Pipeline and Hazardous Materials Safety Administration
National Environmental Policy Act (NEPA) Implementing Procedures and Categorical Exclusion Report

1. NEPA Implementing Procedures
2. Substantiation of Proposed New NEPA Categorical Exclusions

NEPA IMPLEMENTING PROCEDURES

Pipeline and Hazardous Materials Safety Administration
Procedures for Considering Environmental Impacts

Section 1: PURPOSE AND APPLICABILITY

This document establishes policies, responsibilities, and procedures for the Pipeline and Hazardous Materials Safety Administration (PHMSA or Agency), an operating administration of the U.S. Department of Transportation (DOT), to consider the environmental effects of its proposed actions in its decision-making processes and inform and engage the public in that process as required by the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4336e), and consistent with the Council on Environmental Quality (CEQ) *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (CEQ Regulations), 40 CFR parts 1500-1508, and DOT Order 5610.1C, *Procedures for Considering Environmental Impacts*. The CEQ Regulations establish procedures for complying with NEPA. In accordance with 40 CFR § 1507.3 of the CEQ Regulations, this order contains the PHMSA's implementing procedures, which implement NEPA and supplement those regulations.

PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives. PHMSA regulates over three million miles of pipelines and oversees the safe and secure movement of over one million daily shipments of hazardous materials by all modes of transportation. PHMSA does not site, permit, or authorize transportation infrastructure. PHMSA's regulatory standards are intended to reduce the likelihood of a release of hazardous materials into the human environment during transportation.

PHMSA's major Federal actions that are subject to NEPA review generally fall into three categories: regulatory actions, special permits, and natural gas distribution grant actions:

- **Regulatory Actions.** PHMSA promulgates regulations to improve the safety of transportation of hazardous materials in all modes, including the Hazardous Materials Regulations (49 CFR parts 171-180) and the Pipeline Safety Regulations (49 CFR parts 190-199). PHMSA does not site, permit, or authorize transportation infrastructure or the transportation of hazardous materials. PHMSA's regulatory standards are intended to reduce the likelihood of release of hazardous materials into the human environment during ongoing transportation of hazardous materials.
- **Special Permits.** A Special Permit sets forth alternative requirements, or variances, to the requirements in the Hazardous Materials Regulations (49 CFR parts 171-180) or Pipeline Safety Regulations (49 CFR parts 190-199). PHMSA may issue such variances if the applicant demonstrates an equivalent level of safety will be achieved or, if a required safety level does not exist, the alternative requirements are consistent with the public interest.
- **Natural Gas Distribution Grants.** PHMSA awards grants under programs including the Natural Gas Distribution Infrastructure Safety and Modernization grant program. This program assists municipalities or community-owned utilities (not including for-profit entities) in the repair, rehabilitation, or replacement of their natural gas distribution pipeline systems or portions thereof or in the acquisition of equipment to (1) reduce incidents and fatalities and (2) avoid economic losses.

Other PHMSA actions subject to NEPA review may include administrative actions, such as administrative procurements or personnel actions.

Actions are not subject to NEPA review if they are exempted from NEPA by law; if compliance with NEPA would clearly and fundamentally conflict with the requirements of another provision of Federal law; or if any other factors stated in 40 CFR § 1501.3(a) are identified. Consistent with 40 CFR § 1507.3(a), the following actions by PHMSA are not subject to NEPA review pursuant to 24 U.S.C. § 4336 and consistent with 40 CFR § 1501.3.

- Administrative, organizational, or procedural actions that do not result in final agency actions (42 U.S.C. § 4336(1) and consistent with 40 CFR § 1501.3(a)(4)). Examples include day-to-day administrative operations; routine use of PHMSA facilities consistent with their intended purpose; required hazardous material or pipeline inspections; data collection and analysis, response to data requests, and statistical work; development of informational technology systems and portals; and community outreach.

- Issuance of internal and external advisory or guidance actions to aid regulated entities in complying with existing regulatory obligations, but which otherwise does not change their substantive rights and obligations, including manuals, advisory circulars and bulletins, frequently asked questions, interpretations, and other guidance documents. Examples include supplemental instructions for agency compliance with NEPA procedures, PHMSA's *Pipeline Safety Enforcement Procedures Manual*, PHMSA's *Part 192 Corrosion Enforcement Guidance*, PHMSA's *Operations & Maintenance Enforcement Guidance Part 192 Subparts L and M*, PHMSA's *Operator Qualification Enforcement Guidance,* and *Emergency Response Guidebook*. These actions are not subject to NEPA because they are not final agency actions pursuant to 42 U.S.C. § 4336(1), 5 U.S.C. § 704, and consistent with 40 CFR § 1501.3(a)(4).

- Enforcement actions such as issuance of Corrective Action Orders, Notices of Proposed Safety Orders, Notices of Probable Violation, Warning Letters, and Notices of Amendments by PHMSA's Pipeline Safety Enforcement Program, and Emergency Order Authority by PHMSA's Office of Hazardous Materials and Safety (40 CFR § 1508.1(w)(2)(v)).

Section 2: BACKGROUND

I. NEPA established certain policies and goals concerning the environment and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals. Section 102 of NEPA establishes procedural requirements, applying that national policy to proposals for major federal actions significantly affecting the quality of the human environment.

II. The CEQ Regulations instructs each agency to develop procedures that implement the CEQ Regulations for the agency's specific programs to facilitate efficient decision making and ensure that the agency makes decisions in accordance with the policies and requirements of NEPA.

III. DOT has issued Department-wide Order 5610.1C that outlines the general processes and procedures for the Department to implement NEPA.

IV. Consistent with 40 CFR § 1507.3, these PHMSA procedures implement NEPA within PHMSA, consistent with CEQ Regulations, DOT Order 5610.1C, and implementing DOT regulations, policy, or order. These procedures provide that information on environmental effects of proposed

actions will be evaluated through the appropriate level of review (namely, categorical exclusions (CEs), environmental assessments (EAs), and environmental impact statements (EISs)).

V. PHMSA must adhere to all laws, regulations, and Executive Orders that address environmental protection, including environmental justice.

Section 3: RESPONSIBILITIES

I. The PHMSA Administrator is responsible for ensuring Agency compliance with NEPA pursuant to delegated authority under DOT regulation 49 CFR 1.81(a)(5).

II. Consistent with PHMSA Order 1100.3, Delegations of Authority, the PHMSA Administrator has delegated authority to the Associate Administrator for the Office of Planning and Analytics to carry out NEPA functions. The Associate Administrator for Planning and Analytics must review and approve all final EISs (FEISs) and records of decision (RODs).

III. The Associate Administrator for the Office of Planning and Analytics must designate an Agency Environmental Coordinator within the Environmental Analysis and Compliance Division to manage day-to-day NEPA functions, including approval of any CE determination, EA, finding of no significant impact (FONSI), or draft EIS (DEIS). The Agency Environmental Coordinator, or their designee, must lead and review development of all CEs, EAs, FONSIs, EISs and RODs.

IV. The Agency Environmental Coordinator must implement the provisions of NEPA, the CEQ Regulations, and DOT Order 5610.1C on behalf of the Associate Administrator for the Office of Planning and Analytics. This includes serving as an initial point of contact for interested parties to request information or status reports on environmental documents and other elements of the NEPA process in accordance with 40 CFR § 1507.3(c)(11). PHMSA must post the name and contact information of this individual on PHMSA's website.

V. The Agency Environmental Coordinator must implement a training program to ensure all PHMSA personnel engaged in programs and projects that may include a federal action subject to NEPA are familiar and comply with these procedures, NEPA, and DOT Order 5610.1C, as well consistent with CEQ Regulations.

VI. The Associate Administrator for the Office of Planning and Analytics must designate a Lead Environmental Protection Specialist and a Federal Preservation Officer. The Lead Environmental Protection Specialist must coordinate NEPA activities for grant programs and is authorized to approve EAs, FONSIs, and CE determinations for these programs, following consultation with the Program Offices and PHMSA Office of Chief Counsel. The Federal Preservation Officer is authorized to act as the PHMSA agency official, consult on the behalf of PHMSA, sign PHMSA correspondence, and identify Program Alternatives for the purpose of compliance with Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulations at 36 CFR part 800.

VII. Consistent with 40 CFR § 1507.2(a), PHMSA must designate a Chief Public Engagement Officer to be responsible for facilitating community engagement across the agency and, where appropriate, the provision of technical assistance to communities. PHMSA must post the name and contact information of this individual on PHMSA's website.

VIII. The PHMSA Office of Chief Counsel will review all EAs, FONSIs, DEISs, FEISs, RODs, and analyses under Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303). At its discretion, the Office of Chief Counsel may review any other environmental document, including CE determinations, to ensure legal compliance and assess legal risk.

Section 4: PROCEDURES: PHMSA Actions

I. The Associate Administrators, Office Directors, and Other Officials ("Program Managers") must coordinate with the Agency Environmental Coordinator on all proposed actions under their jurisdiction that are, or may be, major federal actions subject to the requirements of NEPA.

II. PHMSA must engage, as appropriate, with other federal and state agencies, Tribes, and with the public when considering the scope of the proposed action and its effects to inform the agency's determination of the appropriate level of NEPA review (40 CFR § 1501.3(b)).

III. PHMSA is responsible for the accuracy, scope, and content of all environmental documents, and must ensure they are prepared with professional and scientific integrity, using reliable data and resources. In accordance with Section 107(f) of NEPA and 40 CFR § 1507.3(c)(12), applicants, including applicant-directed contractors, may prepare EAs and EISs under PHMSA's supervision, subject to the following procedures.

a. If an applicant chooses to use a contractor to prepare an environmental document, PHMSA must ensure that all costs of using a contractor will be borne by the applicant.

b. PHMSA must participate in and supervise the document's preparation. PHMSA must assist contractors and applicants by providing guidance and outlining the types of information required for the preparation of the environmental document. Additionally, PHMSA must collaborate with the contractor to ensure the analysis is focused on areas where there is a higher potential for significant impacts.

c. PHMSA must review and approve the statement of purpose and need and the alternatives that will be considered in the environmental document at an early time, before the applicant (or the applicant's contractor) prepares the rest of the environmental document.

d. PHMSA must independently evaluate the environmental document and take responsibility for its accuracy, scope, and contents. PHMSA may choose in its discretion to accept, edit, revise, or independently author sections of the document or the whole document.

e. PHMSA must include a statement in any environmental document prepared by an applicant or contractor stating that PHMSA has independently evaluated the document for its accuracy, scope, and contents.

f. The environmental document must include the names and qualifications of individuals responsible for preparing and reviewing the document, including those individuals from PHMSA responsible for conducting the Agency's independent evaluation.

g. PHMSA must independently prepare FONSIs and RODs without the support of an applicant or their contractor.

h. PHMSA must ensure that the applicant preserves and includes in a decision file all factual, scientific, or technical information used, developed, or considered by the applicant in the course of preparing the draft environmental document, including any correspondence with PHMSA or with third parties.

IV. NEPA Applicability and Level of NEPA Review. The Agency Environmental Coordinator, or designated representative, must evaluate any proposed action being considered by the Agency pursuant to NEPA and these procedures to determine whether the action is subject to NEPA and determine the appropriate level of NEPA review, in consultation with the PHMSA Office of Chief Counsel and Program Offices, consistent with 40 CFR § 1501.3.

a. PHMSA must assess whether NEPA applies to a proposed activity or decision in accordance with Section 1: PURPOSE AND APPLICABILITY of these Procedures and consistent with 40 CFR §§ 1501.3(a) and 1501.8(w).

b. Consistent with 40 CFR § 1501.3(b), if NEPA is applicable, PHMSA must consider the scope of the action, including whether some aspects are non-discretionary, and its reasonably foreseeable effects to determine the appropriate level of NEPA review. PHMSA must use public and governmental engagement (consistent with 40 CFR § 1501.9) and scoping (consistent with 40 CFR § 1502.4), when appropriate, to inform this determination. PHMSA must consider potential temporary as well as permanent environmental effects. PHMSA must consider the direct, indirect and cumulative effects including the reasonably foreseeable effects of connected actions when making this determination. The level of NEPA review may not be made on a "net benefit" basis and PHMSA may not offset an action's adverse effects against other beneficial effects when determining the potential for significant effects.

c. If the proposed action requires the preparation of an EA or EIS, the Agency Environmental Coordinator must notify the Program Manager of the type of environmental document required.

d. PHMSA must prepare EISs consistent with 40 CFR part 1502. Generally, consideration of reasonably foreseeable effects should include discussion of any reasonably foreseeable greenhouse gas emissions and climate change effects (including effects from climate change on the proposed action), hazardous material releases, effects on communities with environmental justice concerns, and effects on environmentally sensitive resources. Environmentally sensitive resources include, but are not limited to, properties subject to Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. § 303); historic properties, as defined in the National Historic Preservation Act of 1966 (54 U.S.C. § 300101 et seq.); threatened or endangered species or their habitat, as defined under the Endangered Species Act (16 U.S.C. § 1531 et seq.); farmland protected under the Farmland Protection Policy Act (7 U.S.C. 4201 and 7 CFR Ch. VI § 658); and wetlands, as defined in Executive Order 11990, Protection of Wetlands, and DOT Order 5660.1A; floodplains, as defined in Executive Order 11988, Floodplain Management, as amended by Executive Order 13690, and DOT Order 5650.2. Typically, an EIS may be appropriate for a PHMSA regulatory action that requires new construction of transmission pipelines on a national scale.

e. PHMSA must prepare EAs consistent with 40 CFR § 1501.5 and must briefly discuss the purpose and need for the proposed action, alternatives, and reasonably foreseeable environmental effects of the proposed action and alternatives. EAs should consider the same types of effects as EISs, as appropriate to the proposed action in question, but should include a more concise discussion, consistent with the reduced risk of significant effects. Typically, an EA would be appropriate for deregulatory rulemaking actions or construction grant projects for existing service lines outside of existing rights-of-way or easements.

f. PHMSA may apply a CE if such use is consistent with Section V.

V. Categorical Exclusions. CEs are categories of actions that normally do not have a significant effect on the quality of the human environment, individually or in the aggregate, and therefore do not require preparation of an EA or EIS unless extraordinary circumstances exist that make application of the categorical exclusion inappropriate. Consistent with 40 CFR § 1507.3(c)(8), Appendix 1 of these procedures lists PHMSA's CEs.

a. The Agency Environmental Coordinator, or their designee, must review the proposed action to determine if a CE covers the proposed action or to identify a CE that potentially covers the proposed action (*see* Appendix 1). They must also review the proposed action for extraordinary circumstances. If an extraordinary circumstance exists, PHMSA may nevertheless apply the CE if it conducts an analysis and determines that the proposed action does not in fact have the potential to result in significant effects notwithstanding the extraordinary circumstance, or PHMSA modifies the action to avoid the potential to result in significant effects. 40 CFR § 1501.4(b)(1).

b. Additional documentation is not required to document that an action has been categorically excluded for those CEs listed in Appendix 1, Paragraph a, unless an extraordinary circumstance exists and PHMSA applies the CE notwithstanding the extraordinary circumstance consistent with 40 CFR § 1501.4(b)(1). In instances where PHMSA applies a CE to an action where an extraordinary circumstance exists, PHMSA must publish this determination via PHMSA's *Notices and Rulemaking Documents* webpage (https://www.phmsa.dot.gov/regulations/federal-register-documents).

c. CEs listed in Appendix 1, Paragraph b, require documentation, regardless of whether extraordinary circumstances exist. The Agency Environmental Coordinator must prepare documentation of potential environmental impacts.

d. If no CE covers the proposed action, or if extraordinary circumstances exist that preclude PHMSA from applying a CE, PHMSA must prepare an EA or an EIS before a proposed action may proceed.

