



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

March 25, 2024

Mr. Scott Rukke  
Pipeline Safety Director  
State of Washington  
Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

Dear Mr. Rukke:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA), dated October 24, 2023, you requested an interpretation of the Federal pipeline safety regulations in 49 Code of Federal Regulations (C.F.R.) Part 193 with respect to the requirements for mobile and temporary liquefied natural gas (LNG) facilities under 49 C.F.R. § 193.2019.

You stated § 193.2019(a) does not require mobile and temporary LNG facilities to comply with Part 193 requirements if they are in compliance with the applicable sections of the 2001 edition of NFPA-59A (NFPA-59A-2001). You asked whether § 193.2019(a) references only Section 2.3.4 or all sections of NFPA-59A-2001 that could be applicable to a mobile or temporary LNG facility. Also, you asked, if sections other than Section 2.3.4 are applicable, whether Section 10.15.3.6.2(c), for instance, would be considered an applicable section if an LNG tanker truck was used to deliver and offload LNG at a mobile or temporary LNG facility?

The applicable regulatory language is reprinted below.

**§ 193.2019 Mobile and temporary LNG facilities.**

(a) Mobile and temporary LNG facilities for peakshaving application, for service maintenance during gas pipeline systems repair/alteration, or for other short term applications need not meet the requirements of this part if the facilities are in compliance with applicable sections of NFPA-59A-2001 (incorporated by reference, *see* § 193.2013).

You asked PHMSA the following questions and PHMSA’s response follows each question.

**Question 1:** Whether reference to “applicable sections” refers only to NFPA-59A-2001 Section 2.3.4, which is specific to mobile and temporary LNG facilities, or if it includes all sections of NFPA that could be applicable to a mobile or temporary LNG facility?

**Response:** PHMSA<sup>1</sup> published a Direct Final Rule on February 25, 1997, that amended 49 C.F.R. Part 193 to add § 193.2019, which incorporated safety requirements for mobile and temporary LNG facilities by reference to NFPA 59A (1996 edition) (First Direct Final Rule).<sup>2</sup> In the First Direct Final Rule, PHMSA incorporated by reference NFPA-59A-1996 Section 2.3.4, which contained requirements for mobile and temporary LNG facilities, and removed the requirement for operators to request a waiver of Part 193 requirements for these types of facilities, if the operator complied with NFPA-59A-1996 Section 2-3.4. On August 1, 1997, PHMSA issued a second Direct Final Rule that responded to an adverse comment received on the First Direct Final Rule and determined that the requirements for mobile and temporary LNG facilities in NFPA 59A (1996 edition) would be incorporated by reference in § 193.2019 (Second Direct Final Rule).<sup>3</sup> In addressing the adverse comment, PHMSA added one requirement to the First Direct Final Rule (requiring state notification of the LNG project in § 193.2019(b))<sup>4</sup> but otherwise proceeded with promulgating § 193.2019.<sup>5</sup>

Section 193.2019 has since been amended to update cross-reference to the 2001 edition of NFPA 59A.<sup>6</sup> NFPA 59A Section 2.3.4 remained unchanged from the 1996 to 2001 edition.<sup>7</sup> Section 2.3.4 of NFPA-59A-2001 provides requirements for the temporary use of LNG portable equipment in short-term applications. Section 2.3.4 incorporates other sections of NFPA-59-2001, such as requirements for vaporizer controls and equipment and operations.<sup>8</sup> While Part 193 of the pipeline safety regulations has been amended to

<sup>1</sup> Previously, PHMSA was the Research and Special Programs Administration or “RSPA.”

<sup>2</sup> LNG Regulations - Miscellaneous Amendments, 62 Fed. Reg. 8361, 8402 (Feb. 25, 1977) (codified at 49 C.F.R. pt. 193)

<sup>3</sup> LNG Regulations; Miscellaneous Amendments, 62 Fed. Reg. 36465, 36466 (July 8, 1997) (codified at 49 C.F.R. pt. 193).

<sup>4</sup> LNG Regulations – Miscellaneous Amendments, 62 Fed. Reg. 41311 (Aug. 1, 1997); Liquefied Natural Gas Regulations – Miscellaneous Amendments, 62 Fed. Reg. 48952, 48953 (Sept. 18, 1997) (codified at 49 C.F.R. pt. 193).

