BEFORE THE

UNITED STATES DEPARTMENT OF TRANSPORTATION

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

WASHINGTON, D.C.

Pipeline Safety: Clarifying Recordkeeping Requirements for Testing in MAOP Reconfirmation Regulation	Docket No. PHMSA-2025-0117

PETITION FOR RECONSIDERATION

AND

REQUEST FOR STAY OF EFFECTIVE DATE OF FINAL RULE

FILED BY

PIPELINE SAFETY TRUST

July 31, 2025

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I. Introduction

The Pipeline and Hazardous Materials Safety Administration published a final rule "Pipeline Safety: Clarifying Recordkeeping Requirements for Testing in MAOP Reconfirmation Regulation" in the July 1, 2025 Federal Register.[1] Pursuant to the procedures in 49 CFR Part 190, the Pipeline Safety Trust (PST) hereby petitions PHMSA to reconsider this rule and requests a stay of the effective date of the rule in its entirety until this petition for reconsideration is fully resolved. It is PST's position that this rule violates the Administrative Procedure Act because it fails to meet the requirements of the good cause exception to notice and comment rulemaking.

In its July 1, 2025, Technical Correction, PHMSA purports "[t]o provide owners and operators of gas transmission lines with regulatory certainty, and to correct its earlier error" referring to an "erroneous reading of the applicable regulations" in a 2022 letter of interpretation. However, the reality, if issued as published, would add another ill-informed, unnoticed, and brash decision to revise § 192.624(a)(1).[2] The Technical Correction is impractical and unreasonable as it does nothing to ease confusion for operators and the public about how operators are meant to establish the MAOP of their pipelines and where MAOP reconfirmation applies.

Contrary to public interest, the Technical Correction would gut an applicability provision endorsed to by PHMSA's advisory committee and supported by industry. Indeed, this technical correction would undo regulation that satisfied a Congressional mandate and National Transportation Safety Board (NTSB) recommendation which originated from a pipeline failure that killed eight, injured 51, and destroyed many homes in San Bruno, CA.[3] PHMSA's Regulatory Impact Analysis (RIA) for the final rule[4] that codified MAOP reconfirmation made this clear as it states "[r]econfirming MAOP for pipes with incomplete and grandfathered records is intended to prevent future incidents, and focuses on locations where the risk of injuries, deaths, and damages is highest (i.e., densely populated areas)."[5]

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[1] Pipeline Safety: Clarifying Recordkeeping Requirements for Testing in MAOP Reconfirmation Regulation, 90 Fed. Reg. 28,054 (July 1, 2025) (hereinafter "Technical Correction").

[2] 85 Fed. Reg. 40,132 (July 6, 2020); 84 Fed. Reg. 52,247 (Oct. 1, 2019).

[3] National Transportation Safety Board, Accident Report PAR-11/01 (August 30, 2011). The National Transportation Safety Board determined the probable cause to be related to inadequate quality assurance and quality control in 1956 when the failed pipeline was installed, which allowed the installation of a substandard and poorly welded pipe section with a visible seam weld flaw. This flaw was not exposed to a robust strength test at the time of installation or at any time afterward. The flaw grew over time to a critical size, causing the pipeline to rupture. Additionally, the probable cause was related to the pipeline operator's inadequate pipeline integrity management program failed to detect and repair or remove flaw.

[4] Pipeline Safety: Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements, and Other Related Amendments, 84 Fed. Reg. 52,180 (Oct. 1, 2019) (hereinafter "2019 Final Rule").

[5] PHMSA, Regulatory Impact Analysis: Regulatory Impact Analysis Natural Gas Transmission (49 CFR Part 191 & 192) Final Rule, Section 5.6.1. (October 2019)

PHMSA's RIA continues with a quote from NTSB's San Bruno accident report stating "[t]here is no safety justification for the grandfather clause exempting pre-1970 pipelines from the requirement for post construction hydrostatic pressure testing." PHMSA is attempting to bring back the grandfather clause by arguing that using the quality of available pre-code pressure test records constitutes the same thing as retroactively requiring operators make and maintain such records. The practical impact of this decision is that fewer miles of gas pipelines will be required to re-confirm MAOP, meaning that the recommendation of the NTSB, and the mandate of Congress will be unfulfilled, leaving communities vulnerable. For these reasons, PST petitions PHMSA for reconsideration of its technical correction and requests a stay of the effective date until this petition is resolved.

