



PHMSA

Regulatory Update



Contact Information

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Rulemaking Process

- **ANPRM** – Advance Notice of Proposed Rulemaking
 - Used to gather information (non-mandatory)
- **NPRM** – Notice of Proposed Rulemaking
 - Almost always required – Defines intent and scope
- **SNPRM** – Supplemental Notice of Proposed Rulemaking



Rulemaking Process

- **FR** – Final Rule
 - Implementation date, 30 – 90 days depending on significance of regulation
- **DFR** – Direct Final Rule
 - Used for non-controversial issues



Alert Notices & Advisory Bulletins

- **Alert Notices** - a notice of a situation of immediate safety concern
- **Advisory Bulletins** - an advisory not of immediate safety concern
 - matters that have potential to become safety or environmental risks



Rulemaking Process

- Significant rules
 - » PHMSA - OST – OMB – Federal Register
 - » Additional review time



Rulemaking Process

- Non-Significant rules
 - » PHMSA - Federal Register
- OMB Determines what rules are Significant
 - » 8 of 9 PHMSA rulemakings are or expected to be designated as Significant rulemakings





Significant vs Non-Significant Rulemakings (EO 12866)

- Have an annual effect on the economy of \$100 million or more...
- Create a serious inconsistency with another agency;





Significant vs Non-Significant Rulemakings (EO 12866)

- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or





Significant vs Non-Significant Rulemakings (EO 12866)

- Raise new legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.





Rulemaking Process

- Where can I find information on the Status of Significant rulemakings?
 - **DOT**
 - » Report on DOT Significant Rulemakings (Monthly reports)
 - <http://www.dot.gov/regulations/report-on-significant-rulemakings>
 - **OMB**
 - » www.reginfo.gov





CURRENT RULEMAKING PROCESS



Information Collection Activities

- PHMSA is requesting comments on(OMB) control #s:
 - 2137-0049 “Recordkeeping Requirements for Gas Pipeline Operators”
 - 2137-0594 “Customer-Owned Service Lines.”
 - 2137-0048 “Recordkeeping Requirements for Liquefied Natural Gas (LNG) Facilities



Information Collection Activities Contd.

- PHMSA is requesting comments on(OMB) control #s:
 - 2137-0600 “Qualification of Pipeline Safety, Training”
 - 2137-0618 “Pipeline Safety: Periodic Underwater Inspection and Notification of Abandoned Underwater Pipelines”
 - 2010-0229 “Safety of Hazardous Liquid Pipelines”





Safety of Gas Transmission and Gathering Lines (NPRM stage)

[PHMSA-2011-0023](#)

- ANPRM Published 8/25/2011
- NPRM moved past PHMSA
- Major Topics under consideration:



Safety of Gas Transmission and Gathering Lines (NPRM stage)

- Expansion of IM requirements beyond HCA's
- Repair criteria for both HCA and non-HCA areas
- Assessment methods
- Corrosion control
- Gas gathering





Safety of Gas Transmission and Gathering Lines

- Congressional mandate requiring either
 - » pressure testing or
 - » alternative equivalent means such as ILI program for pipe not previously tested or for those that have incomplete records to verify their MAOP
- Other problematic or “legacy” pipe



Miscellaneous Rulemaking

(Final Rule stage)

- NPRM published 11/29/2011 [PHMSA-2010-0026](#)
- Adv. Committee approval vote in 7/2012
- Final Rule moved past PHMSA
- Published March 11, 2015
- Effective October 1, 2015





Miscellaneous Rulemaking (Final Rule stage)

— Major Topics

- » performance of post-construction inspections
 - The effective date of the amendment to 49 CFR §192.305 is delayed indefinitely
 - PHMSA received petitions for reconsideration from APGA, AGA and NAPSR
- » leak surveys of Type B onshore gas gathering lines





Miscellaneous Rulemaking *(Final Rule stage)*

- » requirements for qualifying plastic pipe joiners
 - Once each calendar year not to exceed 15 months, or after one failed joint
- » the transportation of pipe
- » filing of offshore pipeline condition reports
- » calculation of pressure reductions for hazardous liquid pipeline anomalies





EFV Expansion beyond Single Family Residences (NPRM stage)

[PHMSA-2011-0009](#)

- ANPRM published 11/25/2011
- NPRM moved past DOT





EFV Expansion beyond Single Family Residences (NPRM stage)

— Major Topics

- » Rule will propose to require EFVs for:*
 - New and renewed service lines serving more than one single family residence*
 - multi-family residential dwellings*
 - commercial buildings*





Standards Update

(Final Rule/Published)

- NPRM published August 16, 2013 PHMSA-2011-0337
- FR published December 24, 2014
- **Effective March 6, 2015**
- Major Topics:
 - Addresses the set of IBR standards throughout PHMSA's part 192, Part 193 and Part 195 code with updated revisions of standards from all standard organization bodies.

