

American Petroleum Institute Association of Oil Pipe Lines

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November 23, 2005

Via Facsimile 202-586-1472

Ms. Julia Souder
Office of Electricity Delivery and Energy Reliability
Room 8H-033
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Re: September 28, 2005 Federal Register Notice of Intent to Prepare a Programmatic Environmental Impact Statement, Amend Relevant Agency Land Use Plans, Conduct Public Scoping Meetings, and Notice of Floodplain and Wetlands Involvement

Dear Ms. Souder:

The American Petroleum Institute (API) and the Association of Oil Pipe Lines (AOPL) recently became aware of the subject Federal Register Notice of Intent (NOI). The members of API and AOPL represent more than 85% of the U.S. hazardous liquid pipeline infrastructure. Unfortunately, the NOI was issued a few days after Hurricane Rita landed on the coast of Texas. Most oil pipeline companies that would be affected by the opportunity to designate corridors were assessing damage to their facilities and pipelines in order to return to full operations. Unfortunately, the scope of the proceeding and the inclusion of pipelines was not clear to us from the caption on the notice on the Programmatic Environmental Impact Statement (PEIS). The comprehensive comments sought through the proceeding were also not clear as the notice only asked a series of general questions about the appropriate scope and approach to the proceeding. The inclusion of more specific questions might have better raised our awareness. For example, the notice might have asked for precise recommendations regarding the location of energy corridors, the size (width) of the energy corridors, or how to address imprecise future infrastructure needs for growing or currently unserved markets and evaluate a compatible use. And finally, the notice was issued by the Department of Energy's electricity assurance office, which is not an office that generally affects pipelines. However, in this case, oil pipelines are greatly impacted and interested in responding to this notice.

Ms. Julia Souder
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
November 23, 2005
Page 2

We request that you consider designating all the existing interstate and intrastate pipeline infrastructure in the 11 affected Western states as energy corridors. In addition, all pipelines currently in the permit application process, and potentially others (e.g., currently unserved or underserved areas that are undergoing significant growth), in the affected area, should also be considered for inclusion in the energy corridors. DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) oversees pipeline safety and environmental impact from an integrity point of view (see 49 CFR Part 195), and has detailed maps of pipeline locations and areas that are unusually sensitive to environmental damage (see 49 CFR Section 195.6). We suggest that you contact PHMSA for more understanding of the hazardous liquid pipeline program. PHMSA can also provide valuable information in order to assist you in scoping the Programmatic EIS for hazardous liquids pipelines. The pipeline infrastructure is identified in the Department of Transportation's (DOT's) National Pipeline Mapping System (NPMS). The NPMS National Repository telephone is 703-317-6205, and their website with contact information is:
<http://www.npms.phmsa.dot.gov/aboutnpms/contactdirectory.htm>.

For future pipeline industry growth, it is important to ensure that new pipelines requiring new rights of way are protected from any potential negative impact by the creation of energy corridors. In some circumstances, expansion in existing rights of way will be required to meet growing energy needs. However, in other circumstances, new pipeline rights of way are likely to be required to expand pipeline service into markets not yet served by that mode of transportation. We must be cautious that through the creation of energy corridors we do not unintentionally limit expansion and development opportunities.

It is vitally important to the nation that there is adequate pipeline capacity to meet future energy needs. The hazardous liquid pipeline companies need additional time in order to evaluate their future plans and identify corridors they would specifically request be designated as energy corridors. We, therefore, respectfully request that a 90-day extension be granted to respond to this notice in order for our member companies to submit individual requests to designate energy corridors for their future pipeline capacity needs.

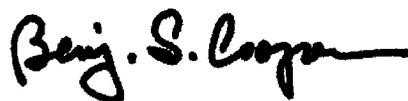
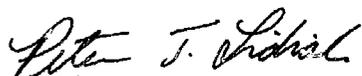
We would also like to know what level of detail you need from the companies in designating these energy corridors, and within what timeline.

Ms. Julia Souder
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
November 23, 2005
Page 3

The legislation specifies that the agencies are to consider compatible uses for existing rights of way. API and AOPL request to be included in the process of discussing compatible uses for rights of way identified by others. API has developed a brochure entitled "Guidelines for Property Development" which is a guide for avoiding damage to pipelines and for use in land development. This brochure will be forwarded to you under separate cover.

We appreciate the opportunity to comment on this issue. Please contact us or Karen Simon, with API, at 202-682-8224 or simonk@api.org if you have any questions.

Sincerely,



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