II. Background

PHMSA codified the applicability of its new MAOP reconfirmation program at § 192.624(a) to include two groups of pipes which would be required to implement one of six methods to reconfirm the MAOP of a pipeline segment.[6] The first group of applicable pipelines identified at § 192.624(a)(1) is pertinent to this petition for reconsideration and was codified as "[r]ecords necessary to establish the MAOP in accordance with § 192.619(a), including records required by § 192.517(a), are not traceable, verifiable, and complete. (emphasis added)"[7]

After publishing the final rule, the American Gas Association, the American Petroleum Institute, the American Public Gas Association, and the Interstate Natural Gas Association of America (INGAA) filed a petition to limit the applicability of MAOP reconfirmation requirements at § 192.624(a)(1) to those pipeline segments that do not have TVC pressure test records under § 192.619(a)(2), arguing that "without the specific reference to § 192.619(a)(2), it is unclear whether an operator must reconfirm MAOP when a pipeline segment already has a traceable, verifiable, and complete (TVC) pressure test record."[8] The petition was granted and the applicability at § 192.624(a)(1) was changed, without an opportunity for the public to review and comment, to read "[r]ecords necessary to establish the MAOP in accordance with § 192.619(a)(2), including records required by § 192.517(a), are not traceable, verifiable, and complete."[9]

In a request for interpretation dated August 16, 2022, National Grid, still unsure if pressure test records[10] for a test performed in 1964 (i.e., a pre-code pressure test) met the threshold

[6] *Id.*
[7] Later amended to reference § 192.619(a)(2).
[8] American Gas Association, American Petroleum Institute, American Public Gas Association, Interstate Natural Gas Association of America, Petition for Reconsideration (Oct. 31, 2019) https://www.regulations.gov/document/PHMSA-2011-0023-0472 (hereinafter "Industry Trades Petition").
[9] 85 Fed. Reg. 40,134.
[10] Interpretation Request of National Grid (Aug. 16, 2022)("[M]ultiple and complementary formal written correspondence [...] that a pressure test was performed in accordance with existing New York State Pipeline Regulations in effect at the time of installation.").

to be "traceable, verifiable, and complete" as described at § 192.624(a)(1),[11] submitted a request for interpretation to PHMSA. In response to that request, PHMSA stated "[t]he § 192.517(a) records requirements are the minimum requirements for pressure tests to meet § 192.624(a)" and that TVC pressure test records must contain the information described at § 192.517(a).[12] This interpretation was withdrawn for further consideration prior to publishing the Technical Correction.[13]

In a show of continued dissatisfaction with the text at § 192.624(a)(1), a representative of INGAA, of which National Grid is a member, testified to Congress on February 25, 2025, in a statement that echoes the reasoning presented in the Technical Correction,[14] claiming that PHMSA made

> drafting errors related to the MAOP record keeping requirements that would result in the natural gas pipeline transmission industry needlessly retesting[15] about 50,000 miles of previously pre-1970 tested pipelines if modern-day record keeping standards are not met.[16]

On July 1, 2025, PHMSA issued the Technical Correction, finalizing an amendment to § 192.624(a)(1) without an opportunity for public review and comment about the changes.

III. Argument

A. The Technical Correction Violates the Administrative Procedure Act's Requirements for Rulemaking

PHMSA's technical correction violates the Administrative Procedure Act (APA)[17] for two reasons: 1) It is an un-noticed, substantive reinterpretation of PHMSA's position, and 2) it is an inappropriate use of the "good cause" exception to notice and comment rulemaking. PHMSA asserts that it has "good cause" to issue the final rule without notice and comment under the "unnecessary" prong of the exception. According to PHMSA, this correction

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[11] PHMSA provided, for the record, a detailed meaning for each term of "traceable, verifiable, and complete" in the 2019 Final Rule. 84 Fed. Reg. 52,218–19.

