



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

1200 New Jersey Avenue, SE
Washington, DC 20590

December 6, 2022

**NOTICE OF LIMITED ENFORCEMENT DISCRETION FOR EXISTING ONSHORE
GAS TRANSMISSION PIPELINES**

Re: Limited Enforcement Discretion for Existing Onshore Gas Transmission Pipelines
Regarding Compliance with the Recently Issued Gas Transmission Final Rule (87 FR 52224
(Aug. 24, 2022)).

On August 24, 2022, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published in the Federal Register a final rule titled “Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments.”² This Final Rule responds to recommendations of the National Transportation Safety Board in the wake of the deadly 2010 incident on a Pacific Gas & Electric gas transmission pipeline in San Bruno, California. The Final Rule introduces a number of new requirements ensuring the prevention, timely identification, careful evaluation, and prompt remediation of threats to gas transmission pipeline integrity, thereby improving safety and environmental protection.

The American Gas Association, American Petroleum Institute, and Interstate Natural Gas Association of America filed petitions for reconsideration of the final rule and noted the value of extended compliance timelines to operators’ implementation of the Final Rule’s requirements.³ Based on its analysis of potential safety benefits, PHMSA has determined additional agency guidance—and associated time to implement the guidance would provide additional safety benefits to the public.

Accordingly, to ensure timely, careful, and complete implementation of the safety- and environment-improving requirements of the Final Rule, PHMSA will exercise its inherent enforcement discretion to refrain from taking enforcement action alleging violations of the Final Rule’s requirements (subject to certain exceptions described below) for nine additional months

² 87 FR 52224 (Aug. 24, 2022) (“Final Rule”).

³ American Gas Association, “Petition for Reconsideration,” Doc. No. PHMSA-2011-0023-0643 (Sept. 23, 2022); Interstate Natural Gas Association of America & American Petroleum Institute, “Petition for Reconsideration,” Doc. No. PHMSA-2011-0023-0644 (Sept. 23, 2022).

(i.e., from May 24, 2023, to February 24, 2024) against operators of existing onshore gas transmission pipelines in-service as of the publication date of the Final Rule on August 24, 2022. During that nine-month period, PHMSA will prepare and issue guidance to aid operators in their compliance with the Final Rule. This enforcement discretion will not apply to (1) those provisions of the Final Rule for which the Final Rule prescribed independent compliance timelines (i.e., 49 CFR 192.917(b) and 192.13(d)); and (2) pipelines that are new or replaced after August 24, 2022. PHMSA will memorialize this enforcement discretion within implementation material for PHMSA inspectors and recommend that its state partners conform to the contents of this limited enforcement discretion. This enforcement discretion will remain in effect until February 24, 2024.

Regulated entities may rely on this notice as a temporary safeguard from PHMSA regulatory enforcement narrowly limited as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way. Nothing herein prohibits PHMSA from rescinding this limited exercise of its enforcement discretion and pursuing an enforcement action if it determines that a significant safety issue warrants doing so. Nothing herein relieves operators from compliance with any other applicable provisions of Federal regulations or other law, and PHMSA reserves the right to exercise all of its other authorities.

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Alan K. Mayberry
Associate Administrator, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration