Standards Update NPRM (Published January 15, 2021)
Comment Summary

Source	Standard Proposed	Code Section	Comment	Notes
Aaron Adamczyk	Amendatory Instruction 6(b)	N/A	Recommends revising Amendatory Instruction 6(b) to include the correct address and website protocol, as seen in instructions 6(a), 6(c), and 6(e)	Relevant Text: In amendatory instructions 6 a., c, and e, revising or republishing respective introductory paragraphs reference correct website protocol. In amendatory instruction 6b, revising respective introductory paragraph please reference correct address and website protocol.
Alyeska Pipeline Service Company	API Spec 6D (24th Edition)	§§ 192.145(a) and 195.l 16(d)	Recommends that PHMSA include allowance for legacy designs that incorporate flanged valves w/intermediate design pressures	Alyeska notes that their flange connections exceed ASME B16.47 (not API Spec 6D) "by using special bolting dimensions as an extra safety measure not required" by API Spec 6D. o Because of this, they say that the concern about installing lower-pressure-rated valves would not apply o They noted that having to replace the valves would be expensive and stated that it was unnecessary ▪ Stated that replacing the flanges would also require them to replace all 42- and 48-inch valves and support bases ▪ Noted that they would need to redesign and reconstruct manifold buildings for 17 of the 29 valves ▪ They stated that the total cost to Alyeska if PHMSA implements API Spec 6D: $5-10 million per valve
Anonymous	Whole Rule	N/A	Recommends that the rule should be passed as long as the changes are "deemed to be environmentally safe"	Stated that the rule seemed to be designed to help streamline the liquid petroleum business by increasing efficiency while allowing operators to focus on minimum requirements and regulations that have the greatest impact
American Fuel & Petrochemical Manufacturers	API RP 651	Incorporated into §§ 195.565 and 195.573(d). Additional relevant sections: §§ 195.563, 195.563(a), 195.401(c), 195.553.	They state that double-bottomed tanks with an interstitial fill of concrete (not soil) and tanks on continuous concrete pads do not allow any part of the pipe through which hazardous liquid moves to come into contact with the upper layer of the earth, and that such pipelines thus should not be considered "buried" and subject to cathodic protection installation requirements. They want PHMSA to state that cathodic protection isn't required when API RP 651 advises against it, such as for tanks that are not in contact with soil, double-bottomed tanks, and tanks on continuous concrete pads.	• They are concerned about PHMSA's interpretation/application regarding field inspections o They stated that cathodic protection is usually used to protect steel when it is submerged in an electrolytic substance (soil, water, etc.). o Quote: "that are not in direct contact with soil or other electrolytic substances does not significantly enhance safety because it is not needed to protect metals in contact with corrosive mediums from corrosion or rust." o They also stated that this also conflicts with 195.563, which says that this should apply to buried or submerged pipelines. o NOTE: They define "in contact with the upper layer of the earth" as "buried." of earth that may be dug or plowed and in which plants grow."[5] Read in its entire context, § 195.563(a) requires that "each part of the pipeline facility through which hazardous liquid moves in transportation (i.e. pipeline) and which is in contact with the upper layer of the earth" (i.e. buried) is required to install cathodic protection.[6] o o o However, they note that some of the affected tanks do not touch the earth at all—either they have a double bottom with interstitial fill of concrete or sit on concrete pads. They state that the pipeline is the part through which fluid moves, not the parts that touch soil.
	API Std 2350	§ 195.428(c)	They request clarification regarding how incorporation will impact existing tank overfill	• Most significant changes, according to them: o New requirements for written management system for overfill prevention processes o New requirements for overfill risk-assessment procedures o Expanded requirements regarding testing overfill prevention systems and related procedures