[12] Letter from John Gale, Director, Office of Standards and Rulemaking to Michael Kern, Director, Gas Transmission Engineering and Design, National Grid (Oct. 5, 2022) (PI-22-0014) https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/standards-rulemaking/pipeline/interpretations/76846/national-grid-pi-22-0014-10-05-2022-parts192517-and-192624.pdf.

[13] 90 Fed. Reg. at 28,055

[14] Benjamin Kochman, signatory on the Technical Correction, was employed by INGAA prior to being appointed as PHMSA's Deputy Administrator on January 31, 2025.

[15] The requirements at § 192.624(c) do not explicitly require "retesting," or pressure testing, as the only means to reconfirm a pipeline's MAOP. This paragraph provides a total of six methods of reconfirming the MAOP.

[16] Testimony of Eric Taylor, on Behalf of INGAA, before the Subcommittee on Railroads, Pipelines and Hazardous Materials Committee on Transportation and Infrastructure of the U.S. House of Representatives (Feb. 25, 2025) https://transportation.house.gov/uploadedfiles/02-25-2025_rphm_hearing_-_eric_taylor_-_testimony.pdf.

[17] 5 U.S.C. § 553.

"merely clarifies within [§ 192.624(a)(1)] the application of the statutory retroactivity prohibition at 49 U.S.C. [§] 60102(b) and the general limitation on the applicability of part 192 at § 192.13(a)[.]"[18] However, PHMSA's characterization of this action as a "technical correction" is inaccurate and misleading because it is a substantive reinterpretation of this provision. In addition, PHMSA's invocation of the "good cause" exception to notice and comment rulemaking is inappropriate because it is a controversial, non-urgent action affecting thousands of miles of gas pipelines.[19]

i. PHMSA's technical correction is a substantive change in position

PHMSA did not raise any concerns about a conflict involving § 192.624 in 2019, when it was petitioned to revise § 192.624(a)(1) of the 2019 Final Rule. At that time, the request was to limit the reference from the broader § 192.619(a) to the more specific § 192.619(a)(2). This change was justified by the petitioners based on adding clarity to the question of "whether an operator must reconfirm MAOP when a pipeline segment already has a traceable, verifiable, and complete (TVC) pressure test record."[20] In PHMSA's granting of the petition, PHMSA determined that it would be "appropriate for not requiring a § 192.624 reconfirmation when a TVC pressure test is confirmed[.]"[21] In the petition and its granting, the question raised in the Technical Correction of the timing of the pressure test was irrelevant, and no subsequent rulemaking or legal action related to § 192.624(a)(1) was taken on the matter until the Technical Correction was published.

Now, PHMSA asserts the opposite: the statutory and regulatory retroactivity prohibitions apply to § 192.624(a), and thus the standards found in § 192.517(a) cannot apply. This is a massive, substantive change in position, not a correction of a typographical error or incorrect reference. PST strongly disagrees with this perspective, but even if PHMSA is correct in this new interpretation, it would have to comply with the APA. Courts have repeatedly held that substantive changes in agency interpretations require notice and comment rulemaking.[22]

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[18] 90 Fed. Reg. at 28,055.

[19] PHMSA's past perspective on technical corrections was that they "do not impose any new operating, maintenance, or other substantive requirements on owners or operators…" Pipeline Safety: Administrative Procedures; Updates and Technical Corrections, 77 Fed. Reg. 48,112 (Aug. 13, 2012) (even so, in this case PHMSA chose to make the action a notice of proposed rulemaking and allowed public comment).Another PHMSA technical correction stated "the textual alterations herein consist of an editorial and technical correction, including revision to or codification of regulatory language inadvertently deleted or omitted by the final rule, consistent with statements in the administrative record." Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments; Technical Correction, 89 Fed. Reg. 53,880 (June 28, 2024).

[20] Industry Trades Petition, *supra* note 8, at 3.

