



Recd 11/5/0

**Enron Transportation
Services Company**

P. O. Box 1188
Houston, TX 77251-1188
713-853-6161

October 30, 2001

Department of the Interior
Minerals Management Service
Mail Stop 4020
381 Elden Street
Herndon, Virginia 20170-4817

Attn: Rules Processing Team (RPT)

RE: [RIN 1010—AC75]
Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Safety Measures
and Procedures for Pipeline Modifications and Repairs

Enron Transportation Services (ETS), which includes Florida Gas Transmission Company, Northern Plains Natural Gas Company, Northern Natural Gas Company, Transwestern Pipeline Company, and Enron Pipeline Services Company, operates over 25,000 miles of natural gas transmission pipelines along with approximately 8000 miles of crude oil pipelines that are subject to the Department of Transportation (DOT) pipeline safety regulations in 49 CFR Parts 190-199. ETS has a strong commitment to pipeline safety, and as such has an interest in any rulemaking that impacts pipeline safety. Although the offshore facilities operated by ETS are under the jurisdiction of DOT and should not be impacted by this Department of Interior, Minerals Management Service (MMS) Proposed Rule based upon the 1996 MOU between DOT and DOI, ETS still wishes to submit comments.

ETS understands the concern on the part of the Minerals Management Service (MMS) for operator safety and the potential impact on the environment due to accidents and releases from offshore pipeline facilities. This proposed rule, however, appears to go beyond the role of a regulatory agency in the promulgation and enforcement of pipeline safety regulations and places the agency in the role of the operator of those facilities. By providing the review and approval of specific operations activities on a case by case basis, MMS is taking on the responsibility for the outcome of those activities as a partner with the operating personnel performing the actual work. As stated in §250.105 Definitions, the "operator" means that person having "control or management of operations" which in the case of the proposed rule would include the proposed activity on the part of MMS. ETS believes that the scope of this proposed rule goes beyond normal regulatory activity and questions whether MMS is prepared to take on the liabilities that are the responsibility of an "operator".

ETS believes that the level of oversight and control as proposed in this rulemaking is not warranted or justified based upon the Background information presented. The fact that one of the more serious accidents mentioned in this Background information happened over 31 years

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ago should not be used as an argument for justification of this rule. The technologies and procedures utilized by pipeline operators have improved considerably since that particular incident. It is not reasonable to promulgate a rulemaking that has such a major impact on pipeline operators based upon historical events that are highly unlikely to ever be repeated due to conditions that have changed so significantly over the time period involved.

Rather than trying to address any potential safety issues by this broad oversight approach, ETS believes that MMS should concentrate on carefully reviewing each operator's procedures for the activities covered by the proposed rulemaking and then use their regulatory authority to cite those operators who do not have adequate procedures and/or do not effectively follow those procedures. Reviewing and approving each repair plan individually is certain to create delays in performing necessary repairs and is even more likely to generate compliance issues for operators when the approved repair method must be revised due to unforeseen circumstances during the process of the repair. If a circumstance that requires a deviation from the MMS approved plan should be encountered, this proposed rule does not appear to allow the operator to proceed with the repair activity until a revised procedure is submitted and approved. An additional issue is the handling of emergency situations where the delay in generating a written plan and obtaining the necessary approval may result in a substantial and unnecessary increase in product release or damage to property or the environment. Since an operator cannot be certain that a proposed plan will be approved in its original form, there is the potential for a significant delay in obtaining necessary materials and mobilizing the appropriate repair equipment and personnel in a timely manner. ETS believes that the potential for this situation alone makes this proposed rule a potential environmental and safety liability rather than a benefit.

In conclusion, ETS appreciates the opportunity to offer these comments and hopes that they will be considered by MMS.

Sincerely,



David L. Johnson

Vice President, Pipeline Safety