			systems. They recommend altering the regulatory text to state in 195.428 which sections of API Std 2350 relate to installation.	○ New requirements for the use of safety-instrumented systems on new automatic overfill prevention systems • Revised the scope of the standard to include dedicated pipeline relief tanks that are part of breakout tanks (to the extent practicable) • They stated that the provisions above will result in safer operation of applicable tanks • They stated that they don't oppose API 2350, but want clarification re: how incorporation will impact existing tank overfill systems ○ Which provisions of API Std 2350 will apply to existing tank overfill systems ○ Will owners of existing tanks need to make physical/operational changes to existing tank overfill systems to adhere to the new edition? • They point out that 195.428(c) refers specifically to installation of overfill protection systems ○ They said that 195.428(c) doesn't say which sections of API Std. 2350 relate to installation, and thus it is unclear whether the O&M section would apply ▪ They stated that 195.428(c) seems to imply that other sections of API Std 2350 would apply • They are concerned that they might have to make significant additions to their programs and changes to their operational parameters if PHMSA incorporates API Std 2350 with the current language ○ They say PHMSA can fix this/minimize confusion by stating in the regulatory text for 195.428 which sections of API Std 2350 relate to installation
American Petroleum Institute, Interstate Natural Gas Association of America, GPA Midstream, American Gas Association, and American Public Gas Association	Standards Update Rules in General	N/A	Update regulatory references to technical standards at least biennially (every 2 years)	They requested that PHMSA update the regulatory references to technical standards at least once every 2 years
	Cathodic protection of double-bottom breakout tanks	§§ 195.565 and 195.573(d). Other relevant section: § 195.563.	Clarify requirements for cathodic protection of double-bottom breakout tanks by referencing API RP 651	• They state that state and federal regulators enforce this inconsistently ○ Some extend cathodic protection to double-bottom tanks due to a recent enforcement action ▪ Concerns a single-bottom tank with an impervious liner, not double-bottomed tanks, so the bottom of the tank in question is in contact with soil, unlike the active bottom of a double-bottomed tank, they said ▪ Double-bottom tanks have safety/leak-prevention benefits single-bottom tanks don't, they say ▪ Double-bottom tanks limit the effectiveness of or preclude the application of cathodic protection, they say, as they only protect the bottom, non-active tank floor • Systems installed in the space between the floor can't properly protect the active floor, they say ▪ They state that cathodic-protection systems on double-bottom tanks "may actually cause a decreased level of safety." • These kinds of tanks flex and could short out the cathodic-protection system and accelerate metal loss ▪ No significant external corrosion on double-bottom tanks w/o cathodic protection • No reportable releases on double-bottom tanks due to external corrosion in past 10 years ○ This is the same issue noted by American Fuel, above, in reference to 195.563 ▪ API et al note that this also applies to 195.565, which references API RP 651 ○ They request that PHMSA clarify the cathodic protection requirements for double-bottom tanks and allow operators to protect these tanks without requiring cathodic protection ▪ Other methods of protection: • Risk-based assessments • API 653 inspections • API 653 monthly tank inspections • Interstitial space tank monitoring
	API RP 80 (2nd Edition)	§ 192.7(b)(4)	Consider incorporating API RP 80, 2nd Edition, by reference	• Currently referenced in 49 CFR 192.7(b)(4) ○ Was recently revised (March 2020) in response to the Safety of Gas Transmission and Gathering Pipelines NPRM • Includes more concise language, addresses unconventional gathering applications, focuses on clarity, and recognizes different configurations and uses for gathering lines ○ Addresses incidental gas-gathering lines, which are limited to 20 miles or less for newly constructed pipelines ▪ Ensures focus on the highest-priority lines ○ Clarifies concepts behind definition of a gathering line
	API RP 1181	§ 109 of the 2020 PIPES Act	Consider incorporating API RP 1181 by reference	• To implement Section 109 of the 2020 PIPES Act ○ Directs PHMSA to create regulations "prescribing the applicability of the pipeline safety requirements to idled pipelines" • API 1181 provides guidance for operations, inspection, and maintenance activities based on the operational status of a pipeline ○ Recognizes different pipeline statuses, including idle pipelines • They state that adopting API 1181 would allow PHMSA to fulfill the idle pipeline mandate from the 2020 PIPES Act

	API 5L (45th Edition)	§§ 192.55(e); 192.112(a), (b), (d), (e); 192.113; Item I, Appendix B of Part 192; and 195.106(b) and (e).	Continue to allow operators to install pipe that is compliant with 45th Edition of API 5L until January 1, 2022	• They state that PHMSA should incorporate the 46th edition of API 5L by reference, but that lack of materials will make compliance challenging until after January 1, 2022 • They recommend that PHMSA allow operators to install pipe that complies with the 45th edition of API 5L until January 1, 2022 ○ This will provide a transition period that will make it easier for operators to continue work on their lines until the appropriate materials to comply with the 46th edition enter the supply chain • They state that PHMSA could include a voluntary compliance date for the 46th edition that is shortly after publication of the final Standards Update I rule, with the mandatory compliance date set for January 1, 2022.
	MSS SP-44	§ 192.147(a)	Continue to allow operators to install flanges that are compliant with the 2019 Edition of MSS SP-44 until January 1, 2022	• They state that PHMSA should incorporate the 2019 edition of MSS SP-44 by reference, but that lack of materials will make compliance challenging until after January 1, 2022 • They recommend PHMSA allow operators to install pipe that complies with the 2010 edition of MSS SP-44 until January 1, 2022 ○ This will provide a transition period that will make it easier for operators to continue work on their lines until the appropriate materials to comply with the 2019 edition enter the supply chain • They state that PHMSA could include a voluntary compliance date for the 2019 edition that is shortly after publication of the final Standards Update I rule, with the mandatory compliance date set for January 1, 2022.
	49 CFR 195.3(b)(7) references the incorrect edition of API RP 1130	§ 195.3(b)(7). Other relevant sections: §§ 195.134 and 195.444.	Revise the language in 195.3(b)(7) to refer to the 1st edition of API RP 1130	• Currently references the third edition of 1130, but the first edition is still the most recent as of the 2021 API standards catalog • There was a previous publication, API 1130 (not API RP 1130) that had two editions • They suggest the following language: issued in 2007. Thus, the language in § 195.3(b)(7) should be amended as follows to reference the correct edition of the document: API Recommended Practice 1130, "Computational Pipeline Monitoring for Liquids: Pipeline Segment," ~~3rd edition~~ 1st edition, September 2007, (API RP 1130), IBR approved for §§ 195.134 and 195.444.

