



July 22, 2016

Via www.regulations.gov

Desk Officer for PHMSA
Office of Budget and Management
Executive Office of the President of the United States
725 17th Street NW
Washington, DC 20503

Re: Pipeline Safety: Request for Revision of a Previously Approved Information Collection – National Pipeline Mapping System Program (OMB Control No. 2137-0596), Docket No. PHMSA-2014-0092

Desk Officer for PHMSA,

The Interstate Natural Gas Association of America (INGAA), a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry in North America, respectfully submits these comments in response to the Pipeline and Hazardous Materials Safety Administration (PHMSA)'s Notice and request for comments regarding Docket ID: PHMSA-2014-0092.

INGAA appreciates your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Terry Boss". The signature is written in a cursive, flowing style.

Terry Boss
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INGAA appreciates the opportunity to provide comments on proposed revisions to the National Pipeline Mapping System (NPMS) data collection program and associated Operator Standards Manual (OSM) included in this Docket. INGAA provided comments to PHMSA on earlier versions of the proposed Information Collection Request (ICR) revisions. We recognize PHMSA's consideration of INGAA's previous comments in that PHMSA made several adjustments to the proposed ICR and OSM which clearly reflect industry feedback. INGAA supports PHMSA's goal to strengthen the effectiveness and accuracy of the NPMS and make certain information more accessible to first responders and members of the public. We look forward to continuing to work with PHMSA to finalize the details of the updated system.

In response to the current Notice, INGAA offers the following general comments and recommendations:

1. Modify positional accuracy and seam type requirements to be consistent with "Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines" Notice of Proposed Rulemaking (NPRM), to reduce the burden of both the proposed NPMS ICR revision and the NPRM.
2. Add the following statement to proposed NPMS ICR and OSM: "Except where stricter quality or accuracy requirements are defined in this document, operators should use their best readily-available data and engineering judgment to determine attribute values." INGAA also recommends a clarifying definition for inline inspection.
3. As the proposed NPMS ICR revision and future regulatory activities proceed, INGAA urges PHMSA to prioritize consistency between all rulemakings, forms, and ICRs to assure that information collection is the "least burdensome necessary." Specific examples of inconsistencies that should be addressed are included.
4. Move the due date to March 30 for gas transmission operators to submit NPMS data, in order to minimize the burden on operators of assembling significantly more data than in current submissions.

Detailed comments follow.

Detailed Comments:

Modify Positional Accuracy Requirement for Consistency with Proposed Rulemaking

On April 8, 2016, PHMSA issued "Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines" Notice of Proposed Rulemaking (NPRM). The NPRM introduces Moderate Consequence Areas (MCAs), which would subject some pipeline segments (with lower potential to impact the public than High Consequence Areas (HCAs)) to additional integrity management and data collection requirements. MCAs include areas "within a potential impact circle, as defined in § 192.903, containing five (5) or more buildings intended for human occupancy...."¹ In this NPRM, PHMSA suggests that segments with PIRs containing five or more buildings intended for human occupancy should be subject to more stringent data collection and reporting requirements. There are no requirements in the current Code of Federal Regulations or NPRM related to segments with PIRs containing "one (1) or more buildings." INGAA expects MCAs will become part of data collection and reporting regulations through the adoption of a final MCA definition. Additionally, segments in Class 2 areas would not necessarily be in MCAs.

¹ Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines, 81 Fed. Reg. 20,722 (Apr. 8, 2016) (NPRM).

As such, INGAA recommends modifying the +/- 50 feet accuracy requirement in the proposed OSM to reflect the MCA definition and as follows:²

+/- 50 feet for gas transmission pipeline segments which are in a ~~Class 2~~, Class 3, or Class 4 area; are within a HCA or have **five (5)** or more buildings intended for human occupancy or an identified site (See 49 CFR § 192.903); within its potential impact radius³

It would put unnecessary burden and confusion on operators to require grouping segments by three different and potentially overlapping buckets: “within HCAs,” “within MCAs,” and “within Class 2 areas and/or areas containing one (1) or more buildings intended for human occupancy in the PIR.”

