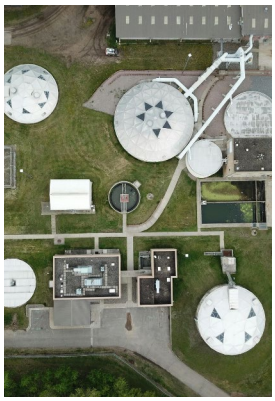
Van Ness Feldman LLP
vnf.com



Recent Van Ness Feldman Alerts

A New Road Ahead: NHTSA Eases Fuel Economy Standards and Reshapes Compliance Options (9/30/26)

California Will Establish Conditional Approval Path for Aftermarket Parts (9/18/26)

EPA Repeals Power Plant Carbon Pollution Standards and Proposes to Repeal All Power Plant Greenhouse Gas Emissions Standards (9/17/26)

California Adopts Replacement Tire Efficiency Rules (8/20/26)

EPA Proposes to Revise Biden-era Heavy Duty Truck Rules, Continuing EPA Pattern of Deemphasizing In-Use Emission Compliance (7/23/26)

PHMSA Proposes to Amend Pipeline Anomaly Response Criteria for Gas Transmission Pipelines and Hazardous Liquid and Carbon Dioxide Pipelines (7/9/26)

FERC Acts on Large Load Integration: Key Issues Addressed (6/19/26)

PHMSA Proposes Comprehensive Revisions to Safety Regulations for LNG Facilities

NOVEMBER 2, 2026

By Joseph Hainline and Susan Olenchuk

On October 28, 2026, the Pipeline and Hazardous Safety Administration (PHMSA) released Notice of Proposed Rulemaking (NPRM) proposing to comprehensively revise the safety regulations governing liquefied natural gas (LNG) facilities. These regulations, found at 49 C.F.R. part 193, establish requirements for the siting, design, installation, construction, inspection, testing, operation, and maintenance of LNG facilities and have not been substantially revised in decades. If adopted, the proposed regulations will mark a transformational change in the regulation of the safety of LNG facilities in the United States.

Comments on the NPRM are due no later than January 4, 2027.

The NPRM

The NPRM proposes to reorganize and revise Part 193 of the safety regulations applicable to LNG facilities. The NPRM also proposes to revise the reporting requirements applicable to LNG facilities found in 49 C.F.R. Part 191.

Part 193 - Incorporation by Reference of NFPA 59A-2026 and Other Consensus Industry Standards.

Most notably, the NPRM proposes to incorporate by reference into part 193 the 2026 edition of the National Fire Protection Association (NFPA) 59A consensus standard, replacing the 2001 and 2006 editions. The mandatory provisions of NFPA 59A-2026 would become the core of part 193, subject to certain exceptions and modifications. The NPRM also proposes to incorporate by reference over 50 other consensus industry standards that are referenced in the mandatory provisions of chapter 2 of NFPA 59A-2026. The NPRM states that the goal of this incorporation is to promote the use of new technologies, reduce unnecessary barriers to investment and provide regulatory certainty. All existing references to the 2001 and 2006 editions of this standard would be deleted from part 193.

The proposed incorporation by reference of NFPA 59A-2026 is reflected in the following redesignated and renumbered Part 193 subparts: Siting (subpart B), Design, Construction, and Installation (subpart C), Permanent, Small-scale LNG Facilities (subpart D), Operations and Maintenance (subpart E), and Risk-based Operations and Maintenance (subpart F).

Subpart B - Siting.

New prescriptive siting requirements. The NPRM proposes to amend and modernize the siting requirements for LNG facilities by incorporating the prescriptive siting requirements contained in chapter 5 of NFPA 59A-2026, as supplemented by additional provisions set forth in subpart B hazard analyses and exclusion zones. According to PHMSA, the NPRM will align siting requirements with the latest hazard modeling techniques and current standards and practices in the LNG industry. PHMSA also proposes to codify or eliminate current non-binding guidance to improve regulatory certainty and reduce unnecessary compliance burdens. The NPRM explains that the additional provisions in subpart B (proposed

new § 193.103 and § 193.105) are intended to address safety risks and lessons learned from recent LNG facility incidents, ensure continuity with longstanding PHMSA guidance and facilitate implementation by operators. The NPRM also proposes to rescind its LNG Frequently Asked Questions (FAQs), as redundant with or superseded by amended subpart B.