	ASME B31.8S	§§ 192.903 note to the definition of *Potential impact radius*; 192.907 introductory text, (b); 192.911 introductory text, (i), (k), (l), (m); 192.913(a), (b), (c); 192.917 (a), (b), (c), (d), (e); 192.921(a); 192.923(b); 192.925(b); 192.927(b), (c); 192.929(b); 192.933(c), (d); 192.935 (a), (b); 192.937(c); 192.939(a); and 192.945(a).	Incorporate the 2018 edition of ASME B31.8S	• They support the incorporation of the 2016 edition, but urge PHMSA to incorporate the 2018 edition instead
				  ○ They agree with the position of the ASME B31.8 Gas Transmission and Distribution Piping Systems Section Committee.
				• PHMSA proposed the incorporation of the 2016 edition instead of the 2018 edition because the 2018 edition removed the communications plan requirements from Section 10
				  ○ They state that these requirements were moved to ASME B31.8, the companion standard to B31.8S
				  ○ They state that the requirements were moved from Section 10 of ASME B31.8S to Chapter V, Paragraph 850.9 of ASME B31.8
				  ▪ B31.8S now has a reference in Section 10 that points to this paragraph
				  ▪ Previously, some communications requirements were found in ASME B31.8 Section 850, whereas others were in ASME B31.8S Section 10; now they are all in one place
				  ▪ They state that this change reflects common practice and avoids unnecessary duplication
				  ○ They suggest that PHMSA should address the concerns PHMSA stated in the NPRM by revising 192.911(m) to directly reference the communications plan requirements in ASME B31.8-2018, Paragraph 850.9

	ASME B16.5 or MSS SP-44; 49 CFR Section 192.147(a)	§§192.147(a), 192.279, and 192.607(f).	Clarify that a flange/flange accessory that meets minimum requirements of ASME B16.5 or MSS SP-44 is in compliance with 49 CFR Section 192.147(a)	• They state that 192.147(a) seems like it requires that both flanges and flange accessories must meet the requirements of ASME B16.5 **and** MSS SP-44
				  ○ They state that PHMSA should revise the language, which they see as ambiguous
				  ▪ They want PHMSA to say that one may use either standard to comply with 192.147(a)
				  ▪ Suggested language:
				Each flange or flange accessory (other than cast iron) must meet the minimum requirements of ASME/ANSI B 16.5 ~~and~~ or MSS SP-44 (incorporated by reference, see § 192.7), or the equivalent.
				  ▪

	API Std 620, API Std 650, & API Std 653	API Std 620: §§ 195.132 (b)(2); 195.205(b)(2); 195.264(b)(1); 195.264(e)(3); 195.307(b); 195.565; and 195.579(d). API Std 650: §§ 195.132(b);	Consider updating API Std 620, API Std 650, and API Std 653	• They think that PHMSA should consider updating other API standards that are in Standards Update 1