PHMSA Cannot Require NPMS Data to Be “Traceable, Verifiable, and Complete” (TVC)

PHMSA has introduced the concept of “traceable, verifiable, and complete” (TVC) both in Advisory Bulletins⁴ and the NPRM.⁵ INGAA has contested PHMSA’s definition of TVC in its comments to the NPRM.⁶ INGAA notes that although PHMSA used the word “shall” in its Advisory Bulletin (ADB-11-01), the agency cannot introduce new requirements in a guidance document or an ICR. Agencies must engage in the rulemaking process and publish those new requirements in the Code of Federal Regulations.⁷ Guidance documents do not have the force of law.⁸ PHMSA should add the following statement to the proposed NPMS ICR and OSM, to clarify that new (TVC) data quality and recordkeeping requirements are not being rolled out as part of this ICR revision:

Except where stricter quality or accuracy requirements are defined in this document, operators should use their best readily-available data and engineering judgment to determine attribute values.

For example, the proposed OSM lays out specific Positional Accuracy and Geospatial Data requirements, so this data would have exception to the statement above.

² National Pipeline Mapping System Operator Standards Manual, DRAFT to accompany Information Collection 2137-0596 (June, 2016) (OSM).

³ The legend for the redline is as follows: (i) black text represents PHMSA’s proposed changes as set forth in the proposed NPMS ICR and OSM; and (ii) **blue** text (whether struck through or not) represents INGAA’s recommended changes to the proposed NPMS ICR and OSM revisions.

⁴ Pipeline Safety: Establishing Maximum Allowable Operating Pressure or Maximum Operating Pressure Using Record Evidence, and Integrity Management Risk Identification, Assessment, Prevention, and Mitigation, 76 Fed. Reg. 1504, 1506 (Jan. 10, 2011) (Notice of issuance of Advisory Bulletin).

⁵ Pipeline Safety: Verification of Records, 77 Fed. Reg. 26,822, 26,823 (May 7, 2012).

⁶ INGAA Comments on NPRM (Jul. 7, 2016), <http://www.ingaa.org/Filings/2016pipelinesafetycomments.aspx>

⁷ 5 U.S.C. §533.

⁸ *Shalala v. Guernsey Memorial Hospital*, 514 U.S. 87, 99 (1995).

This clarifying statement is consistent with the DOT “Supporting Statement” for the proposed NPMS ICR revision.⁹ In quantifying the burden of extracting and submitting additional attributes, the Statement suggests:

PHMSA believes certain attributes are already being collected by pipeline operators through their GIS systems. PHMSA believes the burden of extracting this data from the GIS system and submitting to PHMSA is minimal. This category of information includes the following attributes: MAOP/MOP, Pipe Grade, SMYS, Inline Inspection Capability, Pipe Material, Pipe Join Method, Decade of Installation, Class Location, High-Consequence Areas for gas pipeline operators, Could-Affect High-Consequence Areas for liquid pipeline operators, Onshore/Offshore, Assessment Method, Assessment Year, Commodity Detail, Wall Thickness, and Seam Type.

PHMSA also estimates 40 hours per operator for extracting and submitting this data. Therefore, INGAA does not believe that PHMSA intends to apply new data quality (TVC) requirements for these attributes. If the TVC requirements, as proposed in the Advisory Bulletins and NPRM, are required for these NPMS attributes, this will certainly require operators to gather large amounts of records and data not currently present in GIS systems. The 40 hours/operator burden estimate would be magnitudes higher. PHMSA should adopt the clarifying data quality statement outlined above in the proposed NPMS ICR and OSM.

Inline Inspections Are Not Sufficiently Defined

Operators have varying definitions of whether a segment is “piggable” or “capable of accepting inline inspection.” The Code of Federal Regulations does not define “inline inspection” in §192.3. For purposes of the NPMS, INGAA suggests that PHMSA adopt the following definition in the OSM:

An instrumented inline inspection segment means a length of pipeline through which a free-swimming commercially available in-line inspection tool can travel without the need for any permanent physical modifications to the pipeline and (1) is capable of assessing the identified threat(s); (2) can inspect the entire circumference of the pipe; and (3) can record or transmit relevant, interpretable inspection data.