Optional quantitative risk assessment approach. The NPRM would allow an operator to apply a more sophisticated quantitative risk assessment (QRA)-based siting approach consistent with chapter 19 of NFPA 59A-2026, subject to exceptions and additions proposed in new § 193.107. The NPRM would redesignate existing § 193.2155(b), which establishes a minimum separation distance between LNG storage tanks and airport runways, as new § 193.109.

Scope. The proposed subpart B siting requirements would apply to LNG facilities that are designed, constructed, replaced, relocated, or significantly altered on or after five years after the date that the final rule is published in the Federal Register.

Subpart C - Design, Construction, and Installation.

Consolidation of existing design, construction and equipment subparts. The NPRM proposes to consolidate the current subpart C (design), subpart D (construction), and subpart E (equipment) into a new subpart C called "Design, Construction and Installation." New subpart C would be comprised of numerous chapters of NFPA 59A-2026 incorporated by reference and other industry consensus standards, subject to numerous exceptions and supplemental provisions (see below). The following chapters of NFPA 59A-2026 would be incorporated by reference:

Chapter 4 – General Requirements
Chapter 5 - Plant Siting - secs. 5.2.3 and 5.2.4
Chapter 6 - Plant Layout
Chapter 7 - Process Equipment
Chapter 8 - Stationary LNG Storage
Chapter 9 - Vaporization Facilities
Chapter 10 - Piping Systems and Components
Chapter 11 - Instrumentation and Electrical Services
Chapter 12 - Plant Facilities Design
Chapter 13 - Impounding Area and Drainage System Design and Capacity
Chapter 15 - Transfer Systems for LNG and Other Hazardous Fluids
Chapter 16 - Fire Protection, Safety and Security
Chapter 18 - Operations, Maintenance, and Training (parts of secs.18.8 and 18.11.13)

Expanded application of statutory retroactivity prohibition. Section § 60103(c) of the Pipeline Safety Act prohibits PHMSA from retroactively applying new design, construction, installation, and initial testing requirements to LNG facilities that already exist when such requirements are adopted. PHMSA long standing practice has been to narrowly apply this prohibition only to containers, piping, and control systems *used directly* in the processing and handling of LNG and to not apply it to other LNG facilities. In a significant departure from this interpretation of the anti-retroactivity provision, the NPRM would extend § 60103(c)'s prohibition more broadly to apply to "liquefied natural gas facilities" as that term is defined in § 60101(a) of the statute. As a result, the language in NFPA 59A-2026 pertaining to the design, installation and initial testing of fire protection, security, and cathodic protection systems would no longer automatically apply to already existing facilities. Nevertheless, the NPRM states that PHMSA expects that operators will remain incentivized to align their practices with NFPA 59A-2026

which memorializes the industry's consensus on fire protection, security, and cathodic protection. In addition, operators remain subject to requirements of other federal and state agencies.

Special compliance provision for FERC-jurisdictional LNG import and export facilities. The NPRM proposes to allow operators of FERC-jurisdictional LNG import and export facilities to demonstrate compliance with subpart C security-related design, installation and construction requirements by providing documentation of compliance with U.S. Coast Guard Facility Security Assessment and Facility Security Plant requirements.

Other supplemental subpart C provisions. Proposed new § 193.203 would require that Classification B buildings, structures, and systems within FERC-jurisdictional import and export facilities be designed to withstand wind forces based on a 10,000 MRI wind velocity. Proposed new § 193.205 would require vaporizer equipment to have both inlet and outlet isolation valves. Proposed new § 193.207 would maintain existing § 193.2155's requirements for impoundment structural requirements. Existing § 193.2173's requirements for water removal from impounding areas would be redesignated and amended at proposed new § 193.209. Existing § 193.2321(a)'s requirements for non-destructive testing of certain welds in the metal shells of storage tanks for LNG and other hazardous fluids would be redesignated as proposed new §193.211 as a supplement to NFPA 59A-2026.

Subpart D - Permanent, Small-Scale LNG Facilities.

The NPRM proposes to establish risk-based safety requirements for certain permanent (*i.e.*, stationary) small-scale LNG facilities by incorporating by reference Chapter 17 of NFPA 59A-2026 for these facilities. Proposed new § 193.301 permits operators that satisfy eligibility criteria to elect to comply these requirements in lieu of subpart B and proposed new §§ 193.201 and 193.401.

Subpart E – Operations and Maintenance.

Proposed new subpart E would consolidate existing subpart F (Operations), subpart G (Maintenance), subpart H (Personnel Qualifications and Training), subpart I (Fire Protection), and subpart J (Security) and would largely consist of incorporated chapters and sections of NFPA 59A-2026 addressing operation and maintenance (O&M) requirements, and specific O&M requirements located in other chapters of NFPA 59-2026 addressing design, testing and installation and in other industry consensus standards.

