatings) and there can be several different coatings on pipeline systems due to anomaly repair and recoat projects. API and AOPL request that PHMSA only require the “predominant” pipe coating of segments as part of the

²² Safety of On-Shore Hazardous Liquid Pipelines, 75 Fed. Reg. 63,774 (Oct. 18, 2010) *available at* <http://www.gpo.gov/fdsys/pkg/FR-2010-10-18/pdf/2010-26006.pdf>.

submittal process, and provide a clear definition of the term “predominant,” as requested above.

API and AOPL also note that PHMSA’s terminology for pipe coating method departs from the coating terminology utilized by pipeline operators. To accommodate for the extensive remapping and synchronization of terms, API and AOPL request that PHMSA implement this requirement in Phase III, or 2023. In addition, API and AOPL request that this information be included on the PIMMA website only. API and AOPL also request that to the extent this information is incorporated into the NPMS, it should no longer be required in the Annual Report, so as to avoid duplicative reporting requirements.

8. Pipe Material

In the Notice, PHMSA proposes that operators submit data on the type of pipe material per segment. Although API and AOPL question the value of this metric since liquids pipelines are generally comprised of steel, API and AOPL members believe that they are able to provide this information to PHMSA starting in 2016, and do not oppose including this information in the NPMS public viewer.

9. Pipe Join Method

In the Notice, PHMSA proposes to require that operators submit data on the pipe joining method. While the Notice states that this information is used by PHMSA in determining pipeline inspection priority and frequency, API and AOPL question the need to collect such information in NPMS, and any plan to do so should consider the costs and burdens that would be incurred by pipeline operators and the time needed to prepare reporting this information to NPMS. Although API and AOPL have reservations about the utility of this information, they do not oppose this information collection. That being said, pipeline operators will need sufficient time to incorporate this information into GIS systems before it is included in the NPMS. Therefore, API and AOPL request that pipe joining method data be integrated into the NPMS system beginning in 2019. API and AOPL request that this information be included on the PIMMA website only.

10. Year of Construction/Installation

In the Notice, PHMSA proposes that operators submit data on the “predominant” year of original construction (or installation) of pipelines. PHMSA suggests that collecting this information geospatially rather than through the Annual Report, in tabular form, will help its risk-ranking algorithms and relating pipe attributes to surrounding geographical areas.

API and AOPL request that PHMSA clarify that repairs and replacements are not sought in this attribute, and that only the original year of pipe construction is sought unless 50% or more of a given segment has been replaced or repaired from the year of

original pipe construction. Further, API and AOPL request that pipe constructed before 1990 need only be identified by decade.

With the clarifications requested above, API and AOPL members believe that they can accommodate such an information collection starting in 2016, although they request that this attribute be included on the PIMMA website only.

11. High Consequence “Could Affect” Information

The Pipeline Safety Act directs PHMSA to maintain as part of the NPMS a map of high consequence areas.²³ Importantly, the requirement to map HCAs excludes proprietary or sensitive security information.²⁴ In the Notice, PHMSA proposes that operators identify pipe segments which *could affect* HCAs as defined by 49 C.F.R § 195.450. Notably, the statute seeks actual HCA location while the Information Collection seeks information on *could affect* HCAs. The accompanying Operator Manual further categorizes “could affect” HCAs into subcategories such as Drinking Water HCAs, Ecological HCAs, or Commercially Navigable Waterways HCAs.

Although HCA information is already available in the public domain, API and AOPL have concerns with PHMSA seeking identification of the “could affect” areas. Different states, operators, and “could affect” HCA datasets could lead to potential mismatches of mapping information. Furthermore, the potential security risks associated with consolidating, identifying, and preparing for widespread public consumption, all areas where pipeline releases could cause the greatest impact across the country should be carefully considered, and may likely outweigh any benefit derived from collecting this information.

To the extent that PHMSA moves forward with this information collection, API and AOPL request that it be narrowed to eliminate collection of “could affect” data, so that it does not exceed the authority granted to PHMSA in the Pipeline Safety Act.

12. Onshore/Offshore Pipeline Designations

The Notice proposes that operators should designate whether a pipe segment is onshore or offshore. In the Notice, PHMSA acknowledges that there is no universally accepted onshore/offshore boundary, making comparisons between the NPMS offshore mileage statistics and operator-generated annual report offshore mileage statistics (reported in Part H) inconsistent.

API and AOPL request that, before implementing this information collection, PHMSA provide pipeline operators its shape file for onshore and offshore designations to determine such designations. This would streamline and clarify the onshore/offshore determinations for all stakeholders. Reporting guidance is also requested for unique

²³ 40 U.S.C. § 60132 (2012).