[21] Letter to Christina Sames, VP Operations and Engineering, American Gas Association from Alan K. Mayberry, Associate Administrator for Pipeline Safety, PHMSA (Dec. 20, 2019) https://www.regulations.gov/document/PHMSA-2011-0023-0476.

[22] Perez v. Mortgage Bankers Ass'n, 575 U.S. 92 (2015); *See* FCC *v.* Fox Television Stations, Inc.,556 U. S. 502,515 (2009) (the APA "make[s] no distinction . . . between initial agency action and subsequent agency action undoing or revising that action"); Appalachian Power Co. v. Envt. Prot. Agency, 208 F.3d (D.C. Cir. 2000).

ii. PHMSA's use of the "unnecessary" prong of the good cause exception to notice and comment rulemaking is inappropriate

The 2019 Final Rule and the provision being "corrected" have been highly controversial and of substantial interest to industry and the public, and thus not appropriate for the "unnecessary" prong of the "good cause" exception to notice and comment rulemaking. This exception is only permissible when procedure is "impracticable, unnecessary, or contrary to the public interest."[23] Courts have repeatedly found that this exception is only appropriate when "the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public."[24] Other cases have clarified that "'[u]nnecessary' means unnecessary so far as the public is concerned, as would be the case if a minor or merely technical amendment in which the public is not particularly interested were involved."[25] Finally, case law also firmly establishes that the exception "should be narrowly construed because '[i]t is an important safety valve to be used where delay would do real harm. It should not be used, however, to circumvent the notice and comment requirements whenever an agency finds it inconvenient to follow them.'"[26] Therefore, the key issue is whether the rule is "inconsequential," "insignificant," and "minor," or if it has a larger impact on industry and the public.[27]

According to INGAA, 50,000 miles of pipe are implicated and "retesting" these pipelines "would cost operators billions of dollars."[28] PHMSA's 2019 Regulatory Impact Analysis for the 2019 Final Rule indicated 3,230 miles would be applicable to MAOP reconfirmation by way of inadequate records[29] and 3,690 miles applicable to MAOP reconfirmation by way of grandfathered MAOPs.[30] Annual reports for the 2024 calendar year indicate 2,092 miles are applicable by way of inadequate records.[31] At most, the applicable mileage for with grandfathered MAOPs are 40,610 miles total, with 754 miles of those miles not having

[23] 5 U.S.C. § 553(b)(B).

[24] See Mack Trucks, Inc. v. E.P.A., 682 F.3d 87, 94 (D.C. Cir. 2012) ("This prong of the good cause inquiry is 'confined to those situations in which the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'") (*quoting* Util. Solid Waste Activities Grp. v. EPA, 236 F.3d 749, 755 (D.C. Cir. 2001)); N. Carolina Growers' Ass'n, Inc. v. United Farm Workers, 702 F.3d 755, 767 (4th Cir. 2012); Nat'l Nutritional Foods Ass'n v. Kennedy, 572 F.2d 377, 385 (2d Cir. 1978).

[25] Nat'l Nutritional Foods Ass'n v. Kennedy, 572 F.2d 377, 385 (2d Cir. 1978))

[26] N. Arapahoe Tribe v. Hodel, 808 F.2d 741, 751 (10th Cir. 1987) (*quoting* United States Steel Corp. v. E.P.A., 595 F.2d 207, 214).

[27] *Compare* Leveque v. Block, 723 F.2d 175, 184 (1st Cir. 1983)

[28] INGAA, Testimony before Congress, February 25, 2025, at 6. https://transportation.house.gov/uploadedfiles/02-25-2025_rphm_hearing_-_eric_taylor_-_testimony.pdf.

[29] PHMSA, Regulatory Impact Analysis: Regulatory Impact Analysis Natural Gas Transmission (49 CFR Part 191 & 192) Final Rule at 35 (Exhibit 33). (October 2019) but mistakenly refers to this pipe as "untested".