Proposed subpart E also contains supplemental provisions addressing purging, communications systems, maintenance procedures, personnel qualifications and training, control systems for fire protections systems, and physical security.

Subpart F – Risk-Based Operations and Maintenance.

The NPRM proposes alternative, risk-based O&M requirements that operators of FERC-authorized LNG facilities may elect to follow in lieu of prescriptive requirements proposed in subpart E, except for requirements applicable to physical security and emergency procedures governing the coordination of emergency awareness and response actions by facility personnel

and the public. The NPRM states that proposed new § 193.503, which borrows from the Occupational Safety and Health Administration's Process Safety Management regulations (29 C.F.R. § 1910.119), would leverage decades of industry experience using facility-specific process hazard analysis (PHA)-based risk management approaches to O&M.

Proposed § 193.503 describes the elements of a risk-based O&M program, including requirements for employee participation, compiling process safety information, performing process hazard analyses, operating procedures, training, contractors, pre-startup safety reviews, mechanical integrity, hot work permits, management of change, and compliance audits. Proposed § 193.503(b) proposes to incorporate by reference the 3rd edition of the American Institute of Chemical Engineers, Center for Chemical Process Safety's Guidelines for Hazard Evaluation Procedures (April 2008) into new proposed § 193.5. Proposed §193.505 requires that operators electing to implement subpart F submit implementation plans to PHMSA for review and approval.

Subpart A – General Provisions.

Subpart A contains general rules governing the application, interpretation and implementation of part 193 and contains the general requirement that operators maintain required plans and procedures. The NPRM proposes to retain subpart A, subject to redesignating and revising certain provisions. A few of the proposed changes are highlighted below.

Applicability. The NPRM would clarify that the statutory prohibition (49 U.S.C. §§ 60103(c) and 60104(b)(2)) on retroactively applying design, construction, installation and initial testing requirements applies broadly to existing LNG facilities or proposed LNG facilities that have been approved before such requirements became effective. PHMSA also proposes to eliminate the requirement that PHMSA approve exceptions from the retroactive application of updated part 193 design, installation, and construction requirements for "in-kind" replacement of facilities designed, installed and constructed in accordance with original facility specifications.

Definitions. The NPRM proposes to redesignate existing § 193.2007 as new § 193.5 and to incorporate by reference the definitions in chapter 3 of NFPA 59A-2026, subject to a number of exceptions and modifications.

Plans and Procedures. Proposed new § 193.11 (redesignated from § 193.2017) would specify that operators maintain written plans and procedures in accordance with both Part 193 and NFPA 59A-2026 and maintain a change logs detailing changes to plans and procedures and showing revisions from the previous version.

Mobile and temporary LNG facilities. The NPRM proposes new § 193.13 that would require that operators of mobile and temporary LNG facilities comply with chapter 14 of NFPA 59A-2026.

Investigation of Failures. Proposed § 193.15 would add new requirements intended to improve the quality of information gathered when failures occur at LNG facilities. Failure investigation requirements would apply to hazardous fluid releases and other events that occur during commissioning or operation. In addition, the property damage threshold would be increased to align with Part 191's

incident reporting amount. Operators would be required to retain failure investigation records for at least 5 years.

Part 191 - Reporting Requirements.

Reporting safety-related conditions and incidents. To better align reporting requirements with public safety risks, the NPRM proposes to amend existing Part 191 to make clear that operators of LNG facilities must report safety-related conditions and incidents that occur during initial startup. During the commissioning phase, however, the NPRM proposes that an operator would be required to report an incident, but not a safety-related condition. The NPRM also proposes to broaden the definition of incidents and safety-related conditions to include a release of other hazardous fluids in addition to LNG.

Revised incident and annual report forms. The NPRM proposes amendments to incident and annual report forms to eliminate content with little or no safety value and to update the operator identification number (OPID) and annual report forms to accommodate new requirements for permanent, small-scale facilities.

For More Information

Van Ness Feldman counsels clients, including operators of LNG facilities, on pipeline safety compliance, enforcement, litigation under state and federal Pipeline Safety Laws and regulations, and with safety requirements applicable to the transportation of hazardous materials. If you have questions about PHMSA's NPRM or are considering submitting comments, please contact Joseph Hainline, Susan Olenchuk, or any member of the firm's Pipeline & LNG practice group.

© 2026 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.