²⁴ *Id.* at 60132(d).

instances, such as how to report on pipeline segments that cross between onshore and offshore boundaries.

API and AOPL believe that this attribute could be integrated in Phase I, or 2016, so long as the onshore-offshore designations have been clearly defined and provided to operators. API and AOPL request this attribute be included on the PIMMA password-protected site.

13. In-line Inspection

In the Notice, PHMSA proposes that operators should indicate whether each system is capable of accommodating ILI tools. The Notice states that this information will help PHMSA determine the percentage of the pipeline industry already employing ILI assessments.

API and AOPL submit that such information will not be meaningful or useful for the general public or emergency responders, who are unlikely to understand the general rules, requirements, and expense associated with running in-line inspection technologies. For example, an API and AOPL internal survey demonstrates that operators have run in-line inspection tools through more pipeline mileage than required by law.²⁵ However, given the difficulties for members of the general public to understand the complexities of in-line inspection technologies, operators' information may be misinterpreted or misunderstood.

Moreover, any ILI capability information provided in NPMS should not be used for determining the percentage of the pipeline industry actually employing ILI assessments. Some vendors may not run ILI tools through certain lines although an operator may have classified the line as piggable due to varying criteria. Additional factors, such as product or operating conditions, may also hinder ILI capabilities. Therefore, API and AOPL request that PHMSA recognize the differences in ILI thresholds, and refrain from employing metrics that may unfairly depict the efforts of pipeline operators and inaccurately reflect the use of ILI technology as an IMP tool.

Subject to the clarifications above, API and AOPL members are willing to work with PHMSA on achieving their goals and believe they can provide ILI capabilities in Phase I, or 2016, but request that this information be included only on the PIMMA website.

14. Year of Last In-line Inspection and Year of Last Direct Assessment

PHMSA also proposes to collect data detailing the year of a pipeline's last corrosion, dent, crack or "other" ILI inspection, and to collect the year of the last direct assessment. API and AOPL request that PHMSA allow operators sufficient time to

²⁵ API/AOPL 2010 survey.

integrate these features in a GIS format, and request Phase II, or 2019 rollout, and that this information be included on the PIMMA website.

15. Year and Pressure of Original and Last Hydrostatic Test

In the Notice, PHMSA proposes to collect data on a pipeline's original and most recent hydrostatic test years and pressures. PHMSA indicates that this information will be used for pipeline risk calculations and to verify a pipeline's integrity, but the Notice does not contain any demonstration of the benefit of disclosing such information to the general public and emergency responders through NPMS. Including original hydrotest information in NPMS seems misplaced, as it does not offer a meaningful data point, particularly if the most recent hydrostatic test is being reported. Furthermore, liquid pipeline operators have the option to use a risk-based alternative to hydrostatic testing and consequently not all pipelines undergo hydrotesting.²⁶ API and AOPL request that PHMSA only require the year of the most recent hydrostatic test in the NPMS system. API and AOPL believe such attributes can be integrated into a GIS system, and thus included in the NPMS, in Phase II, or 2019, and should be disclosed only on the PIMMA website.

16. Commodity Detail

The Information Collection seeks details for commodities transported through each system. The type of detail sought includes grades of crudes such as sweet or sour, as well as refined and blended commodities. API and AOPL submit that this level of detail is unnecessary, and may be difficult to provide since most operators transport a variety of different commodities, products, and grades. API and AOPL request that PHMSA only require reporting of broader commodity categories -- crude, refined products, NGLs/HVLs -- and ensure that several commodities may be selected during the submission process. API and AOPL believe this attribute can be incorporated into the NPMS in Phase I, or 2016, and request that it be included on the PIMMA website. To the extent that this information is duplicative with the Annual Report, API and AOPL request that PHMSA remove such information from the Annual Report.

17. Special Permit

PHMSA proposes that pipeline operators submit whether a pipe segment is part of a PHMSA Special Permit and thus would have a different MOP than would otherwise be displayed in NPMS. API and AOPL note that, as the issuer of special permits, PHMSA already has this information, and that a resubmission in NPMS is unnecessary and duplicative. Furthermore, it may be difficult to upload special permit information into the existing system, and it would be difficult to maintain its accuracy, given that the NPMS submittal is on an annual basis while special permits are issued throughout the year. To the extent that PHMSA is seeking MOP information contained within Special Permits, API and AOPL also restate the prior concerns about disclosure of MOP

²⁶ 49 C.F.R. § 195.303.

information in a public fashion. For these reasons, API and AOPL request that PHMSA not implement this information collection.