The NPRM proposes requirements on certain pipeline segments that “can accommodate inspection by means of instrumented inline inspection tools (i.e., “smart pigs”),” without sufficiently defining “inline inspection.” The proposed NPMS OSM should clearly define this term as recommended above because selections for this NPMS attribute may result in regulatory action in the future.

Seam Type Should Only Be Collected for Pipelines in Class 3 and 4 Areas and HCAs

In the proposed NPMS ICR revision Notice, under “*Seam Type*,” PHMSA states that “PHMSA intends to collect this information with the possibility of limiting it to Classes 3, 4, and HCAs.” If collection of Seam Type data is limited to Classes 3, 4, and HCAs, the proposed NPMS ICR revision would be consistent with the Material Verification requirements proposed in the NPRM. PHMSA should remove the uncertainty here and remain consistent with the NPRM by clarifying in the proposed NPMS ICR and OSM that seam type will only be collected for pipeline segments in Class 3 and Class 4 areas and HCAs.

Inconsistencies Between NPMS and Annual Report Attribute Format Should Be Corrected

⁹ Department of Transportation, Office of the Chief Information Officer, Supporting Statement “National Pipeline Mapping System Program” (Jun. 22, 2016), http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201606-2137-001

There are several inconsistencies between the proposed NPMS ICR revision and the existing PHMSA F 7100.2-1 (rev. 10-2014). These misalignments would require operators to produce two different data sets containing identical information. This would be overly burdensome to operators, with no apparent benefit to PHMSA. As discussed above, PHMSA's burden estimates for the proposed NPMS ICR revision are based on the assumption that operators already have assembled many of the requested data sets; operators should not have to reorganize these data sets to fit slightly different categorizations.

These inconsistencies include:

- The proposed NPMS ICR revision does not include an Unknown option for Percent SMYS, but Part K of the Annual Report includes a category for "Steel pipe Unknown percent of SMYS." In many cases, operators will use MOP/MAOP and grade/specification data to calculate percent SMYS. For some pre-code pipelines, grade/specification is not known because it was not required to be recorded at that time. In those cases, MOP/MAOP has been established based on historical operating data per 49 C.F.R. 192.619. PHMSA notes in the proposed NPMS ICR revision that "when pipe is of unknown or unlisted specification, percent SMYS cannot be calculated." The proposed NPMS ICR and OSM categories should be revised to match the Annual Report categories and include an Unknown option for Percent SMYS.
- The proposed NPMS ICR revision groups all pipe NPS diameters "less than 5" in the same category. Part I of the Annual Report groups all "NPS 4 or less" diameters in the same category. Although the rarity of 5" pipe may make this effectively the same categorization, consistent terminology should be used to avoid confusion. The proposed NPMS ICR and OSM categories should be revised to match the Annual Report categories.
- In the proposed NPMS ICR revision, the Percent SMYS category ranges are slightly different than those in Part K of the Annual Report. For example, the proposed NPMS ICR revision has a Percent SMYS category of "L40 \geq 30% and <40%," while the Annual Report has a Percent SMYS category of "Steel pipe Greater than or equal to 30% SMYS but less than or equal to 40% SMYS." So, a segment operating at 40% SMYS would be grouped differently between the NPMS and Annual Report. The proposed NPMS ICR and OSM categories should be revised to match the Annual Report categories.
- In the proposed NPMS ICR revision, Decade of Install groups segments "Pre-1920" into one category. The Annual Report groups all segments "Pre-1940" into one category. The proposed NPMS ICR and OSM categories should be revised to match the Annual Report categories.
- In the proposed NPMS ICR revision, Type of Pipe Material does not include an option for Wrought Iron. Part P of the Annual Report does include an option for "Wrought Iron." The proposed NPMS ICR and OSM categories should be revised to match the Annual Report categories.