VI. Other Agency CEs. PHMSA may adopt and apply a CE listed in another agency's NEPA procedures for a proposed action or a category of proposed actions pursuant to 42 U.S.C. § 4336(c) and consistent with the process outlined in40 CFR § 1501.4(e). PHMSA must publish each application of an adopted CE consistent with § 1501.4(e)(5) via PHMSA's *Notices and Rulemaking Documents* webpage (). Any adopted categorical exclusion will be available for use by the agency as of the date of the public notice consistent with 40 CFR

§ 1501.4(e)(3).https://www.phmsa.dot.gov/regulations/federal-register-documents). Any adopted categorical exclusion will be available for use by the agency as of the date of the public notice consistent with 40 CFR § 1501.4(e)(3).

VII. Prepare EA. PHMSA must prepare an EA when a proposed action is not categorically excluded and is not expected to result in significant environmental effects, or the significance of the effects of a proposed action is unknown. 40 CFR § 1501.5. The decision-making process for the level of NEPA review determination is described in IV.b above. The Agency Environmental Coordinator, or designated representative, must determine the appropriate level of review. As required by 42 U.S.C. § 4336(a)(e) and consistent 40 CFR § 1501.5(g), the text of an EA may not exceed 75 pages, not including any citations or appendices.

VIII. Prepare EIS. PHMSA must prepare an EIS for any proposed action that is likely to significantly affect the human environment. The decision-making process for the level of NEPA review determination is described in IV.b above. The Agency Environmental Coordinator, or designated representative, must determine the appropriate level of review. In accordance with 49 U.S.C. 304a, PHMSA must combine FEIS/ROD documents to the extent practicable. *See* DOT's *Guidance on the Use of Combined Final Environmental Impact Statements/Records of Decision and Errata Sheets in National Environmental Policy Act Review* (2019). As required by 42 U.S.C. § 4336(a)(e) and consistent with 40 CFR § 1502.7, the text of an FEIS may not exceed 150 pages except for proposals of extraordinary complexity, which may not exceed 300 pages.

IX. As appropriate and where consistent with applicable statutory requirements, PHMSA must combine environmental documents with other Agency documents to facilitate sound and efficient decision making and avoid duplication. 42 U.S.C. § 4336(a)(b), 40 CFR § 1506.4, 1507.3(c)(5).

X. Timelines. The Agency Environmental Coordinator, or their designee, must review and approve timelines for EA and EIS documents. PHMSA must complete EAs and EISs within the timeframes required by 42 U.S.C. § 4336(a)(g) and consistent with 40 CFR § 1501.10. PHMSA may extend EA and EIS deadlines in writing, subject to the Associate Administrator for the Office of Planning and Analytics' approval, consistent with 40 CFR § 1501.10(b) and 42 U.S.C. § 4336(a)(g). If additional time is required, PHMSA may only utilize so much additional time as is necessary to complete the document.

   a. Unless an extension is made, EAs must be completed within 1 year from the date PHMSA determines an EA is required.

   b. Unless an extension is made, EISs must be completed within 2 years of the Notice of Intent to Prepare an Environmental Impact Statement.

XI. Consistent with 40 CFR § 1507.3(c)(3) and (4), the Agency Environmental Coordinator is responsible for ensuring relevant environmental documents, comments, and responses accompany the proposal through PHMSA's decision-making review processes. PHMSA must prepare EAs and EISs to encompass the range of the alternatives to be considered by the decision maker. As appropriate, PHMSA must make available to the public those portions of any additional documents provided to the decision maker in addition to the relevant environmental documents that relate to the comparison of alternatives.

XII. Prior to final approval of environmental documents, the Agency Environmental Coordinator is responsible for consulting with the Program Manager and PHMSA Office of Chief Counsel for any proposed mitigation commitments required for the proposed action.

XIII. Supplement. If new information becomes available that is relevant to the environmental process, such as changes in project scope or environmental effects, PHMSA Program Offices must coordinate with the Agency Environmental Coordinator and the PHMSA Office of Chief Counsel to determine if a supplement to or reevaluation of an EA or EIS is necessary, consistent with 40 CFR § 1501.5(h) and (i) or § 1502.9(d) and (e), respectively.

Section 5: PROCEDURES: Extraordinary Circumstances

I. Extraordinary circumstances are factors or circumstances that indicate that a normally categorically excluded action may have a significant environmental effect. If an extraordinary circumstance exists, the Agency Environmental Coordinator, or designated representative, must consult the PHMSA Office of Chief Counsel and Program Offices to confirm whether the use of a CE is appropriate, consistent with 40 CFR § 1501.4(b). If the Agency Environmental Coordinator or designated representative; the PHMSA Office of Chief Counsel; or Program Offices determines that use of a CE is inappropriate, the level of NEPA review must be an EA or EIS. Consistent with 40 CFR § 1507.3(c)(8), PHMSA must consider circumstances including the following when determining whether extraordinary circumstances exist:

a. The proposed action is greater in scope or size than those normally covered by the category.

b. The proposed action may increase the likelihood of a reportable release under the Hazardous Materials Safety Regulations (49 CFR parts 171-180) or Pipeline Safety Regulations (49 CFR parts 190-199).

c. The proposed action may be inconsistent with or cause a violation of a federal, state, local, or Tribal law or requirement.

d. The proposed action may result in a substantial increase in greenhouse gas emissions.

e. The proposed action may have disproportionate and adverse effects on communities with environmental justice concerns as defined at 40 CFR § 1508.1(f).

f. The proposed action may have an adverse effect on an environmentally sensitive resource. Environmentally sensitive resources include, but are not limited to:

    i. Wildlife or waterfowl refuges, historic sites, public parks, or other protected properties under Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303) or Section 6(f) of the Land and Water Conservation Fund Act of 1965 (54 U.S.C. § 200305(f)(3)).

ii. Historic, architectural, archeological, or cultural resources subject to Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) or the Archeological and Historic Preservation Act of 1974 (54 U.S.C. Ch. 3125).

iii. Farmland protected under the Farmland Protection Policy Act (7 U.S.C. § 4201 et seq.). In this context, a potential adverse effect would involve the acquisition and irreversible conversion of non-urban land to non-agricultural uses.

iv. Threatened or endangered species or their habitat, as defined under the Endangered Species Act (16 U.S.C. § 1531 et seq.).

v. Wetlands, as defined in Executive Order 11990, Protection of Wetlands, and DOT Order 5660.1A.

vi. Floodplains, as defined in Executive Order 11988, Floodplain Management, as amended by Executive Order 13690, and DOT Order 5650.2. PHMSA's compliance with these Orders will inform its extraordinary circumstances analysis.

vii. State coastal zones, as defined by state coastal zone management programs, or undeveloped coastal barriers along the Atlantic or Gulf Coasts.

viii. Wild and scenic rivers in the National Inventory.

II. Compliance with other statutes such as the National Historic Preservation Act of 1966, Archeological and Historic Preservation Act of 1974, and the Endangered Species Act is separate from, and not displaced by, compliance with NEPA and these procedures. PHMSA will develop Standard Operating Procedures describing the necessary processes to comply with these statutes.

Section 6: PROCEDURES: Public and Governmental Engagement

I. The Agency Environmental Coordinator must ensure that PHMSA provides the appropriate level of public and governmental engagement consistent with 40 CFR § 1501.9 and other laws and regulations, regardless of the level of NEPA review. PHMSA must carry out public and governmental engagement in accordance with NEPA and must coordinate these efforts with other PHMSA public involvement opportunities when practicable.

II. PHMSA must identify the potentially affected Federal, State, Tribal, and local governments and invite them to serve as cooperating agencies as early as practicable and as appropriate. PHMSA must also ensure that participating agencies have opportunities to provide input on the proposed action and engage in the environmental review process, as appropriate.

III. Interested persons may obtain information or status reports on EISs, EAs, and other elements of the NEPA process by contacting PHMSA's Agency Environmental Coordinator (PHMSA Office of Planning and Analytics). *See* 40 CFR § 1507.3(c)(11).

IV. Regulatory Actions. PHMSA promulgates regulations to advance the safe transportation of hazardous materials in all modes, including the Hazardous Materials Regulations (49 CFR parts 171-180) and the Pipeline Safety Regulations (49 CFR parts 190-199). PHMSA does not site, permit, or authorize transportation infrastructure. PHMSA's regulatory standards are intended to reduce the likelihood of a release of hazardous materials into the human environment during transportation. Consistent with 40 CFR § 1507.3(c)(2), PHMSA must ensure that relevant environmental documents, comments, and responses will be part of the record in rulemaking proceedings.

a. PHMSA must notify the public of the availability of Draft EAs and DEISs for regulatory actions subject to public notice and comment, to solicit public comment. PHMSA may publish the Draft EA in the "Regulatory Notices and Analyses" section of a Notice of Proposed Rulemaking or supplemental Notice of Proposed Rulemaking, or as a standalone document in the docket for the rulemaking action, found at www.regulations.gov (in which case PHMSA must include a citation to the docket in the "Regulatory Notices and Analyses" section). Absent special circumstances, PHMSA must allow at least 30 days for comment on Draft EAs and DEISs. PHMSA may consider longer comment periods for particularly complex proposals or when otherwise appropriate.

b. The Agency Environmental Coordinator may determine public engagement for PHMSA CEs on a case-by-case basis.

c. If the Agency Environmental Coordinator or their designee determines that a proposed action requires preparation of an EIS, PHMSA must alert the public of its intent to prepare an EIS by publishing a Notice of Intent (NOI) in the *Federal Register*. The Associate Administrator for the Office of Planning and Analytics must approve the NOI prior to publication.

d. Consistent with the CEQ Regulations, PHMSA must publish a DEIS for public review for a minimum of 45 days.

e. PHMSA must consider public comments and address them in the EA and FONSI or the FEIS.

V. Special Permits. Special permits and associated environmental documents are posted in the *Federal Register* and available at www.Regulations.gov. A special permit, or regulatory waiver, is an order by which PHMSA waives compliance with one or more of the requirements in the hazardous material regulations (49 CFR parts 171-180) or pipeline safety regulations (49 CFR parts 190-199), subject to conditions set forth in the permit.

a. PHMSA must provide the public with a 30-day opportunity to comment on EAs. For particularly complex proposals, PHMSA may extend the minimum comment periods established in these procedures.

b. PHMSA must make FONSIs publicly available on PHMSA's website.

c. The Agency Environmental Coordinator must ensure that PHMSA provides the appropriate level of public and governmental engagement consistent with 40 CFR § 1501.9 and other laws and regulations, regardless of the level of NEPA review.

d. If PHMSA determines the action requires an EIS, PHMSA must alert the public of its intent to prepare an EIS by publishing an NOI consistent with 40 CFR § 1502.4(e) in the *Federal Register*. The Associate Administrator for the Office of Planning and Analytics must approve NOIs prior to publication.

e. Consistent with CEQ regulations, PHMSA must publish a DEIS for public review for a minimum of 45 days.

f. For these actions, PHMSA must consider public comments and address substantive comments in the EA and FONSIs, or FEIS and RODs.

VI. Natural Gas Distribution Grants. For pipeline or related site-specific construction projects, PHMSA must notify the public of the availability of EAs and DEISs on PHMSA's website. PHMSA must solicit public comment on Draft EAs and DEISs. PHMSA must also make these documents available in a location that is locally accessible to where the proposed action is located.

a. PHMSA must evaluate grant projects on a case-by-case basis to determine the appropriate level of outreach, notification, and coordination consistent with 40 CFR § 1501.9(c).

b. PHMSA must provide the public with a 30-day opportunity to comment on draft EAs. For particularly complex proposals, PHMSA may extend the minimum comment periods established in these procedures.

c. PHMSA must make FONSIs publicly available on PHMSA's website.

d. If the action requires an EIS, PHMSA must alert the public of its intent to prepare an EIS by publishing an NOI consistent with 40 CFR § 1502.4(e) in the *Federal Register*. The Associate Administrator for the Office of Planning and Analytics must approve NOIs prior to publication.

e. Consistent with CEQ regulations, PHMSA must publish a DEIS for public review for a minimum of 45 days.

f. For these actions, PHMSA must consider public comments and address substantive comments in the EA and FONSIs, or FEIS and RODs.

Section 7: PROCEDURES: Emergency Circumstances

In emergency circumstances (such as life threatening natural or human-caused disasters), where it is necessary to take an action that is likely to have a significant environmental effect, it may not be possible for PHMSA to follow the NEPA implementing procedures outlined in this document. CEQ regulations regarding emergencies permit federal agencies to consult with CEQ to discuss alternative arrangements. *See* 40 CFR § 1506.11.

When the expected environmental effects of the proposed action are unlikely to be significant and the action cannot be categorically excluded, PHMSA must prepare a focused EA in compliance with PHMSA's NEPA implementing procedures and consistent with CEQ regulations as soon as practicable. Requests for alternative arrangements from PHMSA Program Offices or applicant due to emergency circumstances must be referred to the Agency Environmental Coordinator for evaluation.

Alternative arrangements for such actions should focus on minimizing adverse environmental effects of the PHMSA action and the emergency. To the maximum extent practicable, the alternative arrangements should include the interagency coordination, and public and governmental engagement, that would normally be undertaken for an EA. The alternative arrangements may not alter the requirements of the CEQ regulations regarding EAs, but the level of evidence, analysis, and discussion may be limited to what is practicable under the emergency circumstances. The Agency Environmental Coordinator must approve alternative arrangements. Any alternative arrangements must be documented. The Agency Environmental Coordinator must inform CEQ of the alternative arrangement at the earliest opportunity.

If significant impacts are likely and an EIS would typically be required, the Agency Environmental Coordinator, in consultation with the Program Office and PHMSA Office of Chief Counsel, must consult with CEQ to request alternative arrangements.

Section 8: Review of Environmental Documents Prepared by Other Agencies

I. The Agency Environmental Coordinator is PHMSA's receiving official for all requests for comment on environmental documents from other agencies or requests to be a cooperating agency on a NEPA project. If a PHMSA official receives such requests from someone other than the Agency Environmental Coordinator, the request must be forwarded promptly to the Agency Environmental Coordinator. The Agency Environmental Coordinator must review all requests, in consultation with Program Managers and the Office of the Chief Counsel, to determine whether PHMSA can provide useful and constructive comments concerning the action involved. All Associate Administrators and other PHMSA officials must cooperate with the Agency Environmental Coordinator in providing comments on a timely basis so that the Agency Environmental Coordinator may respond in a similar manner (*see* paragraph 9, DOT Order 5610.1C).

II. The Agency Environmental Coordinator must assess the comments received from Program Managers and prepare a coordinated PHMSA response to the request. Responses must be forwarded to the PHMSA Office of Chief Counsel, Regulatory Affairs Division, and Program Managers for consultation prior to its being forwarded to the Department.

Section 9: Periodic Review

PHMSA must continue to review its NEPA implementing policies and procedures and, in consultation with CEQ, revise them as necessary to ensure compliance with NEPA. Consistent with 40 CFR § 1507.3(c)(9), this review must also include periodic review of PHMSA's CEs at least every 10 years from approval of these procedures or as otherwise required by applicable law, regulations, and policies/procedures.

Signature Date

Tristan H. Brown
Deputy Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation

Enclosures:

Appendix 1. Categorical Exclusions Summary

Categorical Exclusions Summary

A. Categorical Exclusions Requiring No Further Documentation

(1) Equipment acquisition (including purchase or lease) of handheld and mobile methane detection equipment and associated vehicles.