<sup>5</sup> Nothing in the regulatory record suggests that the revised language in § 193.2019(a) in the Second Direct Final Rule constituted a substantive change to the referenced sections in NFPA 59A. (compare “Section 2–3.4 of NFPA 59A (1996 edition)” to “applicable sections of NFPA 59A (1996 edition).” As noted, the only substantive change in the Second Direct Final Rule identified by PHMSA was the addition of § 193.2019(b). 62 Fed. Reg. at 41312.

<sup>6</sup> See Pipeline Safety: LNG Facilities; Clarifying and Updating Safety Standards, 69 Fed. Reg. 11330 (Mar. 10, 2004) (codified at 49 C.F.R. pt. 193); Pipeline Safety: Periodic Updates of Regulatory References Technical Standards and Miscellaneous Amendments, 80 Fed. Reg. 168 (Jan. 5, 2015) (codified at 49 C.F.R. pt. 193).

<sup>7</sup> While the substance of Section 2.3.4 was unchanged, the sections referenced by Section 2.3.4(f) were updated in the 2001 edition. During this update, two sections were incorrectly cited. Section 11.4.5(b) does not exist and should have stated section 11.4.5.1(b). In addition, consistent with NFPA-59A-1996, section 11.4.5.2(c) should have been referenced instead of section 11.4.5.2(b), because (c) refers to truck transferring operations and subsection (b) refers to tank (rail) car operation.

<sup>8</sup> See e.g., Section 2.3.4(e) of NFPA-59A-2001 requiring vaporizer controls of mobile and temporary LNG facilities to comply with Sections 5.3.1; 5.3.2; and 5.4.

reflect the updated 2001 edition of NFPA 59A, the scope of the applicable sections of NFPA 59A to mobile and temporary LNG facilities has remained the same since the Second Direct Final Rule. Therefore, the “applicable sections” of NFPA-59A-2001 incorporated by § 193.2019(a) include Section 2.3.4 and all other sections referenced by Section 2.3.4, including sections 11.4.5.1(b) and 11.4.5.2(c), as noted in footnote 7, to be consistent with the Second Direct Final Rule and truck transferring operation requirements in NFPA-59A-1996.

**Question 2:** Under § 193.2019(a), would NFPA Section 10.15.3.6.2(c) be considered an “applicable section” if an LNG tanker truck was used to deliver and offload LNG at a mobile or temporary LNG facility?

**Response:** NFPA-59A-2001 Section 10.15.3.6.2(c) is not referenced by Section 2.3.4. Therefore, for the reasons articulated above in Response 1, Section 10.15.3.6.2(c) is not considered one of the “applicable sections” under § 193.2019(a). However, section 11.4.5.2(c) is an “applicable section” and contains identical requirements to those in section 10.15.3.6.2(c).

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,

John A. Gale  
Director, Office of Standards  
and Rulemaking



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*Sent via email*

October 24, 2023

John A. Gale  
Director of Standards and Rulemaking  
Office of Pipeline Safety  
Room 24-310  
1200 New Jersey Ave, SE  
Washington DC 20590

**RE: Request for Interpretation of Title 49 CFR Part 193.2019(a), Mobile and Temporary LNG Facilities**

Dear Mr. Gale:

CFR Part 193.2019(a) (Part 193) states that mobile and temporary LNG facilities do not have to meet the requirements of Part 193 if they're in compliance with the "applicable sections" of NFPA-59A-2001 (NFPA).

Our question to you is whether the Part 193 reference to "applicable sections" of NFPA refers only to section 2.3.4, which is specific to mobile and temporary LNG facilities, or if it includes all sections of NFPA that could be applicable to a mobile or temporary LNG facility?

As an example, under Part 193.2019(a), would NFPA Section 10.15.3.6.2(c) be considered an "applicable section" if an LNG tanker truck was used to deliver and offload LNG at a mobile or temporary LNG facility?

If you have any questions or if we can provide further clarification or details, please contact Scott Rukke at (360) 870-4923 or Dennis Ritter at (360) 402-0066.

Sincerely,

Scott Rukke  
Pipeline Safety Director

cc: Dustin Hubbard, Western Region,

Respect. Professionalism. Integrity. Accountability.