



VIA ELECTRONIC FILING

March 20, 2018

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
West Building, Room W12-140
Washington, DC 20590-0001

Re: Docket No. PHMSA-2016-0136: Meeting of the Gas Pipeline Advisory Committee

Dear Sir or Madam:

On March 2, 2018, the Pipeline and Hazardous Materials Safety Administration (PHMSA or the Agency) convened a meeting of the Gas Pipeline Advisory Committee (GPAC) to review the *Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines* Notice of Proposed Rulemaking (NPRM).¹ In response to PHMSA's request for comments,² the GPA Midstream Association (GPA Midstream) submits the following comments on the recordkeeping proposals discussed at the meeting.³

GPA Midstream supports PHMSA's commitment to withdraw § 192.13(e) and Appendix A from the NPRM.⁴ As GPA Midstream explained in its July 2016 written comments, these proposals are not necessary and contain provisions that would conflict with the recordkeeping requirements in PHMSA's existing regulations.⁵ Accordingly, GPA Midstream welcomes PHMSA's decision to forgo further action on both items.

GPA Midstream also supports the Agency's commitment not to apply the recordkeeping requirements in sections 192.67 (Material Records), 192.127 (Pipe Design Records), and 192.205 (Pipeline Components Records) retroactively.⁶ The Pipeline Safety Act prohibits PHMSA from applying new materials and design standards to pipelines in existence when those

¹ Pipeline Safety: Meeting of the Gas Pipeline Advisory Committee, 83 Fed. Reg. 6082 (Feb. 12, 2018) discussing 81 Fed. Reg. 20,721 (Apr. 8, 2016).

² 83 Fed. Reg. 6082.

³ GPA Midstream is a non-profit trade association that is composed of nearly 100 corporate members of all sizes that are engaged in the gathering and processing of natural gas into merchantable, pipeline-quality gas, which includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane and natural gasoline. GPA Midstream members account for more than 90 percent of the NGLs produced in the United States from natural gas processing.

⁴ <https://primis.phmsa.dot.gov/meetings/FilGet.mtg?fil=939> (PHMSA Final Voting Slides) at 6.

⁵ <https://www.regulations.gov/document?D=PHMSA-2011-0023-0290>

⁶ *Id.*

standards are adopted, and that prohibition applies equally to substantive provisions and recordkeeping requirements.⁷ Therefore, GPA Midstream appreciates PHMSA's acknowledgement that the proposed recordkeeping requirements in sections 192.67, 192.127, and 192.205 will not apply retroactively, if included in the final rule.

However, GPA Midstream continues to have concern with the application of these proposed sections to gas gathering pipelines.⁸ PHMSA did not analyze the impact of these provisions on gathering pipelines in either its Preliminary Regulatory Impact Assessment⁹ or its application to the Office of Management and Budget for revised authority under the Paperwork Reduction Act (PRA).¹⁰ In fact, PHMSA's supporting statement seeking PRA approval did not analyze the recordkeeping burden imposed by §§ 192.67, 192.127, or 192.205 for any type of pipeline operator. PHMSA described the increased PRA burden for the entire NPRM as an additional 6 hours per operator. These hours were associated with the inclusion of the emergency planning requirements of 49 C.F.R. § 192.615 for approximately 100 gathering line operators. PHMSA did not analyze the burden-hours for any of the other new recordkeeping provisions, especially §§ 192.67, 192.127, or 192.205.

As stated during the public comment portion of the March 2 GPAC meeting, GPA Midstream requests that PHMSA add an explicit exemption to §§ 192.67, 192.127, and 192.205 for gathering lines. Even if these proposed regulations only apply prospectively to new facilities, the impact would still create significant burdens for gathering line operators. GPA Midstream hopes that this issue can be addressed during the upcoming GPAC meetings focused specifically on gathering lines. If you have questions, please contact me at (202) 279-1664 or by email at mhite@GPAMidstream.org.

Sincerely,



Matthew Hite
Vice President of Government Affairs
GPA Midstream Association

⁷ 49 U.S.C. § 60104(b).

⁸ In the NPRM, PHMSA proposed that certain gathering lines would need to comply with all sections applicable to transmission pipelines with the narrow exception of several listed regulations. *See* Proposed § 192.9, Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines, 81 Fed. Reg. 20,722 (Apr. 8, 2016). The listed exceptions were §§ 192.13, 192.150, 192.319, 192.461(f), 192.465(f), 192.473(c), 192.478, 192.710, 192.713, and subpart O. Since §§ 192.67, 192.127, and 192.205 were not included in the list of exceptions, as proposed, gas gathering operators with pipelines fitting the description in § 192.9 would need to comply with these provisions.

⁹ Preliminary Regulatory Impact Assessment, <https://www.regulations.gov/document?D=PHMSA-2011-0023-0117> (Mar. 2016).

¹⁰ OMB Control No. 2137-0049, Supporting Statement (https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201604-2137-001)