



Pipeline Safety Update Issue No. 66 – October 23, 2013

PHMSA updates R&D database to reflect new projects. Comments on PHMSA Class Location requirements due November 1. Status of PHMSA rulemakings. County Commissioner named to Oklahoma pipeline safety task force. Texas RRC amends regulations to increase pipeline safety program fees.

PHMSA Activities

PHMSA Updates R&D Database to Reflect New Projects. The Pipeline and Hazardous Materials Safety Administration (PHMSA) recently updated its research and development database to reflect a variety of new research grants that have been awarded for pipeline safety-related research projects. The projects address pipeline construction quality; corrosion prevention, detection and repair; in-situ corrosion monitoring; advanced in-line inspection; and non-destructive, in the ditch testing of pipeline material properties. Updates are [here](#).¹

Comments on Class Location Requirements. A reminder that comments are due on November 1 on PHMSA's notice concerning potential changes to the class location requirements for gas pipelines. PHMSA's notice is [here](#),² and the notice extending the comment period is [here](#).³

Status of PHMSA Rulemakings. The table below reflects publicly available information on the status of PHMSA rulemakings. Due to the recent federal government shutdown, DOT will not publish a significant rulemaking status report for October, and will resume publication with the November report. The most recent information from DOT is [here](#).⁴ Information from the Office of Management and Budget's Office of Information and Regulatory Affairs is [here](#).⁵

Dates of Interest	
<u>October 2013</u>	
30-31	AGA Meter Set Protection Workshop , Washington, DC
<u>November 2013</u>	
1	Comments due on PHMSA's Notice on Class Location Requirements
4-5	AGA Executive Safety Leadership Summit , Washington, DC
11-13	AGA Public Awareness Best Practices Roundtable , Washington, DC
17-20	NARUC Annual Meeting , Orlando, FL
19-20	AGA Odorization Workshop , Denver, CO
21-22	2013 Pipeline Safety Trust Conference , New Orleans, LA
<u>December 2013</u>	
31	Comments due on OFR's Incorporation by Reference NPRM

Rulemaking	Next Action	Estimated Date of Next Action
Miscellaneous Rule on Construction Inspections, Leak Surveys, etc.	Publication of Final Rule	January 22, 2014
Enforcement of State Excavation Damage Laws	Publication of Final Rule	January 16, 2014
Safety of On-Shore Hazardous Liquid Pipelines	Publication of NPRM	January 14, 2014
Excess Flow Valves	Publication of NPRM	January 22, 2014

Miscellaneous Rule on Special Permit Renewals, Cost Recovery for Design Reviews, and Incident Reporting	Publication of NPRM	January 2014
Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments	Publication of NPRM	August 16, 2013 (issued)
Safety of Gas Transmission Pipelines	Publication of NPRM	February 17, 2014
Issues Related to Use of Plastic Pipe in the Gas Pipeline Industry	Publication of NPRM	April 2014

Select Activities from the States

County Commissioner Named to Oklahoma Pipeline Safety Task Force. Oklahoma Governor Mary Fallin has named County Commissioner Ray Vaughn to the state’s Pipeline Safety Task Force. The Task Force is charged with ensuring Oklahoma complies with federal pipeline safety standards for damage prevention and enforcement. The [executive order](#)⁶ establishing the Task Force requires the panel issue its preliminary assessment of the state’s compliance efforts and any recommendations by December 1, 2013.

Railroad Commission of Texas Updates Safety Program Fees. At an October 22 open meeting, the Railroad Commission of Texas (RRC) adopted amendments to its regulations to increase the annual pipeline safety program fees for distribution pipeline operators. The RRC increased the annual per service line fee from 75 cents to one dollar in order to support the hiring of additional inspection and support staff, as authorized under recently enacted Texas Senate Bill 1 (2013). The amendments are [here](#).⁷

For Additional 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, please contact [Susan Olenchuk](#) at (202) 298-1896 or sam@vnf.com, [Jim Curry](#) at (202) 298-1831 or jbc@vnf.com, or any member of the firm’s [Natural Gas](#) or [Oil & Products Pipelines](#) practice groups.

In February 2012, Van Ness Feldman expanded its capabilities by combining practices with the Seattle law firm of GordonDerr LLP, a preeminent real estate, land use, water law, and civil litigation firm in the Pacific Northwest. Learn more at www.vnf.com.

**Regulations and Code Compliance:
Upcoming PHMSA State Seminars**

October 2013
 21-25 Vermont (Gas)
 21-25 Kansas (Gas)
 21-25 New England (Gas)

December 2013
 2-6 Alabama (Gas)

PHMSA offers training on gas and hazardous liquid pipeline safety regulations. More information is available [here](#).

State-Specific Association Meetings

October 2013
 28-30 [Mississippi Damage Prevention Summit](#), Tunica, MS

December 2013
 3-5 [Alabama Natural Gas Ass'n - APSC / PHMSA December Pipeline Safety Meeting / 2nd ANGA Board Meeting](#)



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- ¹ PHMSA's Updated Research and Development Database.
<http://primis.phmsa.dot.gov/matrix/>
- ² PHMSA Notice of Inquiry on Class Location Requirements.
<http://www.gpo.gov/fdsys/pkg/FR-2013-08-01/pdf/2013-18286.pdf>
- ³ PHMSA Notice Extending Comment Period for Class Location Comments.
<http://www.gpo.gov/fdsys/pkg/FR-2013-09-30/pdf/2013-23798.pdf>
- ⁴ DOT Significant Rulemaking Report for September 2013.
<http://www.dot.gov/sites/dot.dev/files/docs/SEP%20FINAL%20091013.docx>
- ⁵ OIRA DOT Rulemaking Status Page.
http://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCd=2100&Image58.x=52&Image58.y=10
- ⁶ Oklahoma Executive Order 2013-19.
<https://www.sos.ok.gov/documents/executive/887.pdf>
- ⁷ Texas RRC Amends Regulations on Annual Pipeline Safety Program Fees.
<http://www.rrc.state.tx.us/rules/adopt-amend-8-201-fee-to-one-dollar-Oct22-2013-signed.pdf>