



March 16, 2021

U.S. Docket Management System  
West Building Ground Floor  
Room W12-140  
1200 New Jersey Avenue SE  
Washington, DC 20590-0001

**Re: Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments {Docket No. PHMSA-2016-0002}**

This letter provides the response of the National Propane Gas Association (NPGA)<sup>1</sup> to the Pipeline and Hazardous Materials Safety Administration's (PHMSA) January 15, 2021 Notice of Proposed Rulemaking (NPRM) whereby the agency proposes amendments to the Federal Pipeline Safety Regulations (FPSR). Specifically, PHMSA is seeking to incorporate by reference more than 20 consensus standards into the FPSR at 49 CFR Parts 191, 192 and 195. PHMSA is also proposing to make non-substantive corrections to clarify regulatory language in certain provisions of the FPSR.<sup>2</sup>

NPGA retail marketers sell liquefied petroleum gas (LPG), or propane, to the ultimate end user. They also provide the fuel to typically small pipeline systems that serve multiple customers. These types of systems are referred to as "jurisdictional propane pipeline systems" because they serve more than nine customers from a single source of propane supply or more than one customer where a portion of the system crosses a public place. The fuel in such systems is delivered through metered or non-metered service lines, and they are considered jurisdictional because they fall under the jurisdiction of PHMSA's pipeline safety regulations set forth in 49 CFR Parts 191 and 192.<sup>3</sup>

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<sup>1</sup> NPGA is the national trade association of the propane industry having a membership of about 2,600 companies, with 38 state and regional associations representing members in all 50 states. NPGA's membership includes retail marketers of propane gas who deliver the fuel to the end user, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers and appliances. Propane gas is used in over 18 million installations nationwide for home and commercial heating and cooking, in agriculture, in industrial processing and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks.

<sup>2</sup> Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), *Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments*, 86 Fed Reg 10, 3938 (proposed January 15, 2021).

<sup>3</sup> Title 49 Code of Federal Regulations (CFR), Part 192, Section 192.1(b)(5).

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).<sup>4</sup> 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-combustible materials.<sup>5</sup>

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).<sup>6</sup> As noted, currently, compliance with both standards is required by LPG pipeline operators. However, the proposed amendment clarifies 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.<sup>7</sup>

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.

In summary, we appreciate PHMSA's efforts to update the federal pipeline safety regulations, and we wanted to explicitly express our support for the two important changes noted above.

Thank you for the opportunity to comment on this proposal. Please let us know if you have any questions.

Sincerely,



Michael A. Caldarera  
Senior Vice President, Advocacy & Technical Services

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<sup>4</sup> *Supra* note 2 at 3947.

<sup>5</sup> *Supra* note 2 at 3948.

<sup>6</sup> *Supra* note 5.

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