INGAA urges PHMSA to compare the proposed NPMS ICR revision to existing and future PHMSA ICRs and regulations (including Annual and Incident Reports, NPRMs, Advisory Bulletins, etc.) to reduce the data collection and reporting burden on operators where there is no added value.

NPMS Data Deadline for Gas Transmission Pipelines Should Be Extended

Currently, NPMS data is submitted concurrently with annual reports on March 15 for gas transmission operators and on June 15 for hazardous liquid operators. Data must be reported through December 31 of the previous year. For natural gas transmission systems, operators are currently submitting approximately

15 attributes per segment. The proposed NPMS ICR revision adds approximately 21 additional attributes (this count includes compressor and block valve attributes) that apply to natural gas transmission segments. PHMSA is proposing to more than double the amount of attributes that must be gathered for each segment. In order to minimize the burden on operators of assembling significantly more data every year, INGAA recommends that PHMSA and OMB move the deadline to March 30 for gas transmission operators to submit NPMS data. Operators often utilize many of the same resources in assembling Annual Report and NPMS data; staggering the NPMS data deadline 15 days will appreciably ease the burden on operators with minimal impact to PHMSA.

Conclusion:

Data collection and maintenance systems for natural gas transmission pipelines are very complex and resource intensive. Significant preparation goes into the design and configuration of these database systems before the attributes and specifications are finalized. Successful implementation is dependent upon a well-developed plan. Extraordinary time delays and costs can accumulate based on changing specifications and requirements. This situation is illustrated by INGAA's request (ultimately granted by PHMSA) to extend the locational accuracy requirements to 7 years.¹⁰

Presently, there are at least four PHMSA regulatory activities in progress that can affect specifications, requirements and legal obligations of NPMS data collection:

- “Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines (NPRM)”¹¹
- MAOP/MOP Advisory Bulletin¹²
- Information Collection Request revisions to the Incident Report Forms and Instructions¹³
- The proposed NPMS Information Collection Request (ICR) revisions and corresponding changes to the Operator Standards Manual (OSM), which are the subject of these comments

Each of these regulatory activities, separately or in combination, can greatly affect the design, specification and implementation of providing the NPMS information requested under the proposed NPMS ICR revision.

At this juncture, it is unclear what the regulatory requirements will be under the proposed NPMS ICR revision and its descendants. More importantly, changes, deletions, or additions to the NPMS ICR due to future regulatory discretion could significantly affect NPMS implementation and reimplementation efforts over the next several decades. As the proposed NPMS ICR revision stands, many INGAA member companies are planning to “dump and replace” their data sets annually to maintain the integrity of their submittals. There is concern about inadequate integration from year to year, which will only be amplified if attribute definitions and requirements are further modified in the coming years. As future regulatory activities proceed, INGAA urges PHMSA to prioritize consistency between all rulemakings, forms, and ICRs to assure that information collection is the “least burdensome necessary.”¹⁴

¹⁰ INGAA Comments on first NPMS ICR Revision Notice (Dec. 1, 2014). <http://www.ingaa.org/Filings/23141.aspx>

¹¹ Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines, 81 Fed. Reg. 20,722 (Apr. 8, 2016) (NPRM).

¹² Pipeline Safety: Establishing Maximum Allowable Operating Pressure or Maximum Operating Pressure Using Record Evidence, and Integrity Management Risk Identification, Assessment, Prevention, and Mitigation, 76 Fed. Reg. 1504, 1506 (Jan. 10, 2011).

¹³ Pipeline Safety: Information Collection Activities, 81 Fed. Reg. 29,943 (May 13, 2016).

¹⁴ See 44 U.S.C. § 3501 (1995); See also, 5 C.F.R. § 1320.1 *et seq.*

The proposed NPMS OSM states that “Appendix D includes a proposed design, but this and other sections of this document will be thoroughly updated once OMB has approved the Information Collection and PHMSA begins to build the infrastructure needed to accept and process NPMS submissions with the new data.” INGAA urges PHMSA to continue working with industry stakeholders to design and build the referenced NPMS infrastructure; this will assure that the final system effectively achieves PHMSA’s goals in a manner least burdensome to the pipeline industry.