



Dates of Interest

January 2019

- 11 Responses due on [NGA RFP re Pipeline Safety Management Systems](#)
- 17 Comments due on [PHMSA Revision to OPID Assignment Request & Registry Notification](#)
- 22-25 [2019 API/AGA Joint Committee on Pipeline Welding Practices](#), San Antonio, TX
- 28-31 [2019 API Inspection and Mechanical Integrity Summit](#), Galveston, TX

February 2019

- 26 Comments due on [BSEE Pipeline Decommissioning in Place](#)

March 2019

- 5-6 [SGA Gas Pipeline Integrity Management Seminar](#), Houston, TX
- 11 [Common Ground Alliance 2019 Conference and Expo](#), Tampa, FL
- 12 [NTSB Meeting on Silver Spring, Maryland, Natural Gas Explosion](#), Washington, DC

April 2019

- 9-11 [API Pipeline Conference and Control Room Forum](#), Phoenix, AZ
- 29-5/3 [2019 AGA Operations Conference & Biennial Exhibition & Spring Committee Meetings](#), Nashville, Tenn.

Pipeline Safety Update

ISSUE NO. 144 – JANUARY 7, 2019

Susan Olenchuk, Bryn Karaus, and Marco Bracamonte

PHMSA postpones Technical Advisory Committee meetings. PHMSA Rulemakings Update. Other PHMSA Updates. PHMSA requests comments on proposed revisions to Operator Assignment Request and National Registry Notification forms and instructions. BSEE requests information on decommissioning in place certain offshore pipeline facilities. The CEPA Foundation and INGAA Foundation release "The Practical Guide for Facility Inspectors."

PHMSA Postpones Technical Advisory Committee Meetings

Because of a lapse in funding, the Pipeline and Hazardous Materials Safety Administration (PHMSA) [announced](#) a postponement of the meetings of the Gas Pipeline Advisory Committee (GPAC) and Liquid Pipeline Advisory Committee (LPAC) that had been scheduled for January 8-10. When the meetings are convened, the GPAC will consider the gathering line component of the notice of proposed rulemaking PHMSA issued in April 2016 to significantly revise PHMSA's Part 192 regulations applicable to gas transmission and gathering pipelines. The American Petroleum Institute and GPA Midstream Association have submitted a position paper and comments regarding PHMSA's proposal. The Pipeline Safety Trust has submitted a response. Those documents can be found [here](#). Meeting presentation materials are [here](#).

In addition, the GPAC and LPAC will meet to discuss relevant policy issues and topics, including public awareness, updates on regulatory initiatives, the voluntary information sharing system working group, and research and development projects.

PHMSA Rulemakings Update. The tables below summarize the status of the PHMSA's pending pipeline safety rulemaking initiatives as reflected in the Department of Transportation's (DOT) November [Significant Rulemaking Report](#) and the Office of Management & Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions. The Unified Regulatory Agenda appears in two principal parts, [Current Agenda Agency Regulatory Entries for Active Actions](#) and [Current Long Term Actions](#). In addition, PHMSA recently updated its [Chart of PHMSA Regulations](#) that are required by the 2016 Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act.

Note that many of the estimated publication dates have passed.

Pending Final Rules

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's 2016 PIPES Act Chart
Enhanced Emergency Order Procedures	December 7, 2018	October 2018	December 24, 2018
Plastic Pipe Rule	Issued November 20, 2018		

Recent Van Ness Feldman Publications

[Federal Agencies Release the New Clean Water Rule to Replace "Waters of the United States" \(WOTUS\) Rule](#) – December 12, 2018

[Federal Administration Issues Climate Report](#) – December 6, 2018

[FERC Proposes Rule Requiring Transmission Providers to Revise Rates Following Tax Rate Change](#) – November 16, 2018

[2018 Election Results: What Happened Yesterday and What Happens Next](#) – November 7, 2018

Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	April 4, 2019	March 2019	March 14, 2019
Safety of Gas Transmission Pipelines, Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments	December 20, 2019	December 2019	Not Listed
Safety of Gas Gathering Pipelines	December 20, 2019	December 2019	Not Listed
Safety of Onshore Hazardous Liquid Pipelines	March 15, 2019	December 2018	January 7, 2019
Underground Natural Gas Storage Facilities	January 21, 2019	December 2018	January 21, 2019

Pending Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication	PHMSA's 2016 PIPES Act Chart
Class Location Requirements	Not Provided	September 2019	Not Listed
Gas Pipeline Regulatory Reform	May 10, 2019	May 2019	Not Listed
Liquid Pipeline Regulatory Reform	Not Listed	February 2019	Not Listed
Periodic Standards Update	Not Listed	April 2020	Not Listed
Repair Criteria for Hazardous Liquid Pipelines	Not Listed	Next Action Undetermined	Not Listed
Valve Installation and Minimum Rupture Detection Standards	March 29, 2019	January 2019	January 14, 2019

Pending Advance Notices of Proposed Rulemakings

Proceeding	DOT Estimated Publication	OIRA Estimated Publication
Coastal Ecological Unusually Sensitive Areas	Not Listed	April 2020

OTHER PHMSA UPDATES

PHMSA requests comments on proposed revisions to Operator Assignment (OPID) Request and National Registry Notification forms and instructions. On December 18, 2018, PHMSA issued a [notice](#) requesting comments on an information collection that will be sent to OMB requesting changes to the existing



**Know what's below.
Call before you dig.**

OPID Assignment Request (PHMSA F 1000.1) and National Registry Notification (PHMSA F 1000.2) forms and instructions. PHMSA previously issued a [notice](#) requesting comments on the information collection on August 9, 2018. PHMSA received one comment noting that the reporting instructions could be more detailed. Comments to OMB are due January 17, 2019.

UPDATES FROM OTHER FEDERAL AGENCIES

BSEE requests information on decommissioning in place certain offshore pipeline facilities. On December 28, 2018, the Bureau of Safety and Environmental Enforcement (BSEE) issued a [notice](#) requesting information from the public regarding issues related to the decommissioning-in-place of pipeline valves and fittings and other pipeline-related infrastructure in deepwater (*i.e.*, depths of at least 600 feet) on the Outer Continental Shelf (OCS). The comments will help BSEE to develop a consistent and reasonable approach to considering requests to allow the decommissioning-in-place of these types of pipeline facilities. Comments are due February 26.

UPDATES FROM INDUSTRY

The CEPA Foundation and INGAA Foundation release “The Practical Guide for Facility Inspectors.” The Canadian Energy Pipeline Association (CEPA) Foundation and the Interstate Natural Gas Association of America (INGAA) Foundation released “[The Practical Guide for Facility Inspectors](#),” designed to provide guidance to personnel who inspect a company’s construction of facilities.

FOR MORE INFORMATION

Van Ness Feldman counsels clients on pipeline safety compliance, enforcement, and litigation under the Pipeline Safety Laws and Regulations and related statutes. If you are interested in additional information regarding pipeline safety matters or any PHMSA or pipeline related matter, please contact [Susan Olenchuk](#) at (202) 298-1896 or sam@vnf.com, [Bryn Karaus](#) at (202) 298-1821 or bsk@vnf.com, or any member of the firm’s [Pipeline & LNG](#) practice group.

© 2019 Van Ness Feldman, LLP. All Rights Reserved. This document has been prepared by Van Ness Feldman for informational purposes only and is not a legal opinion, does not provide legal advice for any purpose, and neither creates nor constitutes evidence of an attorney-client relationship.