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REGULATED INDUSTRIES LAW UPDATE

PHMSA extends comment period on two pipeline rulemakings until March

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In November, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued an Advanced Notice of Proposed Rulemaking (ANPRM) on expanding the use of excess flow valves (EFVs) in gas distribution systems to applications other than single-family residences and a Notice of Proposed Rulemaking (NPRM) for miscellaneous changes to pipeline safety regulations. Initially, the comment periods were to close on February 18, 2012, and February 3, 2012, respectively. However, in response to stakeholder requests, PHMSA recently extended both comment periods. Now you have until March 6th to comment on the NPRM regarding miscellaneous changes and until March 19th to comment on the ANPRM on extending the use of EFVs.

The NPRM on miscellaneous changes to pipeline safety regulations (76 Fed. Reg. 73570) **can be accessed here**. Issues for comment on the NPRM include: post-construction inspections, leak surveys of certain onshore gas gathering lines, qualifying plastic pipe joiners, regulation of pipeline transportation of ethanol, transportation of pipe, filing condition reports for offshore pipelines, pressure reduction calculation for anomalies in hazardous liquid pipelines, mill hydrostatic tests for pipe to operate at alternative MAOP, odorization of gas transmission lateral lines, limiting indirect costs in state grants, threading copper pipe, testing non-pipe components installed in low-pressure gas pipelines, national pipeline mapping system, alternative MAOP notifications, welders versus welding operators, components fabricated by welding, and several “editorial” changes to Parts 192 and 195 regulations.

Comments on the NPRM should reference Docket No. PHMSA-2010-0026 and be **submitted online**, via fax to (202) 492-2251, or via mail to DOT Docket Management System: U.S. DOT, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

The ANPRM regarding expanding the use of EFVs (76 Fed. Reg. 72666) was mentioned in the **January 2012 RegLINC**, and the ANPRM can be **accessed here**. Commenters may want to address the following reasons raised in support of expansion of the use of EFVs to more than single-family residences: likelihood that use of EFVs would mitigate incident consequences, likelihood of an incident occurring on service lines other than to a single family residence, limitations to effectiveness of incident damage prevention efforts, difficulty in preventing incidents caused by natural forces and other outside forces, and commercial availability of EFVs for other uses.

Comments on the ANPRM should reference Docket No. PHMSA-2011-0009 and be **submitted online**, via fax to (202) 492-2251, or via mail to DOT Docket Management System: U.S. DOT, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

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