B. Categorical Exclusions Requiring Documentation (Documented CEs)

(1) Granting, renewing, or denying a special permit related to waiving class location or odorization requirements, following the procedures set forth in 49 CFR § 190.341, including the identification of any enforceable conditions, imposed pursuant to 49 CFR § 190.341(d)(2), that are required to prevent and address pipeline safety and environmental risks.

(2) Rulemaking actions by the Office of Hazardous Materials Safety, other than deregulatory rulemaking actions, within one of the following categories:

(a) policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature;

(b) regulations designating, defining, or classifying regulated materials (hazardous materials, hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (49 CFR § 172.101), and materials that meet the defining criteria for hazard classes and divisions in 49 CFR part 173);

(c) regulations imposing requirements on transportation of regulated materials, including shipping papers, marking, labeling, placarding, emergency response information, training, and safety and security plans;

(d) regulations concerning stowage and segregation of regulated materials in transportation, including rail car, portable tank, and cargo tank placement; loading, unloading, transportation, and storage of regulated materials by mode (rail, aircraft, vessel, and highway); revising standards for bulk and non-bulk packages (cylinders, portable tanks, cargo tanks, radioactive packages, intermediate bulk containers, drums, jerricans, boxes, and composite packaging, etc.); or incident reporting or tracking of regulated movements;

(e) editorial or technical revisions and clarifications to correct editorial errors and improve clarity; and,

(f) training, testing, and qualification of regulated materials personnel.

(3) Rulemaking actions by the Office of Pipeline Safety, other than deregulatory rulemaking actions, within one of the following categories:

(a) policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature;

(b) regulations concerning corrosion control; training, testing, and qualification of operator personnel; or emergency response;

(c) editorial or technical revisions and clarifications to correct editorial errors and improve clarity; and,

(d) revisions to civil penalty amounts that may be imposed for violations of certain DOT regulations.

(4) Repair, rehabilitation, or replacement of natural gas distribution pipelines and associated equipment within existing rights-of-way or easements. Associated actions include replacement of service lines, meters, metering stations, valves, taps, abandonment in place or abandonment by removal, minor excavation, replacement of pavement of existing roadway and/or sidewalks, and relocation within existing rights-of-way or easements. Actions will follow the applicable safety standards and requirements described at 49 CFR part 192.

CATEGORICAL EXCLUSION REPORT

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

Substantiation of Proposed New National Environmental Policy Act Categorical Exclusions

DECEMBER 4, 2024

Contents

1.0 Introduction

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is responsible for the safe transportation of energy and other hazardous materials that are essential to our daily lives. PHMSA regulates more than three million miles of pipelines and oversees the safe and secure movement of more than one million daily shipments of hazardous materials by all modes of transportation. PHMSA actions generally fall into three categories: regulatory actions, special permits, and Natural Gas Distribution Grants:

- **Regulatory Actions.** PHMSA promulgates regulations to ensure the safe transportation of hazardous materials in all modes, including the Hazardous Materials Regulations (49 CFR parts 171-180) and the Pipeline Safety Regulations (49 CFR parts 190-199). PHMSA does not site, permit, or authorize transportation infrastructure. PHMSA's regulatory standards are intended to reduce the likelihood of a release of hazardous materials into the human environment during transportation of hazardous materials.
- **Special Permits.** PHMSA may grant special permits to waive compliance with one or more regulations in the Hazardous Materials Regulations (HMR) (49 CFR parts 171-180) or the Pipeline Safety Regulations (49 CFR parts 190-199). PHMSA may issue such variances if the applicant demonstrates an equivalent level of safety will be achieved or, if a required safety level does not exist, the alternative requirements are consistent with the public interest.
- **Natural Gas Distribution Grants.** PHMSA awards grants under programs including the Natural Gas Distribution Infrastructure Safety and Modernization (NGDISM) Grant Program. This program assists municipality- or community-owned utilities (not including for-profit entities) in the repair, rehabilitation, or replacement of its natural gas distribution pipeline systems or portions thereof or in the acquisition of equipment to (1) reduce incidents and fatalities and (2) avoid economic losses.

PHMSA has identified five categories of actions that it is proposing to identify as categorical exclusions (CEs) in its implementing regulations. A CE is a category of actions that does not normally have a significant effect on the human environment, individually or in the aggregate, and that has been found to have no such effect in procedures adopted by a federal agency[1], and for which, therefore, neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required unless extraordinary circumstances exist that make application of the categorical exclusion inappropriate (40 CFR §§ 1501.4, 1508.1(e)). To establish a CE, an agency must substantiate the proposed new or revised CE in a written record subject to notice and comment. This report provides the required substantiation to support the proposed PHMSA CEs.

Each federal agency is authorized to develop its own list of CEs, which is subject to approval by the Council on Environmental Quality (CEQ). On November 23, 2010, CEQ issued guidance (2010 Guidance) to federal agencies for establishing and using CEs in meeting their responsibilities under NEPA (Reference 33). In the CEQ guidance for establishing CEs, the following general categories of information are identified as appropriate to use to substantiate a CE: 1) the assessment of previously implemented actions; 2) the results of impact demonstration projects; 3) information

[1] CEQ regulations for implementing NEPA are located at 40 Code of Federal Regulations (CFR) parts 1500-1508.

from professional staff, expert opinion, and scientific analyses; and 4) benchmarking other agencies' experiences. As indicated in the guidance, strong support for a proposed CE can be made through evaluations that validate the predicted environmental effects for a category of actions analyzed in EAs that support findings of no significant impact (FONSIs).

In this report, PHMSA is substantiating the following list of proposed CEs:

Table 1. PHMSA LIST OF CE CATEGORIES

Undocumented CE Categories	
A.1	Equipment acquisition (including purchase or lease) of handheld and mobile methane detection equipment and associated vehicles.
Documented CE Categories	
B.1	Granting, renewing, or denying a special permit related to waiving class location or odorization requirements, following the procedures set forth in 49 CFR § 190.341, including the identification of new or renewed special permit must include, at a minimum, enforceable conditions, imposed pursuant to 49 CFR § 190.341(d)(2), that are required to prevent and address pipeline safety and environmental risks.
B.2	Rulemaking actions by the Office of Hazardous Materials Safety, other than deregulatory rulemaking actions, within one of the following categories: (a) policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature; (b) regulations designating, defining, or classifying regulated materials (hazardous materials, hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (49 CFR § 172.101), and materials that meet the defining criteria for hazard classes and divisions in 49 CFR part 173; (c) regulations imposing requirements on transportation of regulated materials, including shipping papers, marking, labeling, placarding, emergency response information, training, and safety and security plans; (d) regulations concerning stowage and segregation of regulated materials in transportation, including rail car, portable tank, and cargo tank placement; loading, unloading, transportation, and storage of regulated materials by mode (rail, aircraft, vessel, and highway); revising standards for bulk and non-bulk packages (cylinders, portable tanks, cargo tanks, radioactive packages, intermediate bulk containers, drums, jerricans, boxes, and composite packaging, etc.); or incident reporting or tracking of regulated movements; (e) editorial or technical revisions and clarifications to correct editorial errors and improve clarity; and, (f) training, testing, and qualification of regulated materials personnel.
B.3	Rulemaking actions by the Office of Pipeline Safety, other than deregulatory rulemaking actions, within one of the following categories: (a) policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature; (b) regulations concerning corrosion control; training, testing and qualification of operator personnel; or emergency response;

	(c) editorial or technical revisions and clarifications to correct editorial errors and improve clarity; and, (d) revisions to civil penalty amounts that may be imposed for violations of certain DOT regulations.
B.4	Repair, rehabilitation, or replacement of natural gas distribution pipelines and associated equipment within existing rights-of-way or easements. Associated actions include replacement of service lines, meters, metering stations, valves, taps, abandonment in place or by removal, minor excavation, replacement of pavement of existing roadway and/or sidewalks, and relocations within existing rights-of-way or easements. Actions will follow the applicable safety standards and requirements described at 49 CFR part 192.

2.0 Methodology

This report relies on the following general categories of information to substantiate these CEs: the assessment of previously implemented actions; information from professional staff, expert opinion, and scientific analysis; and benchmarking other agencies' experiences.

As described in CEQ's 2010 Guidance (Reference 33):

> "The amount of information required to substantiate a categorical exclusion depends on the type of activities included in the proposed category of actions. Actions that are reasonably expected to have little impact…should not require extensive supporting information. For actions that do not obviously lack significant environmental effects, agencies must gather sufficient information to support establishing a new or revised categorical exclusion."

Accordingly, PHMSA has focused in this report on those proposed CEs, and actions within those CEs, that have the greatest potential for significant environmental effects.

2.1 Evaluating Previously Implemented Actions

PHMSA has identified a set of previously implemented actions for which PHMSA prepared EAs that consistently supported FONSIs. These actions and their effects are summarized in this document and referenced in Attachment A. PHMSA's Office of Pipeline Safety (OPS)[2] and Office of Hazardous Materials Safety (OHMS)[3] provided a list of final rules published from 2013 through 2023. OPS also provided a list of special permits issued from 2013 through 2023. PHMSA reviewed the NEPA documents for all but one special permit in which the EA could not be located. NEPA documents were identified through the U.S. Department of Transportation (DOT) Docket Management System by using the Regulatory Identification Number for each final rule or special permit listed during the 10-year period. PHMSA also conducted a search for NEPA-related documents using the list of recently published rulemaking and special permit documents on the PHMSA website. These activities are summarized in Reference 24. These NEPA documents were reviewed to identify actions that correspond to the CE category list. In addition, PHMSA validated the effects outlined from the EAs by means of interviews with PHMSA professional staff and by reviewing PHMSA documentation, such as grant applications under the NGDISM Grant Program, pipeline special permit requirements

[2] OPS is an office within PHMSA. OPS is responsible for carrying out a national program to ensure the safe, reliable, and environmentally sound operation of the nation's gas, hazardous liquid, and carbon dioxide pipeline transportation system.

[3] OHMS is an office within PHMSA. OHMS carries out a national safety program, including security matters, to protect against the risks to life and property inherent in the transportation of hazardous materials in commerce by all transportation modes.

and conditions (49 CFR § 190.341), and recent rulemaking actions relative to 49 CFR parts 107, 110, 171-180, 190-199.

2.2 Professional Staff, Expert Opinions, and Scientific Analyses

CEQ's guidance states that a federal agency may use its professional staff and outside expert opinions as valid sources of information to substantiate a CE. PHMSA has relied on the expertise, experience, and judgment of its professional staff to assess the potential environmental effects of applying the proposed CEs, and has ensured the experts have knowledge, training, and experience relevant to the implementation and environmental effects of the actions. Interviews with 13 professional staff within PHMSA provided information that reflects their special understanding of PHMSA actions, and the effects of the actions associated with the preliminary CEs (Reference 25).

PHMSA identified interviewees based on their familiarity with NEPA as well as their familiarity with PHMSA's actions and the potential environmental effects of PHMSA's actions. PHMSA selected subject matter experts from PHMSA's Office of Planning and Analytics, Office of Pipeline Safety, Office of Hazardous Materials Safety, and Regulatory Affairs Division for interview.

Interviewees include:

- Carolyn Nelson, PHMSA, Office of Planning and Analytics, 20+ years of NEPA experience
- Shelby 'Matt' Fuller, Senior Environmental Protection Specialist, PHMSA, Office of Planning and Analytics, 20+ years of NEPA experience
- Lydia Wang, Environmental Protection Specialist, PHMSA, Office of Planning and Analytics
- Tonya Jez, Operations Supervisor, PHMSA, OPS Pipeline Western Region
- Neil Chaudhry, Associate Administrator, PHMSA, Office of Planning and Analytics (former)
- Matthew Nickels, Senior Regulations Officer, PHMSA, OHMS Standards and Rulemaking Division
- Donald Burger, Chief, PHMSA, OHMS General Approvals and Permits
- Mary McDaniel, Acting Director, PHMSA, OPS Engineering and Research (former)
- Amelia Samaras, Senior Attorney-Advisor, PHMSA Regulatory Affairs Division, 15+ years of experience (former)
- Steve Nanney, Senior Technical Advisor, PHMSA, OPS Standards and Rulemaking Division (former)
- John Gale, Director, PHMSA, OPS Standards and Rulemaking Division
- Robert Ross, Assistant Chief Counsel, PHMSA, Regulatory Affairs Division

PHMSA interviewed subject matter experts from OHMS, OPS and the Regulatory Affairs Division regarding the scope and nature of PHMSA's rulemakings and their potential effects. According to these experts, PHMSA's rulemakings are focused on ensuring safety and have never resulted in significant effects requiring the preparation of an Environmental Impact Statement. These discussions did indicate some PHMSA rulemakings may be deregulatory in nature which include actions that eliminate or replace existing requirements in order to ease "regulatory burdens" and "regulatory costs" associated with requirements in 49 CFR parts 190-199 related to gas (including

transmission, distribution, and gathering, and LNG) and hazardous liquid (including carbon dioxide) pipeline facilities. Based on interviews, PHMSA determined that these rulemaking actions would be inappropriate to include in PHMSA's CEs pertaining to regulatory actions at this time. These discussions helped define the *OHMS and OPS Rulemaking* categorical exclusions described in this report (B.2 and B.3).

Interviews with subject matter experts from OPS Engineering and Research as well as the Regulatory Affairs Division were used to define the *Special Permits* categorical exclusion described in this report (B.1). Specifically, these subject matter experts emphasized the rigorous process applicants must comply with for PHMSA to issue a special permit. They also emphasized that issuance of special permits often prevents ground disturbance from excavation activities, thereby avoiding the associated environmental effects often associated with ground disturbance.

Interviews with subject matter experts from the Office of Planning and Analytics defined the *Equipment Acquisition* (A.1) as well as the *Repair, Rehabilitation, or Replacement of Natural Gas Distribution Pipelines and Associated Equipment* (B.4) categorical exclusions described in this report. These interviews included discussion of the scope of these actions, common construction practices and locations, potential environmental effects, common mitigation requirements, and common agency coordination required.

2.3 Benchmarking Public and Private Entities' Experiences

CEQ's guidance characterizes benchmarking as using information and records from other private and public entities' experience with similar actions. The guidance states that a federal agency may find it useful to consider another federal agency's experience and supporting information involving CE actions. PHMSA has assessed other agencies' experience with comparable CEs, including the associated supplementation reports. This analysis included a review of the supplementation reports relied on by other DOT operating administrations, including the Federal Transit Administration (FTA), Federal Railroad Administration (FRA), and Federal Aviation Administration (FAA), when establishing their CEs, as well as the supplementation reports of CEs established by the Department of Energy (DOE), Department of Homeland Security (DHS), and U.S. Coast Guard (USCG), for similar actions and associated environmental settings for benchmarking purposes (References 21-23, 26-27).

3.0 CEs and Supporting Information

PHMSA proposes to establish the following CEs in its NEPA procedures. PHMSA reviewed the documentation listed in Appendix A to establish the specific experiences used to substantiate the creation of the CEs. PHMSA also interviewed its professional staff to identify the effects of the actions associated with the proposed CEs. In addition, PHMSA considered other federal agencies' experience as benchmarking to address similar activities that are sufficiently descriptive of the PHMSA category of activities. These other federal CEs were reviewed to determine their comparability to the category of actions proposed by PHMSA.

<u>Proposed CE Action</u> – A.1 Equipment acquisition (including purchase or lease) of handheld and mobile methane detection equipment and associated vehicles.