[30] PHMSA, Regulatory Impact Analysis: Regulatory Impact Analysis Natural Gas Transmission (49 CFR Part 191 & 192) Final Rule, at 37 (Exhibit 34). (October 2019)

[31] PHMSA, Annual Report Data CY 2024, Summation of fields: QC1HCAA2INC, QC2HCAA2INC, QC3HCAA2INC, QC3MCAA2INC, QC3NOTHMA2INC, QC4HCAA2INC, QC4MCAA2INC, and QC4NOTHMA2INC.

adequate records justifying the grandfathered MAOP.[32] PST expects that much of the 40,610 miles of grandfathered pipelines to have a record, meeting the 1970 recordkeeping standard at § 192.517, even though the pressure test might may have occurred before 1970. This is not an inconsequential, insignificant, or minor impact to the industry or the public.

PST recognizes that in some instances, the pressure test record may not fully substantiate the grandfathered MAOP and that an operator might have to reduce the operating pressure accordingly if the MAOP is to be based on the pressure test (i.e., § 192.619(a)(2)) instead of the grandfathered operating pressure (i.e., § 192.619(c)(1)).[33] PST also recognizes that not all pressure test records retained by operators will measure up to the TVC standard defined in the 2019 Final Rule and understands that PHMSA created a working group of industry, regulator, and public perspectives to determine what types and quality of pressure test records might be acceptable as TVC despite these records not meeting the higher bar for records at § 192.517. This is clear evidence that the issue involved substantive policy questions and disagreement among affected parties and the public and thus not an appropriate application of the "good cause" exception to notice and comment rulemaking.

There is also no urgency excusing notice and comment for this "correction" other than the fact that operators are seeking to avoid compliance with this important safety obligation. PHMSA does not argue that "delay would do real harm."[34] In fact, the rule does not come into effect until October 9, 2025.[35] Thus, PHMSA has time to undergo a notice and comment period.

Finally, the use of the "good cause" exception in this circumstance is obviously contrary to the public interest. This reinterpretation means that thousands of miles of grandfathered pipelines may continue operating without adequate pressure testing despite the safety failures that led to their inclusion in the 2019 rule. In San Bruno, eight people died when a pipeline with incomplete records exploded. In Sissonville, homes were destroyed in seconds. PHMSA created § 192.624 to prevent tragedies like these. Now, without public input or transparency, PHMSA is undermining that safeguard. This is not a technical correction. It is a life-or-death policy change that is clearly not in the public interest and deserves the public scrutiny required by the APA.

B. PHMSA Misapplies MAOP Reconfirmation Applicability Criteria to the Nonapplication and General Applicability Provisions

In the Technical Correction, PHMSA stated that its "October 2022 letter of interpretation omitted consideration of statutory and regulatory prohibitions on application of

[32] These mileages are overestimations as they include (1) pipelines operating at a stress level of less than 30% of the specific minimum yield strength, and (2) piggable portions of pipelines in moderate consequence areas, which are not separable in PHMSA annual report data in part Q.
[33] *See* Interpretation Request of Bernie Fussell (PI-25-0006) 2 (May 24, 2025).
[34] *N. Arapahoe Tribe*, 808 F.2d at 751.
[35] 90 Fed. Reg. 28,055.

subsequently adopted requirements to historical pressure testing."[36] In its reasoning, PHMSA cited the statutory non-retroactivity provision at 49 U.S.C. § 60104(b) and the regulatory provision at § 192.13(a) delineating the general applicability of part 192, which it claims make clear that subsequently adopted initial testing standards do not apply to gas pipeline facilities in existence prior the adoption of the pipeline safety regulations .

PST agrees with PHMSA that "[n]othing in the text of § 192.624(a)(1), which was introduced in the 2019 Final Rule, overrides these longstanding and well-established legal principles."[37] However, PST disagrees that the segments applicable to § 192.624(a)(1) prior to this technical correction were required to have complied with the pressure test recordkeeping requirements at § 192.517. PST also disagrees with PHMSA's determination that the methods of MAOP reconfirmation at § 192.624(c) constitute "initial testing standards" in violation of the statutory non-retroactivity provision at 49 U.S.C. § 60104(b) and the regulatory provision at § 192.13(a).

