



September 8, 2025

Submitted via regulations.gov

Mr. Sayler Palabrica
Transportation Specialist
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

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

Dear Mr. Palabrica:

The GPA Midstream Association (GPA) respectfully submits these comments in response to the Pipeline and Hazardous Materials Safety Administration's (PHMSA or the Agency) Notice of Comment Period¹ seeking feedback on the Technical Correction² and the Petition for Reconsideration (the Petition)³ filed in the above-referenced docket. GPA has served the U.S. energy industry since 1921. GPA Midstream is composed of approximately 50 corporate members that directly employ over 57,000 employees that are engaged in the gathering, transportation, processing, treating, storage and marketing of natural gas, natural gas liquids (NGLs), crude oil, and refined products, commonly referred to in the industry as "midstream activities." In 2023, GPA Midstream members operated 507,000 miles of pipelines, gathered 91 Bcf/d of natural gas, and operated more than 365 natural gas processing facilities.

Brief Summary

GPA supports the Agency's Technical Correction, both in substance and process. GPA agrees with PHMSA that (1) recordkeeping requirements cannot be applied retroactively to pressure tests conducted prior to the adoption of the original Part 192 regulations and (2) on that basis, the interpretation issued to National Grid in 2022 was erroneous and lacked legal support.

PHMSA also seeks comment on the Petition. GPA has reviewed the Petition and does not agree that the Technical Correction represents a substantive change or creates additional confusion.⁴ The Technical

¹ *Pipeline Safety: Clarifying Recordkeeping Requirements for Testing in MAOP Reconfirmation Regulation*, 90 Fed. Reg. 38,429, Notice of Comment Period (Aug. 8, 2025).

² *Pipeline Safety: Clarifying Recordkeeping Requirements for Testing in MAOP Reconfirmation Regulation*, 90 Fed. Reg. 28,054, Technical Correction (July 1, 2025).

³ PST Petition for Reconsideration and Request for Stay, <https://www.regulations.gov/comment/PHMSA-2025-0117-0002> (July 31, 2025).

⁴ Petition, at 5.



Correction confirms the Agency's historical position and eliminates the potential for any lingering questions.

Detailed Comments

(1) Recordkeeping requirements cannot be applied retroactively to pressure tests conducted prior to the adoption of the original Part 192 regulations.

PHMSA is correct that applying recordkeeping requirements retroactively would violate the non-application clause in the Pipeline Safety Act.⁵ Congress has prohibited PHMSA from applying a "design, installation, construction, initial inspection, or initial testing standard" to pipeline facilities not in existence when the standard is adopted.⁶ Here, the application of recordkeeping requirements to pipelines that existed prior to the creation of those requirements would run afoul of this statutory requirement and longstanding anti-retroactivity principles. It would also violate the Agency's own regulations in section 192.13(a).⁷ The Technical Correction provides appropriate clarification that the recordkeeping requirements in section 192.517(a) do not apply to post-construction strength tests conducted before November 12, 1970, the effective date of the original federal gas pipeline safety regulations.

The Agency has consistently supported this position for decades. The original testing requirements in Subpart J were established in 1970 by the Hazardous Materials Regulations Board (the Board), one of PHMSA's predecessor agencies.⁸ In that final rule, the Board made clear that none of the testing requirements in Subpart J applied retroactively to existing gas pipeline facilities.⁹ The Board stated that "...the prospective effect of Part 192 is made clear in section 192.13"¹⁰ and that the non-retroactivity provision in the Pipeline Safety Act "speaks quite clearly on this point."¹¹ PHMSA has routinely complied with that statutory directive through subsequent interpretations.¹² The Agency has also acknowledged that the recordkeeping requirement in Section 192.517 only applies to "a new steel pipeline or one relocated or replaced after November 12, 1970[.]"¹³

⁵ 90 Fed. Reg. at 28,055(citing 49 U.S.C. § 60104(b)).

⁶ 49 U.S.C. § 60104(b).

⁷ Section 192.13(a) prohibits the application of initial testing requirements to pipelines in existence prior to the adoption of the new requirements.

⁸ *Interim Minimum Federal Safety Standards for the Transportation of Natural and Other Gas By Pipeline*, 35 Fed. Reg. 13,248 (Aug. 19, 1970).

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¹⁰ *Id.* at 13,250.

¹¹ *Id.*

¹² See PHMSA Letter of Interpretation, PI-74-0120 (March 11, 1974).

¹³ *Id.*



(2) The 2022 interpretation issued to National Grid was erroneous and lacked legal support.

The Agency's position on initial testing requirements has not wavered until the issuance of the 2022 interpretation to National Grid. That interpretation contradicted the plain text, structure, history, and purpose of sections 192.517, 192.619(a)(2), and 192.624(a)(1) and did not discuss the statutory or regulatory retroactivity prohibitions. The Agency did not explain how the recordkeeping requirements in 49 C.F.R. § 192.517(a) could be lawfully applied to a post-construction strength test conducted in 1964, four years before the enactment of the Pipeline Safety Act and six years before the effective date of the original testing requirements in Subpart J of Part 192. The Agency also did not explain why a post-construction strength test conducted in accordance with prevailing industry practices and state regulations at the time could not be used to establish the maximum allowable operating pressure under § 192.619(a)(2). On this basis, the Agency correctly withdrew the 2022 interpretation.

(3) The Technical Correction would not create confusion.

The Petition states that "[t]he 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."¹⁴ GPA has reviewed the Technical Correction with its members and can confirm that leaving the Technical Correction in place is not impractical and would not create confusion for operators. In fact, it would do the opposite—eliminate any questions from operators or federal or state inspectors that may be lingering after the issuance and withdrawal of the 2022 Interpretation.

GPA appreciates PHMSA's consideration of these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart Saulters". The signature is stylized with a large, sweeping "S" and a long horizontal line extending to the right.

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¹⁴ Petition, at 1.