Description – This undocumented CE category includes direct action by PHMSA as well as grant funding authorized under the Bipartisan Infrastructure Law (BIL) (P.L. 117-58) or other funding sources to purchase or lease equipment that improves an operator's leak detection system. Starting in fiscal year 2022, the NGDISM grant program is appropriated $200 million a year in grant funding with a total of $1 billion in grant funding over five years. The grant funding is to be made available to a municipality or community-owned utility (not including for-profit entities) to repair, rehabilitate, or replace its natural gas distribution pipeline systems or portions thereof, or to acquire equipment to (1) reduce incidents and fatalities, and (2) avoid economic losses (Reference 28). Some of this funding may be used to purchase or lease such leak detection equipment.

Identifying leaks would address a risk that could lead to the unsafe operation of a system and improve an operator's ability to locate difficult-to-find legacy pipelines. Equipment acquisition does not result in construction activities or alter existing pipelines or operations. Rather, such equipment is necessary to implement leak detection systems, which have beneficial effects including greenhouse gas reduction and increased pipeline safety. Equipment and vehicles may include, but are not limited to, laser leak detection devices such as infrared laser detectors and multi-gas detectors with mapping capabilities as well as all-terrain vehicle (ATV) units.

CE Substantiation – This category of actions qualifies for a CE because these actions do not result in significant environmental effects. The NEPA documents evaluated impacts to air quality and greenhouse gases; water resources; groundwater and hazardous materials/waste; soils; biological resources; cultural resources; Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303) properties; land use and transportation; noise and vibration; environmental justice; and safety. It was determined through an analysis that the acquisition of equipment will have no direct effect on air quality, greenhouse gas (GHG) emissions, water resources, safety, Environmental Justice (EJ) communities, and biological resources meaning the action will have No Effect to federally threatened or endangered species and/or critical habitat. PHMSA also determined that the actions will have no impact to soils, groundwater or hazardous materials (nor will it create hazardous waste); will not result in any physical effects or consequences to cultural resources or use of Section 4(f) properties; and will not result in direct noise and vibration impacts or changes to land use or have any impact to transportation facilities.

The federal action associated with this category consists only of the purchase of equipment and does not include any construction activities for repairs or other activities that may result from the identification of leaks that could require ground disturbance or direct alterations to natural gas system. Any repair work or other such construction activities would be outside the scope of the action supported by this CE and would not be a connected action because these activities are not reasonably foreseeable at the time of the equipment purchase. For this category of actions, and as described in the supporting NEPA documents below, PHMSA finds there would be no direct effects to the human environment as there are no construction activities included as part of the federal action. PHMSA determined that there will be indirect, beneficial effects resulting from equipment purchases through the cumulative reduction in greenhouse gases and increased pipeline safety benefitting all populations served by the pipeline. The applicant would continue to be responsible for ensuring all maintenance or repair work resulting from the use of acquired equipment is in compliance with Federal, state, Tribal, and local laws.

Supporting EAs and FONSIs – PHMSA identified two EAs that supported activities that fall within this CE category. Each action includes the purchase of methane detection equipment and/or associated vehicles and is consistent with the proposed CE. In each case, PHMSA found no significant negative effect to human health, safety, or the environment would result from these actions and a FONSI was issued without the need for additional mitigation measures to bring the effects below significance. The following EAs address Funding of Equipment Acquisition Category:

Reference 42: Proposal to purchase equipment to assist in detecting methane leaks, specifically 20 handheld laser leak detection devices and four ATV units that will be used for mobile leak surveys.

Reference 43: Proposal to acquire new methane detection equipment and software to assist in identifying leaks more efficiently. The specialized equipment to be purchased includes infrared laser detectors with highly advanced technology capable of detecting methane leaks from a remote distance, as well as multi-gas detectors with mapping capabilities, which are ideal for locating above- and below-ground leaks.

These NEPA documents address PHMSA experience with respect to this category of actions.

Benchmarking Other Agency Experience – Other federal agencies have comparable CEs already in use for this type of action. These actions consist of the procurement of vehicles and/or equipment necessary to perform duties fulfilling an agency's mission or activities supported by agency grantees. These actions do not result in a change in a facility's use or result in substantial adverse environmental effects. These actions are similar in scope and support PHMSA's proposed CE. Specifically, PHMSA considered the following CEs in its analysis:

Reference 26: DOT FAA: Acquisition of equipment required for the safety or security of personnel and property on the airport or commercial space launch site, including safety equipment required by rule or regulation for certification of an airport (see 14 CFR part 139, Certification and Operation: Land Airports Serving Certain Air Carriers), or licensing the operation of a commercial space launch site (see 14 CFR part 420, License to Operate a Launch Site) and acquisition of snow removal equipment. (ARP, AST)

Reference 21: DOT FTA: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities. This includes equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats, and people movers, that can be accommodated by existing facilities or by new facilities that qualify for a CE.

Reference 22: DOT FRA: Acquisition (including purchase or lease), rehabilitation, transfer, or maintenance of vehicles or equipment, including locomotives, passenger coachers, freight cars, trainsets, and construction, maintenance, or inspection equipment, that does not significantly alter the traffic density characteristics of an existing rail line.

Reference 23: DHS: Acquisition, installation, maintenance, operation, or evaluation of security equipment to screen for or detect dangerous or illegal individuals or materials at existing facilities, and the eventual removal and disposal of that equipment in compliance with applicable requirements to protect the environment. Examples of the equipment include but are not limited to:

a. Low-level x-ray devices
b. Cameras and biometric devices
c. Passive inspection devices
d. Detection or security systems for explosive, biological, or chemical substances
e. Access controls, screening devices, and traffic management systems

The Administrative Record for DHS' comparable CE (Reference 23) notes:

> "The uses of security equipment contemplated by this categorical exclusion are those that would be undertaken at facilities that are operated under stringent requirements designed to protect the quality of the human environment. The security equipment may be stationary, mobile, or handheld. The Panel found that actions of a similar nature, scope, and intensity were performed throughout Department in compliance with federal, Tribal, state, or local law and/or regulatory policy by DHS component entities with a history that pre-dates the Department. The Panel further noted that these actions resulted in no harm to the environment and most of the security equipment consists of commercially available products that are also in use by private industry and other government agencies."

The same logic could be used for PHMSA's proposed CE of similar scope. The pipeline and hazardous material facilities where such equipment is used must adhere to stringent safety requirements that protect the quality of the human environment as described in the Federal Pipeline Safety Regulations (49 CFR parts 190 to 199) and the Hazardous Material Regulations (49 CFR parts 10 to 199). As described in the NGDISM Grant Program, this leak detection equipment is meant to reduce incidents and fatalities, and avoid economic losses related to methane emissions from these pipeline systems. The types of equipment may include leak detection equipment (odor meters, methane detectors, flame packs, gas sensors), line locators, electrofusion processors, hydro excavation equipment, or mobile compression/gas recovery equipment. In general, this equipment is in widespread use across pipeline operators for maintaining and locating pipelines and detecting leaks. The equipment is readily available for use and purchase by private industry and other government agencies alike.

FRA's substantiation includes language indicating equipment acquisition would not result in adverse environmental impacts. While PHMSA is not proposing this CE to cover the acquisition of rail equipment, the mobile and handheld methane detection equipment it covers similarly does not cause an adverse environmental effect and in fact prevents pollution due to greenhouse gas emissions from these facilities. The acquisition and use of vehicles at facilities may result in negligible environmental effects such as greenhouse gas emissions from vehicle use. As described by FRA in their substantiation of a similar CE, vehicle-related actions do not have "a likelihood of any environmental impact and typically have environmental benefits through reduced energy use and

air pollution." Similarly, for PHMSA actions, the use of vehicles and equipment will be used to detect and prevent methane leaks, thereby reducing greenhouse gas emissions.

Recommendation – The proposed CE encompasses programmatic activities that do not normally have significant effect on the human environment, individually or in the aggregate.

Proposed CE Action – B.1 Granting, renewing, or denying a special permit related to waiving class location or odorization requirements, following the procedures set forth in 49 CFR § 190.341, including the identification of any enforceable conditions, imposed pursuant to 49 CFR § 190.341(d)(2), that are required to prevent and address pipeline safety and environmental risks.

Description – This documented CE category includes actions taken by OPS to provide relief from class location or odorization requirements in the pipeline safety regulations through special permits (previously called waivers). A special permit is an order that waives or modifies compliance with one or more regulatory requirements. Pipeline special permits are authorized by statute in 49 U.S.C. § 60118(c), and the administrative process is set forth in 49 CFR § 190.341. PHMSA evaluates whether the waiver allowed by a special permit would be consistent with pipeline safety. PHMSA performs extensive technical analysis on special permit applications and can require the applicant to follow conditions to provide an equal or greater level of safety in lieu of the regulatory standard being waived. These conditions also address pipeline integrity threats, thereby helping to ensure that the approval and renewal of special permits will not normally result in significant safety and environmental effects. PHMSA imposes these mandatory conditions pursuant to 49 CFR § 190.341(d)(2).

Based on information provided by PHMSA professional staff, an average of eight pipeline special permits were issued each year since 2005, with 18 issued in 2023 (Reference 29). In accordance with 49 CFR § 190.341, special permit applications must include the following information:

- Detailed description of the pipeline segments for which the special permit is sought.
- List of the specific regulations from which the applicant seeks relief.
- An explanation of the unique circumstances that the applicant believes make the applicability of that regulation or standard (or portion thereof) unnecessary or inappropriate for its facility.
- A description of any measures or activities the applicant proposes to undertake as an alternative to compliance with the relevant regulation, including an explanation of how such measures will mitigate any safety or environmental risks and considerations.
- A description of any positive or negative impacts on affected stakeholders, and a statement indicating how operating the pipeline pursuant to a special permit would be in the public interest.
- Certification that operation of the applicant's pipeline under the requested special permit would be consistent with pipeline safety.
- Any other information PHMSA may need to process the application, including environmental analysis where necessary.

Class locations are defined at 49 CFR § 192.5 and are dependent on the number of buildings intended for human occupancy within a class location unit. Current PHMSA regulations require operators of pipeline segments located in areas where the population density has significantly increased to reduce the pressure of the pipeline segment; pressure test the pipeline segment to higher standards; or replace the pipeline segment. PHMSA issues special permits to waive these requirements when alternative measures would achieve an equivalent level of safety as required by the applicable regulation, and is consistent with public interest and pipeline safety, which is typically contingent on the performance of additional measures beyond minimum PHMSA pipeline safety regulations, in accordance with 49 CFR § 190.341.

Odorization of gas pipelines is required for distribution pipelines and certain transmission pipelines to facilitate leak detection by the public. In accordance with 49 CFR § 192.625, combustible gas in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell. PHMSA issues special permits to waive these requirements when alternative measures would achieve an equivalent level of safety as required by the applicable regulation, and is consistent with public interest and pipeline safety, which is typically contingent on the performance of additional measures beyond minimum PHMSA pipeline safety regulations, in accordance with 49 CFR § 190.341.

Activities included in this CE category do not normally have significant effects, individually or in the aggregate, because the party requesting the special permit must demonstrate that operation of the applicant's pipeline under the requested special permit would be consistent with pipeline safety standards, which is the primary environmental value that is affected by these permits. As described above, the application for a special permit must include information that indicates the special permit will achieve a level of safety at least equal to that required by regulation, or, if a required safety level does not exist, is consistent with the public's interest.

CE Substantiation – On June 29, 2004, PHMSA published in the *Federal Register* (69 FR 38948) the criteria it uses for the consideration of class location change waivers, now being granted through special permits. First, certain threshold requirements must be met for a pipeline segment to be further evaluated for a class location change special permit. Second, the age and manufacturing process of the pipe; system design and construction; environmental, operating and maintenance histories; and integrity management program elements are evaluated as significant criteria. These significant criteria are presented in matrix form and can be reviewed in the Federal Docket Management System, Docket Number PHMSA–RSPA-2004-17401. Third, such special permits will only then be granted when pipe conditions and the operator's integrity management program provide a level of safety equal to a pipe replacement or pressure reduction. In all cases, special permits applications are evaluated and approved by OPS professional staff. This procedure provides further protection of the human environment (Reference 29).

In addition, PHMSA's grant or denial of the special permit request is a major federal action under NEPA. Therefore, in addition to analyzing any potential risks to public safety, PHMSA also analyzes any potential risks to the environment that could result from such grant or denial. Specifically, PHMSA evaluates whether the special permit would significantly impact the likelihood of a pipeline spill or failure as compared to the environmental status quo in the absence of the special permit. As previously noted, interviews with subject matter experts from OPS Engineering and Research as well

as the Regulatory Affairs Division were used to define this CE. Specifically, these subject matter experts emphasized the rigorous process applicants must comply with for PHMSA to issue a special permit. They also emphasized that issuance of special permits often prevents ground disturbance from excavation activities, thereby avoiding the associated environmental effects often associated with ground disturbance.

Finally, as described in the supporting NEPA documents below, PHMSA consistently finds there would be no significant effects to the environment from the issuance of class location special permits or odorization special permits.

Supporting EAs and FONSIs – The analysis of the NEPA documentation in Attachment A indicates that more than 35 EAs address this CE category. In each case, PHMSA found in consideration of the EA and special permit conditions, that no significant negative effect on human health, safety, or the environment would result from the issuance and full implementation of the special permit. FONSIs were issued for each EA without the need for additional mitigation measures to bring the effects below significance beyond the requirements of the special permit. As documented in the EAs, implementing special permits for class location changes and odorization often includes conditions for enhanced inspection, assessment, recording, design, construction, operations, and maintenance practices for the special permit segments and special permit inspection areas. These conditions are required to provide an equivalent or increased level of safety, and often serve a dual purpose of avoiding environmental effects by averting land disturbance associated with pipe replacements or construction of odorization and deodorization facilities, all while minimizing costs to operators.

The following examples of EAs address class location and odorization special permits:

Reference 34: Special permit request to avoid replacing approximately 17.545 miles of pipe located on five pipelines in the system where the class locations have changed from Class 1 to Class 2, and from Class 1 and 2 to Class 3. The special permit request would waive compliance from 49 CFR 192.611(a), “Change in class location: Confirmation or revision of maximum allowable operating pressure.” Additional conditions required with the special permit are related to measures to confirm the current status of the pipe in the ground, operating conditions, threat management, consequence mitigation, post leak or failure, class location study and potential special permit segment expansion, PHMSA oversight and management, gas leakage surveys and remediation, and documentation.

Reference 35: Special permit request to waive requirements of 49 CFR §§ 192.611(a) and (d), 192.619(a), and 192.5 for pipeline segments where the class location of the segment had been changed in accordance with 49 CFR § 192.5(c), cluster rule, and where additional dwellings for human occupancy have been built within the sliding mile for class location changes outside of the cluster area. The applicant found a regulatory compliance issue with past procedure methodology for the determination of class location boundaries using the clustering and sliding mile criteria in 49 CFR § 192.5(c) and has updated operating procedures for usage of 49 CFR § 192.5(c), cluster rule, and the sliding mile for confirmation of maximum allowable operating pressure

(MAOP). Additional conditions required with the special permit are related to the Integrity Management Program; close interval surveys; stress corrosion cracking inspections and direct assessments; integrity assessments and reassessments every seven years; installation and maintenance of line-of-sight pipeline markers; written plan in accordance with Advisory Bulletin ADB-2014-04; and records management.