PST believes that PHMSA has erred in its reasoning in the Technical Correction that applicability of § 192.624(a)(1) *requires* the retroactive application of recordkeeping requirements at § 192.517 for pressure tests conducted prior to the original adoption of the part 192 regulations. Rather, PST interprets § 192.624(a)(1) as an applicability criterion that identifies whether an operator must perform MAOP reconfirmation in accordance with § 192.624(b) using one of the methods described at § 192.624(c). It is not that the operator of an existing pipeline must have records meeting the bar of traceable, verifiable, or complete for pre-code pressure tests, but if they do not, they must reconfirm the MAOP in accordance with § 192.624(b) and (c).[38]

Further, PHMSA errs in referring to the MAOP reconfirmation methods at § 192.624(c) as not "initial testing standards," but rather operational and maintenance requirements. If PHMSA's supposition were correct, surely petitions and lawsuits would have arisen already in response to the 2019 Final Rule and its subsequent technical correction[39] based on a violation of 49 U.S.C. § 60104(b) or § 192.13(a). To the contrary, INGAA asked PHMSA to issue the 2019 Final Rule.[40]

C. PHMSA Fundamentally Misunderstands How to Apply the Grandfather Clause

[36] 90 Fed. Reg. at 28,055.
[37] *Id.*
[38] PHMSA, *supra* note 5, Section 5.6.1. PHMSA characterizes the applicability as (1) inadequate records as miles of pipeline segments in HCAs, and Class 3 and Class 4 locations for which there are not adequate records to support the existing MAOP previously established in accordance with § 192.619, and (2) grandfathered pipe as pipeline segments for which the MAOP was established in accordance with § 192.619(c) before the effective date of the final rule.
[39] 84 Fed. Reg. at 52,247
[40] Comments of the Interstate Natural Gas Association of America (INGAA) before the Subcommittee on Railroads, Pipelines, and Hazardous Materials Committee on Transportation and Infrastructure of the U.S. House of Representatives (April 2, 2019) https://ingaa.org/wp-content/uploads/2019/05/36381.pdf.

In the Technical Correction, PHMSA continues to misunderstand the purpose of the grandfather clause codified at § 192.619(c)(1).[41] The grandfather clause was codified in response to concerns from the Federal Power Commission (FPC)[42] relating not to untested pipe, but to *undertested* pipe.[43] As explained in the final rule establishing the minimum federal pipeline safety standards, the FPC recognized that prior to 1952, minimum pressure test levels had not yet been established. Between 1935 and 1951, the predecessor code to American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) B31.8 required that a pipeline be tested only to 50 psig above the proposed MAOP. The test factors that are found in Table 1 of paragraph (a)(2)(ii) of § 192.619 adopted from ANSI B31.8-1968 standard, but it's understood that the B31.8 code established these minimum test levels as of 1952. The FPC suggested that there would be no material increase in safety from requiring pipeline operating pressures to be reduced based on lower, historical test factors, when they "have been proven capable f withstanding present operating pressures through actual operation"[44]. In response to the FPC comment, PHMSA's predecessor created the grandfather clause to permit the continued operation of these undertested pipes bases on the highest actual operating pressure from the prior five years. Thus, the origin of the grandfather clause is clearly not based on "untested" pipe but is primarily based on undertested pipe.

D. The Technical Correction is Inconsistent with the 2011 Pipeline Safety Act

The 2011 Pipeline Safety Act (PSA) required PHMSA to issue regulations for conducting tests to confirm the material strength of previously "untested" pipe.[45] Additionally, the 2011 PSA mandated PHMSA require the reconfirmation of MAOP for pipe where the records are insufficient to confirm the established MAOP (i.e., underdocumented pipe).[46] PHMSA understood this dual purpose of the 2011 PSA in 2019 and codified these two required elements into the two applicability provisions at § 192.624(a).[47] PHMSA's amendments in the Technical Correction attempt to gut the applicability of the mandate for underdocumented pipe codified at § 192.624(a)(1).