<http://www.regulations.gov/#!documentDetail;D=PHMSA-2011-0337-0014>





Standards Update

(Final Rule stage)

- » This FR impacts 22 of the 60+ standards that we currently incorporate by reference.
- » Per recent statute (Section 24, revised) all IBR standards pertaining to PSR must be available for free to the public. (Most SDOs comply)
 - ANSI IBR portal – ibr.ansi.org
 - Others – AGA, ASTM, GTI, MSS, NACE and NFPA



OQ, Cost Recovery and Other Pipeline Safety Proposed Changes (NPRM stage)

- NPRM moved past PHMSA
- This rule will address issues related to:
 - Operator Qualification for new construction
 - Incident Reporting
 - Cost Recovery
 - Renewal process for special permits
 - Other issues to be determined



Plastic Pipe (NPRM stage)

[PHMSA-2014-0006](#)

- Drafting NPRM to address the following plastic pipe topics:
 - Authorized use of PAI2
 - AGA petition to raise design factor from 0.32 to 0.40 for PE pipe
 - Enhanced Tracking and traceability
 - Miscellaneous revisions for PE and PAI I pipelines
 - Additional provisions for fittings used on plastic pipe





Rupture Detection and Valve Rule (NPRM stage)

- This rule will establish and define rupture detection and response time metrics including the integration of Automatic Shutoff Valves (ASV) and Remote Control Valve (RCV) placement as necessary, with the objective of improving overall incident response.





Rupture Detection and Valve Rule (NPRM stage)

- This rule responds to:
 - Requirements of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (The Act):
 - » Section 4: ASV/RCV or equivalent technology be installed on newly constructed or entirely replaced natural gas and hazardous liquid transmission pipelines 2 years after the act was issued





Rupture Detection and Valve Rule

(NPRM stage)

- Section 8: Require operators of hazardous liquid pipeline facilities to use leak detection systems and establish standards for their use.
- NTSB Recommendation P-11-10 (gas) which requires transmission and distribution operators to equip SCADA systems with tools to assist with recognizing and pinpointing leaks.





ADVISORY BULLETINS



ADB 2015-01
April 9, 2015

Potential for Damage to Pipeline Facilities Caused by Severe Flooding

- Continuing surveillance requirements §192.613
- Severe flooding can adversely affect the safe operation of a pipeline.
- Direct resources in a manner that will enable determination of the potential effects of flooding





ADB-2015-01
April 9, 2015

Potential for Damage to Pipeline Facilities Caused by Severe Flooding

- If a pipeline has suffered damage, is shut-in, or is being operated at a reduced pressure as a precautionary measure due to flooding, the *operator should advise the appropriate pipeline safety authority before returning the line to service, increasing its operating pressure, or otherwise changing its operating status.*





ADB-2015-01
April 9, 2015

Potential for Damage to Pipeline Facilities Caused by Severe Flooding

- Urged to take actions to prevent and mitigate damage to pipeline facilities and ensure public and environmental safety in areas affected by flooding
- A Safety Related Condition as prescribed in §§ 191.23 and 195.55 may also be required.





ADB-2013-03

July 18, 2013

Reminder of Requirements for Utility LP-Gas and LPG Pipeline Systems

- Remind owners/operators of liquefied petroleum gas (LPG) and utility liquefied petroleum gas (utility LP-Gas) plants that although they must follow the American National Standards Institute/National Fire Protection Association (ANSI/NFPA) standards 58 or 59, they must also follow certain sections and requirements of Part 192.