Reference 36: Special permit request to grant the renewal of waiving the requirements of 49 CFR 192.611(a) to permit the maintenance of the maximum allowable operating pressure for two special permit segments located in Cumberland County, Maine, and another two special permit segments located in Coos County, New Hampshire, for which the class location has changed from Class 1 to Class 3 due to population density increase. Additional conditions required with the special permit are related to current status of the pipe in the ground; operating conditions; threat management; consequence mitigation; gas leakage surveys and remediation; post leak or failure; class location study and potential special permit segment extension; PHMSA oversight and management; and documentation.

Reference 37: Special permit request to waive the requirements of 49 CFR 192.611(a) and (d) and 192.619(a) to permit maintenance of the maximum allowable operating pressure of the pipeline segment where the class location of one special permit segment in Barren County, Kentucky, has changed from Class 1 to Class 3 due to a population density increase near the pipeline. Additional conditions required with the special permit are related to current status of the pipe in the ground; operating conditions; threat management; consequence mitigation; gas leakage surveys and remediation; post leak or failure; class location study and potential special permit segment extension; PHMSA oversight and management; and documentation.

Reference 38: Special permit request to waive compliance from 49 CFR 192.611(a) and (d) and 192.619(a) to permit Tennessee Gas Pipeline, LLC, to maintain the maximum allowable operating pressure of three special permit segments located in Kanawha County, West Virginia, for which the class location has changed from Class 1 to Class 3 due to a population density increase near the pipeline. Additional conditions required with the special permit are related to current status of the pipe in the ground; operating conditions; threat management; consequence mitigation; gas leakage surveys and remediation; post leak or failure; class location study and potential special permit segment extension; PHMSA oversight and management; and documentation.

Reference 39: Special permit request to waive compliance with the requirements of 49 CFR 192.611(a), “Change in class location: Confirmation or revision of maximum allowable operating pressure,” for approximately 7.815 miles of 30-inch and 36-inch diameter gas transmission pipelines located in Kentucky. Additional conditions required with the special permit are related to current status of the pipe in the ground; operating conditions; threat management;

consequence mitigation; gas leakage surveys and remediation; post leak or failure; class location study and potential special permit segment extension; PHMSA oversight and management; and documentation.

Reference 40. Special permit request to waive the odorant requirements in 49 CFR 192.625 for 10.93 miles of pipeline from Mile Post (MP) 245.16 to MP 256.09 located at the downstream section of the NEXUS pipeline in Washtenaw County, Michigan. Additional conditions required with the special permit are related to enhanced pipe materials requirements (reducing the risk of a material related failure); additional construction requirements, inspection, and testing (decreasing the risk of a construction related failure); use of coatings on the pipe and girth welds that do not shield against cathodic protection (CP), increased post-construction testing, inline inspection (smart pigging), inspection, and repair criteria (reducing the risk of failure due to mechanical damage and corrosion); and increased patrolling and line of sight markers (reducing the risk of in-service mechanical damage).

Reference 41. Special permit request to waive the requirements of 49 CFR 192.625 for odorization in a class 3 location for the Index 129-72 Pipeline located in Fort Bend County, Texas. Additional conditions required with the special permit are related to maximum allowable operating pressure; Integrity Management Program; anomaly response and repair; close interval surveys and reassessment intervals; right-of-way patrols and leakage surveys; line-of-sight markers; mainline valve monitoring and remote control for leaks or ruptures; interference currents control; data integration; environmental assessments and permits; documentation; and certification.

Recommendation – The proposed CE encompasses programmatic activities that do not normally have significant environmental effects, individually or in the aggregate.

Proposed CE Action – B.2 Rulemaking actions by the Office of Hazardous Materials Safety, other than deregulatory rulemaking actions, within one of the following categories:

(a) policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature;

(b) regulations designating, defining, or classifying regulated materials (hazardous materials, hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (49 CFR 172.101), and materials that meet the defining criteria for hazard classes and divisions in 49 CFR part 173);

(c) regulations imposing requirements on transportation of regulated materials, including shipping papers, marking, labeling, placarding, emergency response information, training, and safety and security plans;

(d) regulations concerning stowage and segregation of regulated materials in transportation, including rail car, portable tank, and cargo tank placement; loading, unloading, transportation, and storage of regulated materials by mode (rail, aircraft,

vessel, and highway); revising standards for bulk and non-bulk packages (cylinders, portable tanks, cargo tanks, radioactive packages, intermediate bulk containers, drums, jerricans, boxes, and composite packaging, etc.); or incident reporting or tracking of regulated movements;

(e) editorial or technical revisions and clarifications to correct editorial errors and improve clarity; and,

(f) training, testing, and qualification of regulated materials personnel.

Description – This documented CE includes the development of regulations to ensure the safe and secure movement of hazardous materials to industry and consumers by all modes of transportation other than pipelines (49 CFR parts 107, 110, 171-180).

OHMS develops regulations and standards for classifying, handling, and packaging more than one million daily shipments of hazardous materials within the United States to ensure minimal threats to life, property, or the environment due to hazardous material-related incidents (Reference 31).

CE Substantiation – This CE applies to rules amending regulations to modify reporting and safety requirements for transportation of hazardous materials and would not include deregulatory rulemakings. PHMSA has published approximately 90 rules by OHMS and 57 rules by OPS in the past 15 years (Reference 30). No rules resulted in significant effects and required preparation of an EIS. The federal action associated with this category does not substantively change risks presented by hazardous materials in transportation in commerce. These rulemakings would not impact a decision whether or not to transport hazardous materials, or substantively change the classification of hazardous materials, and the types, or quantities of hazardous materials transported to, from or within the United States. Further, these rulemakings would not change the mode (highway, rail, aircraft, vessel) used to transport hazardous materials, or packaging type used to transport hazardous materials. These actions are meant to clarify and modify policies and regulations governing safe operation of those facilities and infrastructure subject to PHMSA regulations.

Supporting EAs and FONSIs – The analysis of the NEPA documentation detailed in Attachment A indicates that several EAs address this CE category. PHMSA evaluates the reasonably foreseeable environments effects of proposed rules and the consequences of activities required to implement those rules on affected environments. PHMSA's rulemakings do not authorize, permit, site, or fund construction of infrastructure to transport hazardous material. Therefore, the category of potential impacts most relevant include but are not limited to public health and safety, environmental justice, and air quality. In the EAs prepared for each of these rulemaking actions, PHMSA found that effects to human health, safety, and the environment were not significant, and a FONSI was issued for each without the need for additional mitigation measures to bring impacts below the level of significance. The following list comprises a representative sample of EAs that addressed the promulgation of rules category:

Reference 11: OHMS rulemaking action correcting editorial errors and improving the clarity of certain provisions in PHMSA's program and procedural regulations and in the HMR. The intended effect of this rulemaking is to enhance accuracy and reduce misunderstandings of the regulations. The amendments are non-substantive changes and do not impose new requirements. The nature of this

rulemaking would not have any effect on public health and safety or the physical environment as described in the EA.

Reference 12: OHMS rulemaking action revising the HMR for lithium cells and batteries transported by aircraft, which responds to congressional mandates. Environmental effects considered in the EA included potential effects on public health and safety, greenhouse gas emissions, and environmental justice. As described in the EA, the only potential environmental impact associated with this rule results from the production of additional markings or labels that must be affixed to the any overpack when the original marking or label is not visible through the overpack. The impact would be extremely minimal. The rule avoids adverse impacts for minority populations, low-income populations, or other underserved and other disadvantaged communities resulting from the potential shipping delays because of the divergence between the HMR and the International Civil Aviation Organization Technical Instructions for lithium battery shipments.

Reference 13: OHMS rulemaking action amending the HMR to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Environmental effects considered in the EA included potential effects on public health and safety, hazardous materials, greenhouse gas emissions, and environmental justice. The nature of this rulemaking would not have any effect on public health and safety or the physical environment as described in the EA.

Reference 14: OHMS rulemaking action amending the HMR to revise certain requirements applicable to the manufacture, use, and requalification of DOT-specification cylinders. Environmental effects considered in the EA included potential effects on public health and safety and hazardous materials. The nature of this rulemaking would not have any effect on public health and safety or the physical environment as described in the EA. As described in the EA, compliance with the HMR substantially reduces the possibility of accidental release of hazardous materials.

Reference 15: OHMS rulemaking action correcting editorial errors and improving the clarity of certain provisions in the HMR and in PHMSA program and procedural regulations. The nature of this rulemaking would not have any effect on public health and safety or the physical environment as described in the EA.

Reference 16: Rulemaking by OHMS in response to appeals submitted to a previously published final rule. On June 2, 2016, PHMSA published a final rule that made miscellaneous amendments to the Hazardous Materials Regulations. This final rule specifically responds to requests to extend the effective date of certain nitric acid packaging and emergency response telephone number amendments as previously adopted. This final rule also clarifies amendments

associated with the trigger date of the 10-year test period for certain MC 331 cargo tanks in dedicated propane service and corrects editorial errors. The nature of this rulemaking would not have an adverse effect on public health and safety or the physical environment as described in the EA.

Reference 17: OHMSA rulemaking action lowering the registration fees for registration year 2013–2014 for all persons, as defined in PHMSA regulations, that transport or offer for transportation in commerce certain categories and quantities of hazardous materials due to an unexpended balance that has accumulated in the Hazardous Materials Emergency Preparedness Fund. The EA for this action analyzed the risk of hazardous material release resulting in environmental impact; risk to human safety, including any risk to first responders; longevity of the packaging; and if the proposed regulation would be carried out in a defined geographic area, the resources, including any sensitive resources, and how they could be impacted. The nature of this rulemaking would not have an adverse effect on public health and safety or the physical environment as described in the EA.

Reference 18: OHMS rulemaking action revising the HMR for lithium cells and batteries transported by aircraft. Prohibits the transport of lithium-ion cells and batteries as cargo on passenger aircraft; requires lithium-ion cells and batteries to be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft when not packed with or contained in equipment; and limits the use of alternative provisions for small lithium cell or battery shipments to one package per consignment. Environmental effects considered in the EA included potential effects on public health and safety, hazardous materials, air quality, greenhouse gas emissions, water quality, and soil contamination. As described in the EA, PHMSA concluded that human safety and environmental risks would be reduced and an increase in protection to human health and environmental resources would result from the rule.

Reference 19: OHMS rulemaking action revising PHMSA's regulations that would expand the applicability of comprehensive oil spill response plans to high-hazard flammable trains, based on thresholds of petroleum oil that apply to an entire train consist. Environmental effects considered in the EA included potential effects on air quality and greenhouse gas emissions, water resources, hazardous materials, public health and safety, socioeconomic considerations. As described in the EA, PHMSA concluded this rule would have a positive effect on the human and natural environments since the response plan and information requirements would mitigate environmental consequences of spills related to rail transport of petroleum oil and High-hazard flammable trains by reducing the severity of incidents.

Reference 20: OHMS rulemaking action revising the HMR pertaining to the Hazardous Materials Grants Program and the Hazardous Materials Emergency Preparedness Grant. This action aligns with the Office of Management and

Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and implements new requirements set forth by the Fixing America's Surface Transportation Act of 2015. The nature of this rulemaking would not have any effect on public health and safety or the physical environment as described in the EA.

These NEPA documents address PHMSA experience with respect to this category of actions. These rulemaking actions address new safety standards, accepted industry practices, consistency issues, and additional areas where data indicate that further protection of the environment is warranted.

Benchmarking Other Agency Experience – Other federal agencies have CEs for similar activities that have negligible effects on the human environment. The comparable CEs analyzed by PHMSA are listed below:

Reference 23: DHS: Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents.

a. Those of a strictly administrative or procedural nature.

b. Those that implement, without substantive change, statutory or regulatory requirements.

c. Those that implement, without substantive change, procedures, manuals, and other guidance documents.

d. Those that interpret or amend an existing regulation without changing its environmental effect.

e. technical guidance on safety and security matters.

f. Guidance for the preparation of security plans.

Reference 27: U.S. Coast Guard: Promulgation of the following regulations:

Regulations concerning vessel operation safety standards. (e.g., regulations requiring certain boaters to use approved equipment that is required to be installed, such as an ignition cut-off switch, or carried on board, such as personal flotation devices (PFDs), and/or stricter blood alcohol concentration (BAC) standards for recreational boaters, etc.; equipment approval; and/or equipment carriage requirements (e.g., personal flotation devices (PFDs) and visual distress signals (VDSs)).

Congressionally mandated regulations designed to improve or protect the environment (e.g., regulations implementing the requirements of the Oil Pollution Act of 1990, such as those requiring vessels to have the capability to transmit and receive on radio channels critical safety and navigation warnings in U.S. waters; regulations to increase civil penalties against persons responsible for the discharge of oil or hazardous substances into U.S. waters; etc.). (Checklist and CED required.)

Regulations which are editorial or procedural, such as those updating addresses or establishing application procedures.

Regulations concerning internal agency functions, or organization or personnel administration, such as funding, establishing Captain of the Port boundaries, or Delegating authority.

Regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel.

Regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels.

Regulations concerning equipment approval and carriage requirements.

Regulations establishing, disestablishing, or changing the size of Special Anchorage Areas or anchorage grounds. (Checklist and CED are not required for actions that disestablish or reduce the size of the area or grounds.)

Regulations establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. (Checklist and CED not required for actions that disestablish or reduce the size of the area or zone. For temporary areas and zones that are established to deal with emergency situations and that are less than one week in duration, the checklist and CED are not required. For temporary areas and zones that are established to deal with emergency situations and that are one week or longer in duration, the checklist and CED will be prepared and submitted after issuance or publication.)

Special local regulations issued in conjunction with a regatta or marine parade, provided that, if a permit is required, the environmental analysis conducted for the permit included an analysis of the impact of the regulations. (Checklist and CED are not required.)

Regulations in aid of navigation, such as those concerning rules of the road, International Regulations for the Prevention of Collisions at Sea (COLREGS), bridge-to-bridge communications, vessel traffic services, and marking of navigation systems.

The proposed PHMSA CE aligns with one or more of the items described above. These actions are similar in scope and support PHMSA's proposed CE.

Recommendation – The proposed CE encompasses programmatic activities that normally do not have significant effect on the human environment, individually or in the aggregate.

Proposed CE Action – B.3 Rulemaking actions by the Office of Pipeline Safety, other than deregulatory rulemaking actions, within one of the following categories:

(a) policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature;

(b) regulations concerning corrosion control; training, testing, and qualification of operator personnel; or emergency response;

(c) editorial or technical revisions and clarifications to correct editorial errors and improve clarity; and,

(d) revisions to civil penalty amounts that may be imposed for violations of certain DOT regulations.

Description – This documented CE includes the development of regulations to ensure the safe, reliable, and environmentally sound operation of the nation's gas, hazardous liquid, and carbon dioxide pipeline transportation system (49 CFR parts 190-199).

OPS is responsible for developing, proposing, and implementing regulatory policy initiatives and regulations governing the safe operation of the nation's hazardous liquid, gas, and carbon dioxide pipeline transportation system. OPS ensures safety in the design, construction, operation, maintenance, and spill response planning of America's more than three million miles of gas, hazardous liquid, and carbon dioxide transportation pipelines through the issuance of regulations that address pipeline safety (Reference 32).