If an operator purports to have established its MAOP based on a pressure test in accordance with § 192.619(a)(2), such a pressure test must have been adequately performed and documented, and the records retained, irrespective of when such a test was performed. If the test was performed prior to 1970 but otherwise met the requirements of newly codified subpart J, the operator could have used that test to establish the MAOP in accordance with § 192.619(a)(2), assuming no other restrictions to the MAOP applied in accordance with § 192.619(a).

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[41] 84 Fed. Reg. at 52,188
[42] The predecessor of the Federal Energy Regulatory Commission.
[43] 35 Fed. Reg. at 13,248
[44] *Id.*
[45] Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, Pub. L. No. 112-90, § 23, (2012); 49 U.S.C. § 60139(d).
[46] 49 U.S.C. § 60139(c).
[47] PHMSA, Gas Transmission Regulatory Impact Analysis 34 (Oct. 2, 2019) https://downloads.regulations.gov/PHMSA-2011-0023-0466/attachment_1.pdf.

A deficiency of a pre-code pressure test relative to subpart J durations or stress levels would have required the operator to establish the MAOP in accordance with the new grandfather clause at § 192.619(c) or reduce the operating pressure according to the other limitations on MAOP at § 192.619(a). A deficiency of a pre-code pressure test record relative to the subpart J records requirements at § 192.517 would not have precluded the operator from establishing the MAOP based on the pressure test in accordance with § 192.619(a)(2), but issues with records, namely the difference between a "underdocumented" record and a TVC record, would have existed dormant until the 2010 San Bruno, CA failure and subsequent NTSB investigation and recommendations.

Accordingly, PHMSA codified the criterion for determining whether a pressure test record is "sufficient to confirm the established MAOP" to be a pressure test that achieves the appropriate stress level and duration (i.e., to address undertested pipelines), and which is documented in traceable, verifiable, and complete records (i.e., to address underdocumented pipelines). Indeed, the criteria for avoiding having to reconfirm the MAOP of a pipeline segment using a method described at § 192.624(c), is to have previously performed, and retained the records of, a test substantively similar to a modern, subpart J pressure test. As stated in this petition regarding the nonapplication provision, this is not to say that an operator was or is required to retain the records of such an historical test as PHMSA alleges in this technical correction. Additionally, PHMSA's characterization of the MAOP reconfirmation methods at § 192.624(c) as "initial testing standards" is not consistent with its codification at subpart L – Operations, and the extensive and exhaustive rulemaking record that supports these methods as operational in nature.

IV. Conclusion

For the reasons outlined above, the Pipeline Safety Trust respectfully petitions the Pipeline and Hazardous Materials Safety Administration to reconsider the July 1, 2025, Final Rule titled "Pipeline Safety: Clarifying Recordkeeping Requirements for Testing in MAOP Reconfirmation Regulation" on the basis that amending this key applicability regulation could significantly reduce the pipeline mileage subject to MAOP reconfirmation. Such an amendment warrants a public notice and comment period in compliance with the Administrative Procedure Act, and an evaluation and recommendation on how to proceed by PHMSA's technical advisory committee.

Specifically, PST urges PHMSA to:

1. Reconsider the technical correction to § 192.624(a)(1) and its interaction with the nonapplication and general applicability provisions.
2. Comply with rulemaking procedures found in the Administrative Procedure Act for this and all future agency decisions.
3. Clarify the distinctions between pipelines operating under the grandfather clause at § 192.619(c)(1) and those operating with incomplete or inadequate pressure test records.
4. Maintain alignment of the regulations with the 2011 Pipeline Safety Act.

5. Stay the effective date of the rule in its entirety until this petition for reconsideration is fully resolved.

PHMSA's new, unnoticed interpretation, as presented in the Technical Correction, risks undermining the clarity and consistency of the MAOP reconfirmation regulations and is in contravention of the law. PST insists that amendments with such significant consequences be made in the public forum and with public review and input.

Respectfully submitted this 31st day of July,

Erin Sutherland

Erin Sutherland
Policy & Program Director/Counsel

cc by email to:

Benjamin Kochman, Acting Administrator, PHMSA
Keith Coyle, Chief Counsel