

should not be combined.

II. Instructions for Volume Spilled (Part A9) and Volume Recovered (Part A11)

API and AOPL oppose PHMSA’s proposal to change the instructions for reporting spill volume. The Notice proposes to require operators to report all product exiting the pipeline system in the event of a release, and mistakenly states that prior to 2010, “operators generally included all product exiting the system as volume spilled.” Indeed, it is highly unlikely that pipeline operators previously reported liquid removed from a pipeline during a controlled event (such as liquids removed by vac truck or transferred from the pipeline to temporary storage as part of recovery/repair efforts) as “release volume” as there was no indication in the instructions that such volumes were to be reported.⁴ Therefore, API and AOPL request that PHMSA clarify that volume exiting a system during a controlled event are not to be reported.

API and AOPL submit that PHMSA’s proposed change would not enhance pipeline safety, but rather, could very well incorrectly divert attention from true issues involving high volume releases to incidents with artificially inflated release volumes. A controlled event does not pose the same public safety or environmental concerns as an uncontrolled release, so incorporating these volumes could incorrectly magnify the significance of an event. In fact, PHMSA revised these very instructions only last year, and directed operators to report that the end of a volume spill occurs at the point where the operator gains control of the release and begins immediately to collect the product as it exits the system. API and AOPL supported the change to the instructions made in 2012 and request the current instructions be maintained, as they correctly reflect operator practice, and will allow PHMSA and operators to more accurately identify priorities.

To eliminate further confusion regarding the reporting requirements of this section, API and AOPL also request that the current language in the instruction that reads “Liquid volume released from the pipeline facility but immediately collected by the operator should not be included in the unintentional spill volume” be revised to read as follows:

Liquid volume removed from the pipeline system⁵ in a controlled manner during

⁴ API and AOPL surmise that this proposal may stem from the reporting of blowdown for HVL and/or CO2 releases. Traditionally the amount of HVL/CO2 that was released during a “blowdown” phase was included in the overall volume. However, as reflected in question 10, volumes involved in “blowdown” are now captured separately from the amount of volume lost in the actual uncontrolled release. For purposes of analyzing data trends for HVL releases, the volume of unintentional and intentional releases for HVL and/or CO2 releases could be combined. The issue of a blowdown for HVL and/or CO2 releases does not exist for releases of other liquids.

⁵ API and AOPL request that PHMSA replace the term “facility” with “system” in this section of the Report to correspond with the terminology incorporated in 49 C.F.R. § 195.50. Section 195.50 states, “An accident report is required for each failure in a pipeline *system* subject to this part in which there is a release of the hazardous liquid...” (emphasis added). Indeed, the regulations further distinguish between pipeline systems and pipeline facilities in 49 C.F.R. § 195.2, which defines both terms. The regulations define the term “pipeline system” as “all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.” The regulations define the term “pipeline facility” as “new and existing pipe, rights-of-way and

recover/repair operations that does not affect the environment should not be included in the unintentional spill volume.

This modification will harmonize the instructions with the terminology utilized in the regulations.

III. Revise Instructions for Time Sequence (Part A18)

API and AOPL request that PHMSA revise the instructions for time sequence (Part 18A) to clarify reporting requirements for this Part, which requests the “Local time Operator identified Accident” and “Local time Operator resources arrived on site.” The instructions for this Part direct operators to report when “the operator became aware of the accident,” although what constitutes “awareness of the accident” is open to wide interpretation.

Each release is the result of a unique set of facts and circumstances, and the two time sequences requested on the Report may not always yield an accurate portrayal of the operator response time. For example, a control room may receive an alarm or notice of an anomaly in the SCADA data and shut down a pipeline as a precaution, but the existence of an accident may not be “identified” until the pipeline is excavated, the failure is located, or the pipeline’s product is viewed. Therefore, API and AOPL request that PHMSA alter the instructions to direct operators to input “the time when an operator discovers the accident.” According to PHMSA’s established policy, discovery of an accident occurs “when an operator’s representative has adequate information from which to conclude the probable existence”⁶ of an accident. This instruction would not only establish clear parameters regarding the time that should be reported, but utilizing the term “discovery” would match the terminology used in the safety-related regulations, which is already familiar to operators. PHMSA should also replace the term “identified,” that is currently used at item 18A in Form 7000-1, with the term “discovered,” to enhance consistency.

IV. Revise Instructions for National Response Center (NRC) Report Number

In the Notice, PHMSA proposes to revise the Report to require an NRC number in every Accident Report. PHMSA proposes that operators be required to provide an NRC number or select one of the following options: NRC notification not required, NRC notification required but not made, or NRC report number not known. In circumstances where multiple NRC reports are issued, PHMSA proposes that the first NRC number would be placed in the field, and the remaining NRC number(s) would be placed in Part H - Narrative.

The proposal on the treatment of NRC numbers does not take into account the requirements on NRC reporting adopted in the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (the “Act”). Specifically, under Section 9(C) of the Act, the National

any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.”

⁶ Transportation of Gas and Hazardous Liquids by Pipeline; Reporting Safety - Related Conditions; Discovery of Conditions by Smart Pigs; Enforcement Rules, 54 Fed. Reg. 32,342 (Oct. 7, 1989).