CE Substantiation – This CE applies to rules amending regulations to modify reporting and safety requirements for pipeline facilities and would not include deregulatory rulemakings. PHMSA has published approximately 90 rules by OHMS and 57 rules by OPS in the past 15 years (Reference 30). No rules resulted in significant effects and required preparation of an EIS. These rulemakings would not affect an operator's decision to build or operate a pipeline facility, the location of a pipeline facility, or the associated permitting process. Instead, to the extent these actions pertain to installations, inspection, or testing, they are focused on ensuring that any pipeline facilities that facility operators do in fact operate, or decide to build or convert to different service, are safely designed and operated to minimize risks to life, property, and the environment. The site-specific effects of these rulemakings are too broad, too speculative, and too conjectural for meaningful analysis. However, PHMSA has considered the reasonably foreseeable direct and indirect effects of these rulemaking actions as evidenced in the EAs referenced below. These effects typically occur within disturbed soil and would be temporary in nature. These actions are meant to clarify and modify policies and regulations governing safe operation of those facilities and infrastructure subject to PHMSA regulations.

Supporting EAs and FONSIs – PHMSA reviewed 35 EAs relative to OPS rulemaking actions, as detailed in Attachment A. PHMSA evaluates the reasonably foreseeable environments effects of proposed rules and the consequences of activities required to implement those rules on affected environments. PHMSA's rulemakings do not authorize, permit, site, or fund pipeline construction or operation. Therefore, the category of potential impacts most relevant include but are not limited to public health and safety, environmental justice, and air quality. In each case, PHMSA found that no significant negative effects to human health, safety, or the environment would result from these rulemaking actions, and a FONSI was issued without the need for additional mitigation measures to bring adverse impacts below the level of significance. The following examples of EAs address the substantiation of this proposed category:

Reference 1: OPS rulemaking action to expand corrosion control measures in 49 CFR part 192, subpart I, and provide specific preventative and mitigative measures within High Consequence Areas (HCAs) that address both internal and external corrosion. This regulatory action also revised the existing repair criteria and timeframes for HCAs and included repair criteria for non-HCAs. Environmental effects considered in the EA included potential effects on the physical environment, public health and safety, climate change and air emissions, and environmental justice. As described in the EA, this rule provides benefits to public safety, the physical environment (including, but not limited to, reduction of GHG emissions), and environmental justice by decreasing the frequency and consequences of transmission pipeline failures and incidents, through earlier detection of threats to pipeline integrity, including those from corrosion or following extreme weather events. PHMSA determined any potential effects from repairs that result from inspections to be temporary and limited to the immediate area of the pipeline (i.e., within the existing right-of-way (ROW) where the soil has already been disturbed for pipeline construction).

Reference 2: OPS rulemaking action to require additional testing, inspection, and, in some cases, repairs or retrofit of pipelines to address safety conditions. This regulatory action will impact 49 CFR parts 191 and 192 relative to gas transmission pipelines. Environmental considered analyzed in the EA included potential effects on the physical environment, public health and safety, climate change and air emissions, and socioeconomic considerations. As described in the EA, this rule may require additional excavations, increased water consumption, more blowdown emissions from testing, or change the timing of maintenance activities. In accordance with existing regulations, operators must take precautions and implement best management practices to minimize or mitigate environmental damage during excavation and other maintenance activities, such as minimizing sediment runoff to waterbodies or impacts to other resources. PHMSA determined any impacts of these activities to be temporary and limited to the immediate area of the pipeline, i.e., within the existing ROW.

Reference 3: OPS rulemaking action amending the Federal Pipeline Safety Regulations 49 CFR parts 192 and 195. Those amendments include provisions pertaining to the following: Definition of Notification of Potential Rupture; Maximum Rupture Mitigation Valve (RMV) and Alternative Equivalent Technology Spacing Requirements; RMV and Alternative Equivalent Technology Installation and Operation Performance Standards; Emergency Flow Restriction Devices and RMV Installation in Response to Operator Risk Analyses; Failure and Incident/Accident Analysis; Operator Rupture Identification and Notification Procedural Requirements; Inspection, Maintenance, and Drills to Ensure Timely Operator Response; and Implementation Timeframes. Environmental effects considered in the EA

included potential effects on human health and safety, climate change and biological resources. As described in the EA, PHMSA determined any potential effects from installation and maintenance of RMVs to be temporary and limited to the immediate area of the pipeline (i.e., within the ROW where the soil has already been disturbed for pipeline construction).

Reference 4: OPS rulemaking action amending 49 CFR § 195.6 as directed by Congress in the Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020. This action revises § 195.6 to explicitly state that "the Great Lakes," "certain coastal waters," and "coastal beaches" are Unusually Sensitive Area ecological resources in § 195.6. Environmental effects considered in the EA included potential effects on human health and the physical environment including air quality and climate; soils, topography, and geology; water resources; historic and archaeological resources; wildlife; and farmland. As described in the EA, PHMSA determined this rule would have a positive impact to human health and the physical environment through a reduction in pipeline failures and increased safety to pipeline workers and the public. No environmental effects were identified.

Reference 5: OPS rulemaking action amending Federal Pipeline Safety Regulations to update the administrative civil penalty maximums for violation of the safety standards to reflect current law, to update the informal hearing and adjudication process for pipeline enforcement matters to reflect current law, and to make other technical corrections and updates to certain administrative procedures. The nature of this rulemaking would not have any effect on public health and safety or the physical environment as described in the EA.

Reference 6: OPS rulemaking action amending PHMSA's minimum safety standards for underground natural gas storage facilities. Environmental effects considered in the EA included potential effects on the physical environment, public health and safety, climate change and greenhouse gas emissions, environmental justice, and socioeconomic conditions. The nature of this rulemaking would not have any effect on public health and safety or the physical environment as described in the EA.

Reference 7: OPS rulemaking action amending the Pipeline Safety Regulations to advance the safety of pipelines transporting hazardous liquids. This action amends the hazardous liquid pipeline safety regulations in 49 CFR part 195. Environmental effects considered in the EA included potential effects on the physical environmental including endangered species, wetlands and water, cultural resources, and parks and recreations; public health and safety; socioeconomic considerations; and hazardous materials. The nature of this rulemaking would not have any effect on public health and safety or the physical environment as described in the EA.

Reference 8: OPS rulemaking action amending Federal Pipeline Safety Regulations that govern the use of plastic piping systems in the transportation of natural and other gas. The amendments enhance pipeline safety, adopt innovative technologies and best practices, and respond to petitions from stakeholders. Environmental effects considered in the EA included potential effects on human health and the physical environment including air quality and climate; soils, topography, and geology; water resources; historic and archaeological resources; wildlife; and farmland. As described in the EA, PHMSA determined any potential effects from maintenance activities would be temporary and limited to the immediate area of the pipeline (i.e., within the ROW where the soil has already been disturbed for pipeline construction).

Reference 9: OPS rulemaking action amending the pipeline safety regulations to address requirements of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, and to update and clarify certain regulatory requirements. Environmental effects considered in the EA included potential effects on human health and safety as well as the physical environment including air quality and climate; water resources; historic and archaeological resources; and biological resources. As described in the EA, PHMSA determined any potential effects from maintenance activities would be temporary and limited to the immediate area of the pipeline (i.e., within the ROW where the soil has already been disturbed for pipeline construction).

Reference 10: OPS rulemaking action, pursuant to the PIPES Act, to establish review criteria for state excavation damage prevention law enforcement programs as a prerequisite for PHMSA to conduct an enforcement proceeding against an excavator in the absence of an adequate enforcement program in the state where a pipeline damage prevention violation occurs. Environmental effects considered in the EA included potential effects on public health and safety as well as effects on the physical environment including air quality; water resources; historic and archaeological resources; and biological resources. The nature of this rulemaking would not have any effect on public health and safety or the physical environment as described in the EA.

These NEPA documents address PHMSA experience with respect to this category of actions. These rulemaking actions address new safety standards, accepted industry practices, consistency issues, and additional areas where data indicate that further protection of the environment is warranted.

Benchmarking Other Agency Experience. Other federal agencies have CEs for similar activities that have negligible effects on the human environment. The comparable CEs analyzed by PHMSA are listed below:

Reference 23: DHS: Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents.

a. Those of a strictly administrative or procedural nature.

b. Those that implement, without substantive change, statutory or regulatory requirements.

c. Those that implement, without substantive change, procedures, manuals, and other guidance documents.

d. Those that interpret or amend an existing regulation without changing its environmental effect.

e. Technical guidance on safety and security matters.

f. Guidance for the preparation of security plans.

Reference 27: U.S. Coast Guard: Promulgation of the following regulations:

Regulations concerning vessel operation safety standards. (e.g., regulations requiring certain boaters to use approved equipment that is required to be installed, such as an ignition cut-off switch, or carried on board, such as personal flotation devices (PFDs), and/or stricter blood alcohol concentration (BAC) standards for recreational boaters, etc.; equipment approval; and/or equipment carriage requirements (e.g., personal flotation devices (PFDs) and visual distress signals (VDSs)).

Congressionally mandated regulations designed to improve or protect the environment (e.g., regulations implementing the requirements of the Oil Pollution Act of 1990, such as those requiring vessels to have the capability to transmit and receive on radio channels critical safety and navigation warnings in U.S. waters; regulations to increase civil penalties against persons responsible for the discharge of oil or hazardous substances into U.S. waters; etc.). (Checklist and CED required.)

Regulations which are editorial or procedural, such as those updating addresses or establishing application procedures.

Regulations concerning internal agency functions, or organization or personnel administration, such as funding, establishing Captain of the Port boundaries, or Delegating authority.

Regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel.

Regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels.

Regulations concerning equipment approval and carriage requirements.

Regulations establishing, disestablishing, or changing the size of Special Anchorage Areas or anchorage grounds. (Checklist and CED are not required for actions that disestablish or reduce the size of the area or grounds.)

Regulations establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. (Checklist and CED not required for

actions that disestablish or reduce the size of the area or zone. For temporary areas and zones that are established to deal with emergency situations and that are less than one week in duration, the checklist and CED are not required. For temporary areas and zones that are established to deal with emergency situations and that are one week or longer in duration, the checklist and CED will be prepared and submitted after issuance or publication.)

Special local regulations issued in conjunction with a regatta or marine parade, provided that, if a permit is required, the environmental analysis conducted for the permit included an analysis of the impact of the regulations. (Checklist and CED are not required.)

Regulations in aid of navigation, such as those concerning rules of the road, International Regulations for the Prevention of Collisions at Sea (COLREGS), bridge-to-bridge communications, vessel traffic services, and marking of navigation systems.

The proposed PHMSA CE aligns with one or more descriptive items above. These actions are similar in scope and support PHMSA's proposed CE.

Recommendation – The proposed CE encompasses programmatic activities that normally do not have significant effect on the human environment, individually or in the aggregate.

Proposed CE Action – B.4 Repair, rehabilitation, or replacement of natural gas distribution pipelines and associated equipment within existing rights-of-way or easements. Associated actions include replacement of service lines, meters, metering stations, valves, taps, abandonment in place or abandonment by removal, minor excavation, replacement of pavement of existing roadway and/or sidewalks, and relocations within existing rights-of-way or easements. Actions will follow the applicable safety standards and requirements described at 49 CFR part 192.

Description – This documented CE includes grant funding authorized under BIL or other funding sources to repair, rehabilitate, or replace natural gas distribution pipelines and associated equipment within the pipeline's existing right-of-way or easement. The NGDISM grant program is appropriated $200 million a year in grant funding with a total of $1 billion in grant funding over five years beginning in fiscal year 2022. The grant funding is to be made available to a municipality or community owned utility (not including for-profit entities) to repair, rehabilitate, or replace its natural gas distribution pipeline systems, or portions thereof (Reference 28). Pipeline replacement activities require some ground disturbance. Typically, a narrow trench (1-3 feet in width) is excavated to a depth that varies from 3-5 feet and a new pipe is installed. The trench is backfilled and/or paved to restore the site to pre-existing conditions.

This category of actions is necessary to ensure the safe, reliable operation of pipelines and delivery of energy to nearby communities. The actions approved under this CE will support the safe delivery of energy by reducing incidents and leaks; help avoid economic losses caused by pipeline failures; and reduce climate effects and greenhouse gas emissions by remediating aged and failing pipelines

prone to leakage. Further, as described by statute and program authority, procedures for awarding grants under the NGDISM grant program will take into consideration the following (Reference 48):

- The risk profile of the existing pipeline system operated by the applicant, including the presence of pipe prone to leakage.
- The potential of the project for creating jobs.
- The potential for benefiting disadvantaged rural and urban communities.
- Economic impact or growth.

In the course of applying this CE, PHMSA will consider whether the proposed pipeline rehabilitation or replacement will lead to any additional activities, such as new industrial or commercial development, that are connected actions or reasonably foreseeable indirect effects of the proposed action. Depending on the nature of the activities and their relationship to the proposed action, this consideration may occur during the scoping process, as part of the consideration of extraordinary circumstances, or both. If such additional activities would be connected actions or reasonably foreseeable indirect effects of the proposed action, PHMSA may be required to prepare an EA or an EIS.

CE Substantiation – This category of actions qualifies as a CE because these actions do not normally result in significant environmental effects. All activities approved under this CE would occur within existing rights-of-way and easements which are subject to repeated disturbance to maintain pipeline facilities. This category of actions would result in a reduced occurrence of pipeline failures and leaks associated with the pipeline repairs, which would maintain these facilities in a safe operational manner.

This proposed CE will require documentation. PHMSA will require applicants to follow best management practices and incorporate appropriate environmental control measures in each case as required by any applicable environmental laws and regulations.

Supporting EAs and FONSIs – In 2022, PHMSA prepared a programmatic EA (Tier 1 EA) which analyzed on a nationwide basis the effects of implementing the NGDISM grant program. This Tier 1 EA analyzed the reduction in methane emissions from leak prone pipe and a reduction in safety risks that are anticipated to result from the repair, rehabilitation, or replacement of current natural gas distribution pipeline public utilities. This analysis also discussed the environmental impacts that can result from natural gas distribution pipeline repair, rehabilitation, and replacement at a programmatic level. Since 2023, PHMSA has prepared thirty five site-specific EAs (Tier 2 EAs) and FONSIs under the NGDISM program for projects within the scope of this CE, as described in Attachment A. Each action includes the replacement of natural gas distribution pipelines and associated equipment, and is consistent with the proposed CE.

The NEPA documents evaluated impacts to air quality and greenhouse gases; water resources; groundwater and hazardous materials/waste; soils; biological resources; cultural resources; Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303) properties; land use and transportation; noise and vibration; environmental justice; and safety. As described in the EAs, PHMSA determined the action would have temporary and limited effects to the immediate area of the pipeline (i.e., within the ROW where the soil has already been disturbed for pipeline

construction). PHMSA determined through an analysis that the action will have no direct effect on air quality or GHG emissions, water resources, safety, EJ communities, and biological resources meaning the action will have No Effect to federally threatened or endangered species and/or critical habitat. PHMSA also determined that the actions will have no impact to soils, groundwater or hazardous materials (nor will it create hazardous waste); will not result in any physical effects or consequences to cultural resources or use of Section 4(f) properties; and will not result in direct noise and vibration impacts or changes to land use or have any impact to transportation facilities. Impacts associated with excavation activities are expected to be localized to the area immediately adjacent to the work area and temporary in duration. Best management practices required any applicable environmental laws or regulations would further avoid or minimize potential effects. These NEPA documents address PHMSA's experience with respect to this category of actions. In each case, PHMSA found these actions had no significant impact to human health, safety, or the environment, and a FONSI was issued.