ADB-2013-03
October 31, 2013

Reminder of Requirements for Utility LP-Gas and LPG Pipeline Systems

- Updated bulletin with application section of Part 192 an operator needs to follow, particularly because **ANSI/NFPA 58 and 59** do not specifically address these parts.
 - Construction, Valves, Operations, OQ and DIMP



ADB-2013-04
August 28, 2013

Recall of Leak Repair Clamps due to Defective Seal

- T.D. Williamson issued recall on June 17, 2013 for Leak Repair Clamp (LRC)
- Covers all LRCs of any pressure class or size
- Manufactured between 9/2002 and 8/2012
- Range in size from 2” to 48”
- ANSI Pressure Classes of 150, 300, 400, 600, and 900



TDW Leak Repair Clamp Recalled



ADB-2013-04
August 28, 2013

Recall of Leak Repair Clamps due to Defective Seal

- T.D. Williamson conducted study to identify problem, determine repair options, and evaluate fitness of existing LRCs.
- Stop using TDW LRCs and contact TDW immediately



ADB-2014-02

May 6, 2014

Lessons Learned From the Release at Marshall, Michigan

- Pipeline owners and operators are encouraged to review their own IM programs for similar deficiencies and to take corrective action.
- Consider training their control room staff as teams to recognize and respond to emergencies or unexpected conditions.





ADB-2014-02
May 6, 2014

- Encourages operators to evaluate their leak detection capabilities to ensure adequate leak detection coverage.
- Additionally, operators are encouraged to review the effectiveness of their public awareness programs and whether local emergency response teams are adequately prepared to identify and respond to early indications of ruptures.



ADB-2014-02
May 6, 2014

- Finally, this advisory reminds all pipeline owners and operators to review NTSB recommendations and implement recommendations that are applicable to their programs.

PHMSA
Pipeline and Hazardous Materials
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Pipeline NTSB Recommendations

CEX	Closed—Exceeds (Recommended Action) Response by recipient indicates action on the safety recommendation has been completed. The action taken surpasses what the Safety Board envisioned.
CAA	Closed—Acceptable Action Response by recipient indicates action on the safety recommendation has been completed. The action complies with the safety recommendation.
CAAA	Closed—Acceptable Alternate Action Response by recipient indicates an alternate course of action has been completed that meets the objective of the safety recommendation.
CUA	Closed—Unacceptable Action Response by recipient expresses disagreement with the need outlined in the recommendation. There is no further evidence to offer, and the Safety Board concludes that further correspondence on, or discussion of, the matter would not change the recipient's position. This status can also be used when the timeframe goals outlined in this order have not been met.
CUAN	Closed—Unacceptable Action/No Response Received No response to the recommendation was ever received.
CR	Closed—Reconsidered Recipient rejects the safety recommendation and supports this rejection with a rationale with which the Board concurs. Reasons for the "Reconsidered" status would include situations where the recipient is able to convince the Board that the

Trusted sites | Protected Mode



ADB-2014-03
September 12, 2014

- PHMSA is encouraging operators to provide the required construction-related notification(s) **not later than 60 days prior** to whichever of the following activities occurs first:



ADB-2014-03

September 12, 2014

- material purchasing and manufacturing;
- right-of-way acquisition;
- construction equipment move-in activities;
- onsite or offsite fabrications; or
- right-of-way clearing, grading and ditching.



ADB-2014-03
September 12, 2014

- The notification required should be provided for:
 - construction of 10 or more miles of a new pipeline for a pipeline that:
 - » did not previously exist
 - » for the replacement of 10 or more contiguous miles of line pipe in an existing pipeline.



ADB-2014-04
September 18, 2014

- PHMSA is alerting operators of hazardous liquid and gas transmission pipelines of the potential significant impact these operational changes may have on the integrity of a pipeline:
 - flow reversals,
 - product changes and
 - conversion to service



ADB-2014-04
September 18, 2014

- PHMSA is alerting operators of hazardous liquid and gas transmission pipelines of the potential significant impact these operational changes may have on the integrity of a pipeline:
 - flow reversals,
 - product changes and
 - conversion to service



ADB-2014-04
September 18, 2014

- PHMSA refers operators to detailed guidance published in the document, **Guidance to Operators Regarding Flow Reversals, Product Changes and Conversion to Service**
- <http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Pipeline/Regulations/GORRPCCS.pdf>





QUESTIONS???