18. Wall Thickness

PHMSA proposes to collect data on the nominal wall thickness of a pipe. Since most pipeline operators do not currently store this information in their GIS systems, API and AOPL request that PHMSA provide more time to integrate this information into its GIS system, and request that PHMSA clarify that it is seeking “predominant” wall thickness, as discussed above. API and AOPL request that PHMSA include this attribute in Phase II, or 2019, and include this information only on the PIMMA password-protected website.

19. Seam Type

PHMSA proposes that operators submit data on the seam type of each pipe segment. As seam types may vary within pipeline segments, API and AOPL request that PHMSA clarify that it is seeking only the “predominant” type and define “predominant” as proposed above. Liquid pipeline operators believe they would be able to provide this information in Phase II, or 2019, once it is incorporated into GIS systems, and request that it be included only on the PIMMA website.

20. Abandoned Pipeline

In the Notice, PHMSA proposes that all hazardous liquid pipelines abandoned after the effective date of this Information Collection be submitted for inclusion in the NPMS. So long as this requirement is applied prospectively only, to lines abandoned after the final information collection is issued, API and AOPL believe that this attribute can be incorporated into the GIS system in Phase I, or 2016. API and AOPL support including this information in the NPMS public viewer in order to help bring awareness to the public that a pipeline exists in the community.

21. Installation Method if Pipe Crosses Body of Water Greater Than 100 Feet in Width

PHMSA proposes that operators should submit data on the installation methods of pipe segments that cross bodies of water greater than 100 feet in width. API and AOPL question the value of incorporating this information in the NPMS system. The installation method of pipelines is an engineering metric, which would seem misplaced in the NPMS. PHMSA asserts that this information would allow inspectors to determine potential depth of cover for pipelines, but depth of cover information cannot be determined based solely on the installation method. In addition, this parameter is subject to change due to the dynamics of river flow and sediment transport, rendering any distinction in installation practices moot.

If PHMSA requires this metric for its internal use, despite the lack of practical utility of the information, then API and AOPL request that this attribute be maintained on the PIMMA website. Because the metric is not currently housed in operators' GIS systems, API and AOPL believe that liquids pipelines would need to incorporate this metric into NPMS starting in Phase II, or 2019.

22. Facility Response Plan

In the Notice, PHMSA proposes that operators submit the Facility Response Plan control number and sequence number for applicable liquid pipeline segments. API and AOPL request that PHMSA clarify that it seeks only the plan number, not the entire plan itself. With this clarification, API and AOPL believe that operators will be able to provide the Facility Response Plan number in Phase I, and request that this information be maintained on the PIMMA website.

23. Throughput

In the Notice, PHMSA proposes that operators submit average daily throughput by pipeline segment. The Notice indicates that this information would be used by states to identify shortages and implement contingency plans for potential widespread pipeline service outages to maintain an uninterrupted flow of energy supplies.

API and AOPL request that this information collection not be adopted, as the proposal extends beyond the bounds of PHMSA's statutory authority to regulate pipeline safety, would collect commercially sensitive information that would not be useful in advancing the cause of pipeline safety, and, when combined with other data in the NPMS system, could raise security concerns.

Pipeline operators submit throughput data to the Federal Energy Regulatory Commission ("FERC") on a system-wide basis in quarterly and annual reports. While providing throughput data for inclusion in the NPMS would be misplaced, to the extent any throughput data is collected, this reporting requirement should not be imposed on a segmented basis. Segmented throughput data could be used for competitive advantage by competing transportation modes and pipeline shippers, and is consequently commercially sensitive²⁷ As such, the only throughput data that would be appropriate to collect, if any, would be the type of system-wide data reported to FERC. Average daily throughput information, as well as the system-wide data reported to FERC, would provide little help to states seeking to respond to energy supply disruptions or service outages because that data derives from normal operations and not emergency conditions.

API and AOPL are also concerned that public disclosure of segmented average daily throughput data on a geospatial basis could raise security concerns. Indeed, throughput is one of the attributes that PHMSA previously acknowledged was excluded

²⁷ Under section 552(b)(4) of title 5, confidential commercial information is exempt from public disclosure and, therefore, pursuant to 49 U.S.C. §60132(d), shall not be disclosed through the NPMS. *Supra* note 10.

from the NPMS system due to security concerns.²⁸ As mentioned above, in a 2012 emergency planning and response tools handout PHMSA recognized the security risks of disclosing pipeline throughput data in NPMS. Such data, when combined with the other sensitive data proposed to be collected, could be used to target commercially significant pipeline infrastructure.

