



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, S
Washington, D.C. 20590

FEB - 7 2008

The Honorable Mark V. Rosenker
Chairman
National Transportation Safety Board
490 L' Enfant Plaza East, SW
Washington, DC 20594

Dear Mr. Chairman:

This letter provides an updated response and requests the National Transportation Safety Board (NTSB) close Safety Recommendation P-90-29. Safety Recommendation P-90-29 recommends PHMSA develop submerged pipeline inspection and reburial requirements in areas subject to damage by surface vessels and their operations.

On August 17, 2004, PHMSA notified the NTSB that a final rule requiring periodic inspections had been published in the Federal Register. The final rule became effective August 10, 2005. The final rule requires operators of hazardous liquid and natural gas pipelines to prepare and follow procedures to identify their pipelines in the Gulf of Mexico that are at risk of being a hazard to navigation. Each operator is required to conduct periodic inspections of these lines based on the identified risk.

The NTSB responded with a letter dated December 20, 2004 expressing concern the rule did not include the offshore pipelines in areas other than the Gulf of Mexico. NTSB asked us to conduct further studies of offshore pipelines outside the Gulf of Mexico, to determine if these lines posed hazards to navigation.

Accordingly, PHMSA further examined reports of all offshore pipeline incidents within the 15-foot depth contour line. The study involved four areas of investigation:

- (1) Review the extent of incidents in coastal states involving vessels striking pipelines;
- (2) Review of Coastal Zone Management Programs and the USACE permitting process for the applicability of requirements to inspect underwater pipelines;
- (3) Review of six data sources within PHMSA and the USCG for vessel incidents involving pipeline hazards to navigation and pipeline incidents involving vessels or their equipment; and
- (4) Determination of the applicable area of the study, including the inland extent of tidal influence

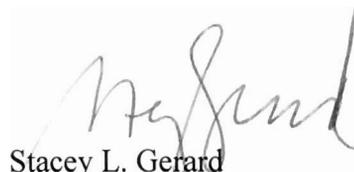
Defining the study area included calculating the mileage of pipelines within the area of concern. The study only examined pipelines subject to PHMSA regulatory requirements. Enclosed is the final report, "Study on Burial of Submerged Pipelines," dated November 30, 2006.

According to the study, there were 58 reported instances of a vessel or its equipment striking an offshore submerged pipeline and 64 reported instances of a submerged pipeline hazard to navigation between 1990 and 2005. All incidents occurred in the Gulf of Mexico. Seeking any further information on experiences with offshore pipelines which may have been missing from the study data, PHMSA notified the public of the results of the study through a Federal Register notice with request for comment published April 4, 2007. PHMSA did not receive any further information or comment on the study.

PHMSA anticipates there will be changes in the number of pipelines in the offshore environment resulting from the projected increase of Liquefied Natural Gas (LNG) import facilities. PHMSA will work with the Federal Energy Regulatory Commission (FERC) and other oversight agencies on a case-by-case basis to develop safety measures that should be considered prior to granting permits for right-of-ways in the offshore shallow waters. PHMSA regularly provides pre-siting safety reviews for permitting agencies. There have been instances in the past where FERC has added conditions to approval for a permit based on PHMSA advice on the need for additional protections that are site specific. PHMSA will also continue to monitor the hazard to navigation risk for all submerged LNG, natural gas, and hazardous liquid pipelines and to seek ways to ensure their adequate protection.

PHMSA requests the NTSB classify Safety Recommendation P-90-29 as "Closed-Acceptable Action." If you have questions, please feel free to contact me at (202) 366-4433.

Sincerely,



Stacey L. Gerard
Assistant Administrator/ Chief Safety Officer

Enclosure:
Study on Burial of Submerged Pipelines