		195.205(b); 195.264(b), (e); 195.307(c) and (d); 195.565; and 195.579(d). API Std 653: §§ 195.205(b), 195.307(d), and 195.432(b).		The following are updates to API standards listed in the January 15, 2021 NPRM, which should be included in the final rule: • API Standard 620 (Design and Construction of Large, Welded, Low-Pressure Storage Tanks), 12th Edition – Addendum 2 to the 12th edition was published April 2018; • API Standard 650 (Welded Tanks for Oil Storage), 13th Edition – Errata published in January 2021; and • API Standard 653 (Tank Inspection, Repair, Alteration, and Reconstruction), 5th Edition along with its Addendum 1 dated April 2018 and Addendum 2 dated May 2020. ○
ASME	ASME B31.8S	§§ 192.903 note to the definition of *Potential impact radius*; 192.907 introductory text, (b); 192.911 introductory text, (i), (k), (l), (m); 192.913(a), (b), (c); 192.917 (a), (b), (c), (d), (e); 192.921(a); 192.923(b); 192.925(b); 192.927(b), (c); 192.929(b); 192.933(c), (d); 192.935 (a), (b); 192.937(c); 192.939(a); and 192.945(a). Additionally, they requested that PHMSA add a reference to § 192.911(m) in the proposed language for § 192.7(c).	Incorporate the 2018 edition of B31.8S, as requested above, and add a reference to § 192.911(m) in the proposed language for § 192.7(c).	• The comment is the majority opinion of ASME B31.8 Gas Transmission and Distribution Piping Systems Section Committee members, not ASME as a whole • Both B31.8 and B31.8S are currently incorporated by reference in 49 CFR Section 192.7 ○ See the discussion of B31.8/B31.8S in API's comment, above • They want PHMSA to incorporate the 2018 edition of B31.8S, not the 2016 edition (which is what PHMSA proposed) ○ The communications plan requirements were removed from Section 10 of the 2018 version of B31.8S; however, they state that these requirements were moved to Chapter V, Paragraph 850.9 of B31.8 ▪ As noted in API's comment, there is a reference to this paragraph in Section 10 of B31.8S ○ They noted that moving the requirements avoids unnecessary duplication and possible conflicting requirements, and consolidated requirements that were previously split between the two standards into one location ▪ They noted that there are other places where they reference ASME B31.8 in ASME B31.8S to avoid duplication ○ They stated that the word "shall" in Section 10 indicates that the communications plan is mandatory, as is compliance with ASME B31.8, Paragraph 850.9 • They requested that, in addition to incorporating B31.8S, PHMSA also add a reference to 192.911(m) in the proposed language for 192.7(c) The ASME B31.8 Section Committee urges PHMSA to incorporate ASME B31.8S-2018 by reference and add a reference to 192.911(m) to the proposed language in 192.7(c)(5) for ASME B31.8-2018. This would close the loop on the communication plan requirements. Consideration should also be given to modifying 192.911(m) slightly to include ASME B31.8-2018 Paragraph 850.9 in addition to the existing reference to ASME B31.8S (suggested 2018) Section 10. ○
National Propane Gas Association (NPGA)	NFPA 58, NFPA 59, 49 CFR Part 192.11	§ 192.11(a-c)	Supporting comments	• They support PHMSA's approach to updating the pipeline safety regulations • Two important areas that are relevant to NPGA: ○ They support PHMSA's incorporation of NFPA 58 (2020 edition) into 192.7 and 192.11(a-c) ○ They support PHMSA's proposed miscellaneous amendment to 49 CFR Part 192.11, which references NFPA 58 and 59 ▪ They note that this amendment clarifies that pipeline operators only must meet the requirements of the NFPA standard that applies to their type of facility • They state that this is a subtle but important distinction that will help to eliminate confusion • Relevant text:

				• NPGA supports PHMSA's approach to update the FPSR to include the most recent editions of numerous technical standards as well as addressing miscellaneous amendments. Below, we highlight two important areas of the NPRM most relevant to NPGA and for which we specifically wanted to address. 1. NPGA supports PHMSA's proposed incorporation of the National Fire Protection Association's (NFPA) Liquefied Petroleum Gas Code, NFPA 58, 2020 edition, into 49 CFR 192.7 and 192.11(a), (b) and (c).[4] NFPA 58 is, by far, the most widely used code in the LPG industry and compliance with its provisions, along with those of Part 192, is required for pipeline systems carrying LPG. As PHMSA notes, and for which NPGA concurs, the 2020 edition of NFPA 58 includes a number of changes that maintain or enhance the level of safety established in previous editions of the code. These changes include, among others, allowance for use of different types of steel, and requirements for fire extinguishers, face seal inspections on cylinders, fire-resistance rated materials and non-combustibe materials.[5] 2. NPGA supports proposed miscellaneous amendment to 49 CFR Part 192.11, which references both NFPA 58 and NFPA 59 (Utility LP-Gas Plant Code).[6] As noted, currently, compliance with both standards is required by LPG pipeline operators. However, the proposed amendment clarifes that pipeline operators must only meet the requirements of the NFPA standard that is applicable to the type of facility they operate, based on the scope and applicability statements in those standards.[7] This subtle, but important distinction, will help to eliminate confusion as to what is the governing NFPA standard in addition to the existing requirement to comply with Part 192.	