Each FONSI includes mitigation measures and environmental commitments required by any applicable environmental laws and regulations, which are specific to the scope and environmental context of each action. Generally, these requirements include best management practices and activities related to construction methods that will avoid sensitive environmental resources; on-road and non-road vehicle use; maintenance of traffic; appropriate notification in the event of hazardous material release; excavation and soil disturbance, sediment, and erosion control; dust suppression; avoiding wetlands and floodplains; avoiding nearby parks and recreational areas; proper notification regarding cultural resources and archaeological artifacts; adherence to all state and local ordinances; and obtaining all appropriate permits and approvals prior to construction.

PHMSA found in each case that a FONSI determination was appropriate because:

- The Tier 2 Environmental Questionnaire for the selected action is complete and accurate.
- The types and extent of anticipated environmental impacts are as expected in the Tier 1 EA.
- Project proponent commits to compliance with applicable federal and state environmental requirements.
- The project proponent commits to perform mitigation measures described in the Tier 2 Site Specific EA in accordance with applicable environmental laws and regulations.
- PHMSA's review of the Tier 2 Environmental Questionnaire did not identify adverse and unanticipated types or levels of environmental impacts.

The following three EAs and FONSIs are a representative sample of PHMSA actions which address the repair, rehabilitation, or replacement of natural gas distribution pipelines and associated equipment:

Reference 44: The proposed action would replace 1.37 miles of low-pressure mains in various locations within Wakefield, Massachusetts. The existing mains in the project area consist of outdated materials that would be replaced with plastic polyethylene (PE) mains. The applicant would install new PE pipeline within 1.5 feet of the existing pipeline and abandon the existing pipeline in place. The pipeline infrastructure and location of the new pipe is located

directly under paved city-owned streets, and all would take place within the existing right-of-way (ROW). All land would be returned to its original condition and land use would not change because of the project.

Reference 45: The proposed action includes the replacement of a total of 7.51 miles of pipeline in Milton, Florida. The vulnerable pipeline to be replaced is located within the City of Milton's existing ROW and will not require new ROW or easements. The staging areas for the project will include the City of Milton Utilities Department and a city-owned public works department facility, or within existing ROW and city-owned roadways.

Reference 46: The proposed action includes the replacement of a total of 20,805 linear feet (LF) of 1970s vintage two-inch polyvinyl chloride (PVC) pipe with two-inch PE mains and service lines, in Montpelier, Louisiana. The vulnerable pipeline to be replaced is located within the Village of Montpelier existing ROW and will not require new ROW or easements. The existing ROW encompasses various roads, signage, sidewalks, and grassy areas throughout the Village of Montpelier.

These NEPA documents address PHMSA's experience with respect to this category of actions.

Benchmarking Other Agency Experience – Other federal agencies have comparable CEs already in use for this type of action. These actions consist of reconstruction, repair, and/or replacement of pipelines or existing utilities. These actions generally do not occur outside of existing rights-of-way or easements, and do not result in significant environmental effects. These actions are similar in scope and support PHMSA's proposed CE. Specifically, PHMSA considered the following CEs in its analysis:

Reference 47: DOE: REPAIR OR REPLACEMENT OF PIPELINES. Repair, replacement, upgrading, rebuilding, or minor relocation of natural gas pipelines within existing rights-of-way, provided the actions are in accordance with applicable requirements (such as Army Corps of Engineers permits under section 404 of the Clean Water Act).

DOE's regulations also include additional conditions that apply to all of their categorical exclusions, referred to as integral elements, at 10 CFR part 1021, subpart D, appendix B (1)– (5). These integral elements address resource categories similar to those that PHMSA proposes to address through its extraordinary circumstance criteria. Specifically, DOE's integral elements require that to fit within DOE's CE, a proposal must be one that would not:

(1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders.

(2) Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities.

(3) Disturb hazardous substances, pollutants, contaminants, or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)-excluded petroleum and

natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases.

(4) Have the potential to cause significant impacts on environmentally sensitive resources. An environmentally sensitive resource is typically a resource that has been identified as needing protection through Executive Order, statute, or regulation by federal, state, or local government, or a federally recognized Indian tribe. An action may be categorically excluded if, although sensitive resources are present, the action would not have the potential to cause significant impacts on those resources (such as construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands). Environmentally sensitive resources include, but are not limited to:

i. Property (such as sites, buildings, structures, and objects) of historic, archeological, or architectural significance designated by a federal, state, or local government, federally recognized Indian tribe, or Native Hawaiian organization, or property determined to be eligible for listing on the National Register of Historic Places;

ii. Federally listed threatened or endangered species or their habitat (including critical habitat) or federally proposed or candidate species or their habitat (Endangered Species Act); state-listed or state-proposed endangered or threatened species or their habitat; federally protected marine mammals and Essential Fish Habitat (Marine Mammal Protection Act; Magnuson-Stevens Fishery Conservation and Management Act); and otherwise federally protected species (such as the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act);

iii. Floodplains and wetlands (as defined in 10 CFR 1022.4, “Compliance with Floodplain and Wetland Environmental Review Requirements: Definitions,” or its successor);

iv. Areas having a special designation such as federally and state-designated wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, state and federal wildlife refuges, scenic areas (such as National Scenic and Historic Trails or National Scenic Areas), and marine sanctuaries;

v. Prime or unique farmland, or other farmland of statewide or local importance, as defined at 7 CFR 658.2(a), “Farmland Protection Policy Act: Definitions,” or its successor;

vi. Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and

vii. Tundra, coral reefs, or rain forests.

(5) Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment, and conducted in accordance with applicable requirements, such as

those of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.

During development of the DOE CE, the DOE responded to a comment expressing concern regarding potential pipeline failures. DOE stated: "DOE's experience is that the types of pipeline projects addressed by these categorical exclusions do not pose significant risk of accident and, indeed, repair, replacement, and similar activities can reduce such risks." PHMSA agrees with this logic and reiterates that the proper repair, replacement, or rehabilitation of natural gas distribution pipelines will reduce the occurrence of pipeline failures and leaks.

Reference 23: DHS: Reconstruction and/or repair by replacement of existing utilities or surveillance systems in an existing right-of-way or easement, upon agreement with the owner of the relevant property interest.

In developing its similar CE, DHS determined that the CE "encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment." Further, DHS determined that "a Record of Environmental Consideration (REC) (would) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process." PHMSA agrees with this logic and PHMSA's proposed CE will require documentation to confirm the CE category is appropriate for the proposed action.

Recommendation – The proposed CE encompasses programmatic activities that normally do not have significant effects on the human environment, individually or in the aggregate.

4.0 Extraordinary Circumstances

PHMSA developed a list of extraordinary circumstances in its draft NEPA Implementing Procedures. Extraordinary circumstances indicate when the actions subject to these CEs may have a significant effect. If an extraordinary circumstance exists, PHMSA nevertheless may apply the categorical exclusion if PHMSA conducts an analysis and determines that the proposed action does not in fact have the potential to result in significant effects notwithstanding the extraordinary circumstance, or PHMSA modifies the action to avoid the potential to result in significant effects. In these cases, PHMSA will document such determination. The extraordinary circumstances that require further evaluation as to the applicability of the CE are listed in Section 5 of PHMSA's NEPA Implementing Procedures.

Attachment A: References

1. Final Environmental Assessment – Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management, Improvements, Cathodic Protection, Management of Change, and Other Related Amendments. July 2022. *Docket No. PHMSA-2011-0023/RIN 2137-AF39.* Retrieved from https://www.regulations.gov/document/PHMSA-2011-0023-0635.
2. Final Environmental Assessment – Safety of Gas Transmission Pipelines (49 CFR Parts 191 & 192). September 2019. *Document ID PHMSA-2011-0023-0468.* Retrieved from https://www.regulations.gov/document/PHMSA-2011-0023-0468.
3. Final Environmental Assessment and Finding of No Significant Impact – Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards. February 2022. *Docket No. PHMSA-2013-0255.* Retrieved from https://www.regulations.gov/document/PHMSA-2013-0255-0045.
4. Environmental Assessment – Pipeline Safety: Unusually Sensitive Areas for the Great Lakes, Coastal Beaches, and Certain Coastal Waters. December 2021. *Docket No. PHMSA-2017-0152.* Retrieved from https://www.regulations.gov/document/PHMSA-2017-0152-0002.
5. Final Rule - Pipeline Safety: Administrative Procedures; Updates and Technical Corrections. September 2013. *Docket No. PHMSA–2012–0102.* Retrieved from https://www.regulations.gov/document/PHMSA-2012-0102-0007.
6. Final Environmental Assessment – Safety of Underground Natural Gas Storage Facilities. February 2020. *Docket No. PHMSA-2016-0016.* Retrieved from https://www.regulations.gov/document/PHMSA-2016-0016-0163.
7. Environmental Assessment – Safety of Hazardous Liquid Pipelines (49 CFR Part 195). September 2019. *Docket No. PHMSA-2010-0029.*
8. Final Environmental Assessment – Plastic Pipe. December 2017. *Docket No. PHMSA-2014-0098.* Retrieved from https://www.regulations.gov/document/PHMSA-2014-0098-0061.
9. Final Environmental Assessment and Finding of No Significant Impact - Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Changes. December 2016. *Docket No. PHMSA-2013-0163.* Retrieved from https://www.regulations.gov/document/PHMSA-2013-0163-0049.
10. Final Environmental Assessment and Finding of No Significant Impact – Pipeline Damage Prevention Enforcement Program. July 2015. *Docket No. PHMSA-2009-0192.* Retrieved from https://www.regulations.gov/document/PHMSA-2009-0192-0243.
11. Final Rule – Hazardous Materials: Editorial Corrections and Clarifications. December 2022. *Docket No. PHMSA-2021-0091.* Retrieved from https://www.govinfo.gov/content/pkg/FR-2022-12-27/pdf/2022-26960.pdf.
12. Final Rule – Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018). December 2022. *Docket No.*

PHMSA-2016-0014. Retrieved from https://www.govinfo.gov/content/pkg/FR-2022-12-21/pdf/2022-27563.pdf.

13. Final Rule – Hazardous Materials: Harmonization with International Standards. July 2022. *Docket No. PHMSA-2019-0030.* Retrieved from https://www.govinfo.gov/content/pkg/FR-2022-07-26/pdf/2022-15358.pdf.
14. Final Rule – Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders. December 2020. *Docket No. PHMSA-2011-0140.* Retrieved from https://www.govinfo.gov/content/pkg/FR-2020-12-28/pdf/2020-26264.pdf.
15. Final Rule – Hazardous Materials: Editorial Corrections and Clarifications. December 2020. *Docket No. PHMSA-2018-0082*. Retrieved from https://www.govinfo.gov/content/pkg/FR-2020-12-21/pdf/2020-23353.pdf.
16. Final Rule – Hazardous Materials: Miscellaneous Amendments; Response to Appeals; Corrections. June 2018. *Docket No. PHMSA–2013–0225.* https://www.govinfo.gov/content/pkg/FR-2018-06-18/pdf/2018-12961.pdf.
17. Final Rule – Hazardous Materials: Temporary Reduction of Registration Fees. April 2013. *Docket No. PHMSA–2012–0185*. Retrieved from https://www.govinfo.gov/content/pkg/FR-2013-04-19/pdf/2013-09213.pdf.
18. Interim Final Rule – Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018). March 2019. *Docket No. PHMSA-2016-0014*. Retrieved from https://www.govinfo.gov/content/pkg/FR-2019-03-06/pdf/2019-03812.pdf.
19. Environmental Assessment and Finding of No Significant Impact. Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act). February 2019. *Docket No. PHMSA-2014-0105.* Retrieved from https://www.govinfo.gov/content/pkg/FR-2019-02-28/pdf/2019-02491.pdf.
20. Final Rule – Hazardous Materials: Revisions to Hazardous Materials Grants Requirements (FAST Act). February 2019. *Docket No. PHMSA-2015-0272.* Retrieved from https://www.govinfo.gov/content/pkg/FR-2019-02-14/pdf/2019-02293.pdf.
21. Department of Transportation Federal Transit Administration Environmental Impact and Related Procedures. 78 Fed Reg. 8,964, (February 7, 2013), *Docket No. FTA-2011-0056*. https://www.federalregister.gov/documents/2013/02/07/2013-02345/environmental-impact-and-related-procedures.
22. Federal Railroad Administration Categorical Exclusion Substantiation (May 2012). Retrieved from https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/1643/CE_Substantiation_5_31_12_final.pdf.
23. Administrative Record for Categorical Exclusions (CATEX) – U.S. Department of Homeland Security: https://www.dhs.gov/sites/default/files/publications/Mgmt_NEPA_AdminRecdetailedCATEXsupport_0.pdf.
24. Memoranda to File – U.S. DOT Volpe. September 22, 2023.

a. Office of Pipeline Safety Special Permits Archive, U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration.

b. Rulemaking Documents for Hazardous Materials Safety Rulemaking and Pipeline Safety Rulemaking Archive, U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration

25. Interviews

    a. Interview: Carolyn Nelson, PHMSA, Office of Planning and Analytics, 20+ years of NEPA experience, July 13, 2023.

    b. Interview: Shelby 'Matt' Fuller, Senior Environmental Protection Specialist, PHMSA, Office of Planning and Analytics, 20+ years of NEPA experience, July 13, 2023.

    c. Interview: Lydia Wang, Environmental Protection Specialist, PHMSA, Office of Planning and Analytics, July 13, 2023.

    d. Interview: Tonya Jez, Operations Supervisor, PHMSA, OPS Pipeline Western Region, July 13, 2023.

    e. Interview: Neil Chaudhry, Associate Administrator, PHMSA, Office of Planning and Analytics, July 13, 2023. (former)

    f. Interview: Matthew Nickels, Senior Regulations Officer, PHMSA, OHMS Standards and Rulemaking Division, July 13, 2023.

    g. Interview: Donald Burger, Chief, PHMSA, OHMS General Approvals and Permits, July 13, 2023.

    h. Interview: Mary McDaniel, Acting Director, PHMSA, OPS Engineering and Research, July 21, 2023. (former)

    i. Interview: Amelia Samaras, Senior Attorney-Advisor, PHMSA Regulatory Affairs Division, 15+ years of experience, July 21, 2023. (former)

    j. Interview: Steve Nanney, Senior Technical Advisor, PHMSA, OPS Standards and Rulemaking Division, August 10, 2023. (former)

    k. Interview: John Gale, Director, PHMSA, OPS Standards and Rulemaking Division, August 16, 2023.

    l. Interview: Amelia Samaras, Senior Attorney-Advisor, PHMSA Regulatory Affairs Division, September 11, 2023. (former)

    m. Interview: Robert Ross, Assistant Chief Counsel, PHMSA, Regulatory Affairs Division, September 11, 2023.

26. Department of Transportation Federal Aviation Administration Order 1050.1F, Environmental Impacts: Policies and Procedures. https://www.faa.gov/documentlibrary/media/order/faa_order_1050_1f.pdf.

27. National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions 67 Fed Reg. 48,243, (July 23, 2002), *Docket No. USCG-2002-11843*. https://www.regulations.gov/document/USCG-2002-11843-0002.