Response Center is required, after receiving revisions on specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities, to update its initial Report on an accident or incident instead of generating a new Report.⁷ Consequently, once the NRC adopts its new practice, the concern with the treatment of NRC numbers will most likely no longer exist, as this directive eliminates the need for multiple NRC Reports and report numbers. API and AOPL request, therefore, that PHMSA delay any adoption of changes to the reporting of NRC numbers until after the NRC has adopted its new practice to avoid the need for yet further revisions soon thereafter.

If PHMSA nevertheless moves forward with revising the treatment of NRC numbers, API and AOPL request that the language for the option “NRC notification required but not made” be altered to state, or at least that another option be added to state, “NRC notification not required at time of release.” This modification, or added option, would acknowledge the reality that NRC notification may not initially be required following an incident due to the release size, or because the cost to repair is unknown or initially underestimated, but subsequent events, such as increased repair costs, may trigger an NRC notification.

V. Incorporation by Reference of Industry Standard on Leak Detection

API and AOPL submit that PHMSA’s proposal in Section C of the Notice, and the reasons for modifications proposed in Section C, are unclear, and therefore request that PHMSA not implement these proposals until it clarifies its objectives and provides an assessment of the benefits and burdens of the proposals.

For example, the Notice references API standard 1130 for computational pipeline monitoring (CPM) and states that, “This information is currently collected under OMB Control No. 2137–0598. Because this recordkeeping requirement is unique to hazardous liquid operators, PHMSA proposes to incorporate it into this package that currently contains recordkeeping and reporting requirements for hazardous liquid operators.” The purpose of the proposed incorporation of this information is unclear. Insofar as PHMSA is proposing to incorporate computational pipeline monitoring information collection into the Form 7000-1, Hazardous Liquid Pipeline Systems Accident Report, API and AOPL oppose such a proposal. CPM information is used in combination with SCADA systems to detect leaks, which is unrelated to the data reported following a release, and these separate concepts should not be commingled. Insofar as PHMSA is trying to achieve a different objective, then the proposal should be revised and explained accordingly.

The Notice also mistakenly states that “API 1130 section 4.2 provides information collection and maintenance guidance on many factors such as measurement capabilities,

⁷ Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, 112 Pub. L. No. 90, 125 Stat. 1904 (2012). Section 9(c) states the following: “(c) Updating of Reports - After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.”

communications reliability, pipeline operating condition, and product type.” API 1130 section 4.2 provides a list of desirable CPM features and functionality that improve the performance of a CPM system or add to the utility of a CPM system, but does not provide “information collection and maintenance guidance” as the Notice suggests. Further, the Notice imprecisely states that “Sections 195.134 and 195.444 of the Federal pipeline safety regulations require operators of hazardous liquid pipeline facilities installing new CPM leak detection systems or replacing components of existing CPM systems to comply with section 4.2 of the American Petroleum Institute’s recommended practice API 1130 ‘Computational Pipeline Monitoring for Liquid Pipelines’ (API 1130).” However, Section 195.444⁸ does not specifically cite section 4.2 of API 1130, but rather broadly cites to the overall standard.

As indicated above, PHMSA’s proposal in Section C is unclear, and API and AOPL request that PHMSA not implement this section until it issues a subsequent Notice clarifying its objectives and justifying the additional burdens and benefits of collecting this information.

VI. Revise Instructions for Accident Preparer and Authorizer

In the Notice, PHMSA proposes to collect the name, email address, and phone number of the preparer of every Report. API and AOPL submit it is important to make clear that this revision will provide information that would allow the general public to obtain direct contact information for the preparer of the Report, and request that PHMSA set forth a clear indication on both the instructions and on the form that the contact information listed will be available to the general public. Such instruction will increase awareness of the information’s intended public nature.

VII. Publication of Narratives


Recently, PHMSA altered a long-standing policy and began to publicly disclose Part H, the narrative portion of the Report, without providing an opportunity for public comment on this change in policy. API and AOPL recognize that disclosing information contained in the narrative may be beneficial, but request that PHMSA redact names and addresses of specific pipeline employees and other individuals included in Part H before making the narrative available to the general public. Redacting the contact information will protect employees and members of the general public that were involved with the incident from unsolicited requests from the public, press, and others. Indeed, at the time that previous reports were submitted, the responders’ contact information was not made publicly available, and therefore, the preparer of the Report was not put on notice that this information would be widely available. Thus, redacting names and addresses of employees and other individuals will be a positive step towards safeguarding privacy.

⁸ 49 C.F.R. § 195.444. Section 195.444 states the following: “CPM leak detection. Each computational pipeline monitoring (CPM) leak detection system installed on a hazardous liquid pipeline transporting liquid in single phase (without gas in the liquid) must comply with API 1130 in operating, maintaining, testing, record keeping, and dispatcher training of the system.”

VIII. Conclusion

AOPL and API appreciate the opportunity to comment on the proposed changes to the Annual Report for Hazardous Liquid Pipeline Systems and the attendant proposal on API 1130.

Sincerely,



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