Accordingly, API and AOPL request that PHMSA thoroughly consider whether this information collection is consistent with the bounds of its statutory authority, the potential security implications of collecting this and other detailed pipeline data, and whether or not disclosing the information in a readily available geospatial format is appropriate. The information collection request goes well beyond the bounds of most, if not all, GIS infrastructures established by pipeline operators to support management of their systems and assets. API and AOPL request that PHMSA not collect information on this attribute.

24. Mainline Block Valve Locations

In the Notice, PHMSA proposes that operators submit a geospatial point file containing the locations of mainline block valves, the type of valves and the type of valve operators. API and AOPL note that valves are one of the attributes PHMSA specifically excluded from NPMS due to security concerns.²⁹ Security risks have only increased since the inception of NPMS and consequently PHMSA should not implement provisions that would abandon those precautions. API and AOPL request that PHMSA not pursue requiring collection of this attribute, given the security concerns and that there has been no demonstration that such information is needed to improve pipeline safety.

25. Storage Field Locations and Type of Storage

PHMSA proposes that operators submit a geospatial polygon file containing the locations of storage fields and the field type. Since PHMSA's jurisdiction over storage fields varies and is based upon the configuration of such storage facilities, API and AOPL request that PHMSA not pursue this information reporting requirement, as it would seek information on assets that are not within the scope of its regulatory authority.³⁰ In addition, disclosure of storage field locations raises proprietary concerns, particularly when coupled with disclosure of detailed information about the commodity. Such reporting would signal to other entities the capability of product storage and could potentially result in inconsistent reporting, as company structures may dictate which assets are reported by refineries, and which are reported through pipeline systems. It should also be noted that reporting storage information on a geospatial basis as sought in

²⁸ Emergency Response, *supra* note 8.

²⁹ *Id.*

³⁰ See 49 CFR § 195.1; See also PHMSA Response Letter (Feb. 28, 2012) available at <http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.6f23687cf7b00b0f22e4c6962d9c8789/?vgnextoid=c269ea5e3eee5310VgnVCM1000001ecb7898RCRD&vgnnextchannel=9574d7dcb2588110VgnVCM100009ed07898RCRD&vgnnextfmt=print>.

the Notice would raise considerable security concerns that would need to be addressed. API and AOPL request that PHMSA not pursue requiring collection of this attribute, given the security concerns and that there has been no demonstration that such information is needed to improve pipeline safety.

26. Refinery Locations

In the Notice, PHMSA proposes that liquid pipeline operators submit a geospatial point file containing the locations of refineries. API, and AOPL oppose this proposal. Refineries remain outside the scope of PHMSA jurisdiction,³¹ and PHMSA's promulgation of regulatory requirements on non-jurisdictional assets is beyond the scope of its authority. Notably, the Pipeline Safety Act contains no provision authorizing PHMSA to collect information with respect to facilities or entities that are outside of its jurisdiction.³²

Refineries are separate entities from pipeline operators. Although pipelines may be physically connected to refineries, legal, business, and jurisdictional boundaries between the entities exist. The proposal would place pipeline operators in the unreasonable position of needing to satisfy information disclosure requirements of assets that they do not own or control. Therefore, API and AOPL request that PHMSA not adopt this proposal.

27. Breakout Tanks

In the Notice, PHMSA proposes to require the submission of breakout tank data. API and AOPL believe that breakout tank location can be integrated into GIS systems in Phase I, or 2016. Given that disclosure of breakout tank location would show the precise area where large quantities of liquids commodity is stored, and consequently elevate the security risks of those locations, API and AOPL request that breakout tank locations only be included on the PIMMA website.

28. Pump Stations

In the Notice, PHMSA proposes that operators submit a geospatial point file containing the locations of pump stations. API and AOPL have serious security concerns with providing the exact location of such vital infrastructure. Indeed pump stations were one of the attributes that PHMSA specifically excluded from NPMS due to security considerations,³³ and concerns with the vulnerability of energy infrastructure have become more acute since the emergency response handout was released. Pump stations play a vital role in ensuring liquid commodities maintain sufficient pressure to be transported safely through a pipeline. A targeted attack on pump stations could

³¹ Memorandum of Understanding between DOT and EPA on Transportation-Related Facilities (1971), available at http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/1971_DOT_EPA.pdf

³² 49 U.S.C. § 60132.

³³ *Id.*

potentially disrupt entire pipeline systems and cause widespread harm. Given the security concerns and that there has been no demonstration that such information is needed to improve pipeline safety, API and AOPL request that PHMSA not proceed with collection of this attribute in NPMS.

IV. Conclusion

API and AOPL appreciate the opportunity to comment on the NPMS changes being considered by PHMSA and request that PHMSA modify the proposed Information Collection consistent with the comments contained herein.

Respectfully submitted,



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