



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 9, 2020

Stephanie Weidman
PHMSA Program Manager, Pipeline Safety
Railroad Commission of Texas
(1701 N. Congress Ave., Austin, TX 78701), PO Box 12967
Austin, TX 78711-2967

RE: Hurricane Delta - Emergency Assistance Personnel

Dear Ms. Weidman:

In light of Hurricane Delta, PHMSA recognizes pipeline operators may be faced with responding to emergencies under resource constraints, requiring the service of pipeline personnel that may not meet PHMSA and State regulatory requirements for random drug testing and operator qualification (OQ).

I assure you that PHMSA stands ready and willing to assist in every way possible to expedite repairs and restoration of gas service to communities affected by Hurricane Delta. PHMSA requires pre-employment and random drug testing of all pipeline workers under pipeline safety regulations at 49 CFR § 199.105. PHMSA would not object to your granting a request from an intrastate operator for an emergency waiver of § 199.105, provided the waiver is limited to the duration of the emergency caused by Hurricane Delta, not to exceed 30 days (with potential extensions).

PHMSA has established requirements under Subpart N of 49 CFR Part 192, Subpart H of Part 193, and Subpart G of Part 195 for operators to ensure, through evaluation or training, that each worker performing operation or maintenance activities is either qualified under the operator's written OQ program or has demonstrated capability to perform assigned functions. PHMSA would not object to your granting requests from intrastate operators for emergency waivers of these OQ requirements (49 C.F.R. §§ 192.801-192.809 and 195.501-195.509) and training requirements (49 C.F.R. §§ 193.2707-2709 and 193.2713-2717), provided such waivers were also appropriately limited to the situation presented by Hurricane Delta and limited to 30 days in duration (with potential extensions).

Under 49 U.S.C. § 60118(d), PHMSA requires a 60-day review period when a State notifies PHMSA that it intends to waive a pipeline safety regulation adopted by the State pursuant to

State certification under 49 U.S.C. § 60105. However, in light of the exigent circumstances, PHMSA waives the opportunity to receive such notice and has no objection to your immediate issuance of temporary waivers in the two circumstances noted above if necessary to expedite the engagement of pipeline personnel to assist with the response and recovery effort precipitated by Hurricane Delta, and provided the waivers do not exceed 30 days (with the opportunity for extension).

If you wish to discuss this response or any other pipeline safety matter, please feel free to contact me or Massoud Tahamtani, Deputy Associate Administrator for Pipeline Safety, at 202-366-8865.

Sincerely,

A handwritten signature in blue ink, reading "Alan K. Mayberry", is positioned above a horizontal line.

Alan K. Mayberry
Associate Administrator for Pipeline Safety