



May 30, 2024

Alan K. Mayberry  
Associate Administrator  
Office of Pipeline Safety  
Pipeline and Hazardous Materials Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**Re: Supplement Letter  
Petition for Reconsideration of Final Rule, “Pipeline Safety: Requirement of  
Valve Installation and Minimum Rupture Detection Standards: Technical  
Corrections”, PHMSA-2013-0255 (Aug. 1, 2023)**

Dear Mr. Mayberry,

The American Petroleum Institute (API) and the GPA Midstream Association (GPA) respectfully submit this supplement letter concerning the Petition for Reconsideration (Petition) that API and GPA filed on August 30, 2023, in the above-captioned proceeding (Petition). In the Petition, API and GPA (Petitioners) asked the Pipeline and Hazardous Materials Safety Administration (PHMSA or the Agency) to reconsider a final rule that PHMSA published in the *Federal Register* in this proceeding on August 1, 2023 (Technical Corrections Rule).<sup>1</sup>

As explained in the Petition, the Technical Corrections Rule amended the regulations for rupture-mitigation valves (RMV) that the Agency prescribed in an earlier final rule on April 8, 2022 (RMV Rule).<sup>2</sup> The RMV Rule included regulations that require operators of pipelines transporting highly volatile liquids (HVL) to install RMVs in certain locations under certain circumstances. On September 22, 2023, API and GPA submitted a supplement letter to PHMSA that identified an editorial error in the RMV requirements for HVL pipelines at 49 C.F.R. § 195.418.<sup>3</sup> API and GPA have identified an additional editorial error in the RMV requirements for HVL pipelines at 49 C.F.R. § 195.260 and is respectfully requesting that PHMSA correct that error in acting on the Petition.

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<sup>1</sup> *Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards: Technical Corrections*, 88 Fed. Reg. 50056 (Aug. 1, 2023).

<sup>2</sup> *Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards*, 87 Fed. Reg. 20940 (Apr. 8, 2022).

<sup>3</sup> See September 22, 2023, Supplemental Letter from Petitioners.

In the RMV Rule, the Agency adopted a requirement in 49 C.F.R. § 195.260(c) as follows:

“Valves on pipeline segments that are located in HCAs or which could affect HCAs must be installed...but with a maximum distance that does not exceed 7 ½ miles from the endpoints of the HCA segment or that could affect an HCA.”<sup>4</sup>

In responding to comments submitted by the hazardous liquid pipeline industry regarding this requirement in the Notice of Proposed Rulemaking (NPRM) for the RMV Rule, PHMSA clearly stated that it “...*did not intend for such a measure to reduce valve spacing and determined that the requirement is duplicative of similar preventative and mitigative requirements set forth in § 195.452. As such, PHMSA has determined that the proposed requirement may have been unnecessary and has deleted it from this final rule*”(emphasis added).<sup>5</sup> However, the final rule still included this requirement as noted above.

PHMSA adopted § 195.260 in the RMV Rule and limited the application of valve spacing requirements to HVL lines in high population or other populated areas. The Agency did not include that same limitation in § 195.418.<sup>6</sup> API and GPA believe the omission of that language from § 195.418 was inadvertent given the statements that PHMSA made in the preamble of the RMV Rule. For example, PHMSA explained that the RMV Rule “provides valve spacing limits for highly volatile liquid pipelines in populated areas.”<sup>7</sup> The Agency reinforced that notion in other statements made throughout the RMV Rule.<sup>8</sup> And in its description of § 195.418, PHMSA explained that it “prescribed [the HVL RMV] spacing standard only in high-population areas or other populated areas.”<sup>9</sup>

API and GPA are respectfully requesting that the Agency make the following editorial correction to § 195.260(c).

**§ 195.260 Valves: Location**

**(a)** . . .

**(b)** . . .

**(c)** On each pipeline at locations along the pipeline system that will minimize or prevent safety risks, property damage, or environmental harm from accidental hazardous liquid or carbon dioxide discharges, as appropriate for onshore areas, offshore areas, and high-consequence areas (HCA). For newly constructed or entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as that term is defined at §195.2 that are installed after April 10, 2023, valve spacing must not exceed 15 miles for pipeline segments that could affect or are in HCAs, as defined in §195.450, and 20 miles for pipeline segments that could not affect HCAs. Valves on pipeline segments that are located in HCAs or which could affect HCAs must be installed at locations as determined by the operator's

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<sup>4</sup> 87 Fed. Reg. at 20,988.

<sup>5</sup> *Id.* at 20,964.

<sup>6</sup> *Id.* at 20,990.

<sup>7</sup> *Id.* at 20,942.

<sup>8</sup> *See e.g., Id.* at 20,962.

<sup>9</sup> *Id.* at 20,963.

process for identifying preventive and mitigative measures established pursuant to §195.452(i) and by using the selection process in section I.B of appendix C of part 195, ~~but with a maximum distance that does not exceed 7 1/2 miles from the endpoints of the HCA segment or the segment that could affect an HCA.~~ An operator may request an exemption from the compliance deadline requirements of this section for valve installation at the specified valve spacing if it can demonstrate to PHMSA, in accordance with the notification procedures in §195.28, that those compliance deadline requirements would be economically, technically, or operationally infeasible.

For the foregoing reasons, the Petitioners respectfully requests that PHMSA grant the request presented in this supplement to the Petition and amend the RMV Rule. Please do not hesitate to contact us if you have any questions or concerns.



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