28. Natural Gas Distribution Infrastructure Safety and Modernization Grants, U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration, September 13, 2023, https://www.phmsa.dot.gov/about-phmsa/working-phmsa/grants/pipeline/natural-gas-distribution-infrastructure-safety-and-modernization-grants.
29. Special Permits and State Waivers Overview: https://www.phmsa.dot.gov/pipeline/special-permits-state-waivers/special-permits-and-state-waivers-overview.
30. Notice and Rulemaking Documents: https://www.phmsa.dot.gov/regulations/federal-register-documents?title&type%5B0%5D=RULE&topics=All&abstract=All&page=4.
31. Hazardous Materials Standards and Rulemaking Overview: https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-standards-and-rulemaking-overview.
32. Pipeline Standards and Rulemaking Overview: https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-and-rulemaking-overview.
33. Memorandum for Heads of Federal Departments and Agencies Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act. November 23, 2010. https://ceq.doe.gov/docs/ceq-regulations-and-guidance/NEPA_CE_Guidance_Nov232010.pdf.
34. Final Environmental Assessment and Finding of No Significant Impact. Class 1 to Class 3 Location – KY, LA, MS, and TN Special Permit. Columbia Gulf Transmission, LLC. Special Permit Issued March 2022, Amended May 2023. *Docket No. PHMSA-2019-0201*. Retrieved from https://www.regulations.gov/document/PHMSA-2019-0201-0017.
35. Final Environmental Assessment and Finding of No Significant Impact. Class 1 to Class 3 Location – Colorado, Colorado Interstate Gas Company, LLC. *Docket No. PHMSA-2016-0008*. Retrieved from https://www.regulations.gov/document/PHMSA-2016-0008-0017.
36. Final Environmental Assessment and Finding of No Significant Impact. Class 1 to Class 3 Location – NH and ME Special Permit. Portland Natural Gas Transmission System. *Docket No. PHMSA-2006-24058*. Retrieved from https://www.regulations.gov/document/PHMSA-2006-24058-0013.
37. Final Environmental Assessment and Finding of No Significant Impact. Class 1 to Class 3 Location – Kentucky Special Permit. Tennessee Gas Pipeline Company, LLC. *Docket No. PHMSA-2019-0152*. Retrieved from https://www.regulations.gov/document/PHMSA-2019-0152-0010.
38. Final Environmental Assessment and Finding of No Significant Impact. Class 1 to Class 3 Location – West Virginia Special Permit, Tennessee Gas Pipeline Company, LLC. *Docket No. PHMSA-2017-0161*.
39. Final Environmental Assessment and Finding of No Significant Impact. Class 1 to Class 3 Location – Kentucky, Columbia Gulf Transmission, LLC. *Docket No. PHMSA-2022-0084*. Retrieved from https://www.regulations.gov/document/PHMSA-2022-0084-0011.

40. Final Environmental Assessment and Finding of No Significant Impact. FM120 Pipeline. NEXUS Gas Transmission, LLC. *Docket No. PHMSA-2016-0009*. Retrieved from https://www.regulations.gov/document/PHMSA-2016-0009-0134.

41. Final Environmental Assessment and Finding of No Significant Impact. Gulf South Pipeline Company, LP. *Docket No. PHMSA-2019-0174*. Retrieved from https://www.regulations.gov/document/PHMSA-2019-0174-0007.

42. Midwest Energy Final Tier 2 Site Specific Environmental Assessment and Finding of No Significant Impact. Natural Gas Distribution Infrastructure Safety and Modernization Grant Program. Retrieved from https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2023-07/PHMSA-Tier2-EA-FONSI-Midwest-Energy-Inc-approved.pdf.

43. Middle Tennessee Final Tier 2 Site Specific Environmental Assessment and Finding of No Significant Impact. Natural Gas Distribution Infrastructure Safety and Modernization Grant Program. Retrieved from https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2023-07/PHMSA-Tier2-EA-FONSI-Middle-Tennessee-Natural-Gas-Utility-District-approved.pdf.

44. Wakefield Municipal Gas and Light Department Wakefield, Massachusetts Finding of No Significant Impact. NGDISM-FY22-EA-2023-08. Natural Gas Distribution Infrastructure Safety and Modernization Grant Program. Retrieved from https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-06/PHMSA-NGDISM-Tier2-FONSI-Wakefield-approved.pdf.

45. City of Milton, Milton & Pace, Florida Finding of No Significant Impact. NGDISM-FY22-EA-2023-01. Natural Gas Distribution Infrastructure Safety and Modernization Grant Program. Retrieved from https://www.miltonfl.org/DocumentCenter/View/5375/PHMSA-NGDISM-Tier2-FONSI-Milton-approved.

46. Village of Montpelier, Louisiana Finding of No Significant Impact. NGDISM-FY22-EA-2023-07. Natural Gas Distribution Infrastructure Safety and Modernization Grant Program. Retrieved from https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-06/PHMSA%20NGDISM%20Tier%202%20FONSI%20Montpelier-approved.pdf.

47. Department of Energy National Environmental Policy Act Implementing Procedures. 76 Fed Reg. 63,764, (October 13, 2011), *Docket No. DOE–HQ–2010–0002*. https://www.energy.gov/sites/default/files/2018/01/f47/2011-10-13%20Final%201021.pdf

48. Infrastructure Investment and Jobs Act of 2021. H.R. 3684. 117th Cong. https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf.

Memorandum

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

From: **U.S. Department of Transportation Volpe National Transportation Systems Center**

Date: **February 5, 2024**

Subject: **Special Permits Archive, U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration**

A special permit (previously called a waiver) is an order that waives or modifies compliance with a regulatory requirement if the pipeline operator requesting it demonstrates the need and the Pipeline and Hazardous Materials Safety Administration (PHMSA) determines that granting a special permit would be consistent with pipeline safety. Special permits are authorized by statute in 49 USC § 60118(c) and the application process is set forth in 49 CFR 190.341. PHMSA performs extensive technical analysis on special permit applications and typically conditions a grant of a special permit on the performance of alternative measures that will provide an equal or greater level of safety. PHMSA is committed to public involvement and transparency in special permit proceedings and publishes notice of every special permit application received in the *Federal Register* for comment.[1]

The National Environmental Policy Act (NEPA), 42 United States Code (USC) § 4321–4375, Council on Environmental Quality Regulations, 40 Code of Federal Regulations (CFR) parts 1500-1508, and United States Department of Transportation Order 5610.1C, require that PHMSA analyze a proposed action to determine whether the action will have a significant impact on the human environment. PHMSA analyzes special permit requests for potential risks to public safety and the environment that could result from the decision to grant or deny the request. As part of this analysis, PHMSA evaluates whether a special permit would impact the likelihood or consequence of a pipeline failure when compared to operation of the pipeline in full compliance with federal pipeline safety regulations.

Volpe National Transportation Systems Center (Volpe) reviewed class location and odorization special permits approved from 2016 to 2023 to identify if NEPA documentation identified potential significant impacts.

Class locations are defined at 49 CFR § 192.5 and are dependent on the number of buildings intended for human occupancy within a class location unit. Current PHMSA regulations require that pipeline segments located in areas where the population density has significantly increased must reduce the pressure of the pipeline segment, pressure test the pipeline segment to higher standards, or replace the pipeline segment.

Odorization of gas pipelines is required for distribution pipelines and certain transmission pipelines to facilitate detection of leaks by the public. In accordance with 49 CFR 192.625, a combustible gas in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell.

Based on this review, special permit approvals did not result in significant individual or cumulative effects because the party requesting the special permit must demonstrate that the human environment is

[1] Special Permits and State Waivers Overview | PHMSA (dot.gov)

protected. For example, the application for a special permit must include information that indicates the special permit will achieve a level of safety at least equal to that required by regulation, or, if a required safety level does not exist, is consistent with the public's interest. At a minimum, the application must provide the following:

- Detailed description of the pipeline facilities for which the special permit is sought.
- List of the specific regulations from which the applicant seeks relief.
- An explanation of the unique circumstances the applicant believes makes the applicability of that regulation or standard (or portion thereof) unnecessary or inappropriate for its facility.
- Description of any measures or activities the applicant proposes to undertake as an alternative to compliance with the relevant regulation, including an explanation of how such measures will mitigate any safety or environmental risks.
- Description of any positive or negative impacts on affected stakeholders, and a statement indicating how operating the pipeline pursuant to a special permit would be in the public interest.
- Certification that operation of the applicant's pipeline under the requested special permit would not be inconsistent with pipeline safety.
- Any other information PHMSA may need to process the application, including environmental analysis where necessary.

Table 1 documents the class location and odorization special permits approved from 2016 through July 26, 2023. Of the 37 special permits described in Table 1, Volpe located all but one FEA/FONSIs associated with granting the special permit request. In each documented NEPA review and in consideration of the environmental assessment and special permit conditions, PHMSA found no significant negative impact to human health, safety, or the environment would result from the issuance and full implementation of the special permit. As documented in the EAs, implementing special permits often includes conditions for enhanced inspection, assessment, recording, design, construction, operations and maintenance practices for the special permit segments, and special permit inspection areas. These conditions are required to provide an equivalent or increased level of safety and often serve a dual purpose of avoiding environmental impacts. In many instances, granting special permits resulted in less adverse environmental impacts compared to denying the request as the special permits allowed operators to avert land disturbance associated with pipe replacements or construction of odorization/deodorization facilities, all while minimizing costs.

Table 1: Class Location and Odorization Special Permits Issued from 2016–2023 with an EA/FONSI Issued[1]

Operator	System	Docket Number	Issue Date	Category	NEPA Status
Columbia Gulf Transmission (CGT)	Gas Transmission	PHMSA-2022-0084	June 30, 2023	Class Location	FEA and FONSI
Columbia Gulf Gas Transmission (CGT)	Gas Transmission	PHMSA-2019-0201	May 22, 2023	Class Location	FEA and FONSI
Portland Natural Gas Transmission System (PNGTS)	Gas Transmission	PHMSA-2006-24058	May 22, 2023	Class Location	FEA and FONSI
East Tennessee Natural Gas	Gas Transmission	PHMSA-2022-0167	March 31, 2023	Class Location	FEA and FONSI
Tennessee Gas Pipeline	Gas Transmission	PHMSA-2019-0152	March 30, 2023	Class Location	FEA and FONSI
Colorado Interstate Gas	Gas Transmission	PHMSA-2016-0008	March 17, 2023	Class Location	FEA and FONSI
EPNG	Gas Transmission	PHMSA-2016-0007	March 17, 2023	Class Location	FEA and FONSI
Southern Natural Gas	Gas Transmission	PHMSA-2016-0006	March 17, 2023	Class Location	FEA and FONSI
Tennessee Gas Pipeline Company, LLC	Gas Transmission	PHMSA-2016-0004	March 17, 2023	Class Location	FEA and FONSI
Tennessee Gas Pipeline Company, LLC	Gas Transmission	PHMSA-2017-0161	August 11, 2022	Class Location	FEA and FONSI
Tennessee Gas Pipeline Company, LLC	Gas Transmission	PHMSA-2021-0019	August 4, 2022	Class Location	FEA and FONSI
Colorado Interstate Gas Company, LLC	Gas Transmission	PHMSA-2020-0005	August 4, 2022	Class Location	FEA and FONSI
El Paso Natural Gas	Gas Transmission	PHMSA-2020-0008	July 27, 2022	Class Location	FEA and FONSI
Southern Natural Gas	Gas Transmission	PHMSA-2020-0007	July 27, 2022	Class Location	FEA and FONSI
Florida Gas Transmission	Gas Transmission	PHMSA-2020-0001	June 24, 2022	Class Location	FEA and FONSI
National Gas Pipeline of America, LLP	Gas Transmission	PHMSA-2019-0150	May 17, 2022	Class Location	FEA and FONSI
Colorado Interstate Gas Company	Gas Transmission	PHMSA-2017-0163	April 11, 2022	Class Location	FEA and FONSI
Southern Natural Gas Company, LLC	Gas Transmission	PHMSA-2016-0159	April 11, 2022	Class Location	FEA and FONSI
Tennessee Gas Pipeline Company, LLC	Gas Transmission	PHMSA-2016-0158	April 11, 2022	Class Location	FEA and FONSI
Florida Gas Transmission	Gas Transmission	PHMSA-2021-0118	April 4, 2022	Class Location	FEA and FONSI
Columbia Gas Transmission Co	Gas Transmission	PHMSA-2008-0331	March 31, 2022	Class Location	FEA and FONSI
Columbia Gas TC	Gas Transmission	PHMSA-2019-0202	March 31, 2022	Class Location	FEA and FONSI
Columbia Gas	Gas Transmission	PHMSA-2019-0201	March 31, 2022	Class Location	FEA and FONSI
Florida Gas Transmission	Gas Transmission	PHMSA-2020-0044	March 25, 2022	Class Location	FEA and FONSI

[1] Special Permits Issued | PHMSA (dot.gov)

Operator	System	Docket Number	Issue Date	Category	NEPA Status
Columbia Gulf Transmission – RENEWAL	Gas Transmission	PHMSA-2008-0066	July 21, 2021	Class Location	FEA and FONSI
Gulf South Pipeline Company, LP	Gas Transmission	PHMSA-2019-0207	July 20, 2020	Class Location	FEA and FONSI
Empire Pipeline Company	Gas Transmission	PHMSA-2008-0213	April 24, 2020	Class Location	FEA and FONSI
Gulf South Pipeline Company, LP	Natural gas transmission pipeline	PHMSA-2019-0174	April 22, 2020	Odorization	FEA and FONSI
Kern River Gas Transmission Company	Gas Transmission	PHMSA-2009-0319	March 3, 2020	Odorization	EA and FONSI in Docket (special permit renewal and letter of decision linked)
Texas Gas Transmission Company	Gas Transmission	PHMSA-2008-0158	September 19, 2019	Class Location	N/A (letter of decision, special permit)
Gulf South Pipeline Company ak Boardwalk Partners	Transmission	PHMSA-2019-0015	June 19, 2019	Class Location	FEA and FONSI
Gulf South Pipeline	Gas Transmission	PHMSA-2018-0099	April 2, 2019	Class location	FEA and FONSI
NEXUS Gas Transmission	Gas Transmission	PHMSA-2016-0009	June 29, 2018	Odorization	FEA and FONSI
Colorado Interstate Gas Company, L.L.C.	Gas Transmission	PHMSA-2016-0008	September 1, 2016	Class Location	FEA and FONSI
EL Paso Natural Gas Company, L.L.C.	Gas Transmission	PHMSA-2016-0007	September 1, 2016	Class Location	FEA and FONSI
Tennessee Gas Pipeline Company, L.L.C.	Gas Transmission	PHMSA-2016-0004	September 1, 2016	Class Location	FEA and FONSI
Southern Natural Gas Company, LLC	Gas Transmission	PHMSA-2016-0006	September 1, 2016	Class Location	FEA and FONSI

Memorandum

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

From: **U.S. Department of Transportation Volpe National Transportation Systems Center**

Date: **February 5, 2024**

Subject: **Rulemaking Documents for Hazardous Materials Safety Rulemaking and Pipeline Safety Rulemaking Archive, U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration**

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is responsible for the safe transportation of energy and other hazardous materials that are essential to our daily lives. PHMSA regulates more than three million miles of pipelines and oversees the safe and secure movement of more than one million daily shipments of hazardous materials by all modes of transportation.

PHMSA's Office of Pipeline Safety develops, proposes, and implements regulatory policy initiatives and regulations governing the safe operation of the nation's hazardous liquid, gas and carbon dioxide pipeline transportation system.[1] PHMSA's Office of Hazardous Materials Safety develops regulations and standards for the classifying, handling, and packaging of more than one million daily shipments of hazardous materials within the United States to ensure minimal threats to life, property, and the environment due to hazardous material-related incidents.[2]

Volpe National Transportation Systems Center (Volpe) reviewed the Hazardous Materials Safety Rulemaking and Pipeline Safety Rulemaking final rules approved from 2013 to 2023 to determine if any National Environmental Policy Act (NEPA) documentation prepared as part of the rulemakings identified potential significant impacts. Approximately 120 rulemaking actions were identified during Volpe's review (Table 1).

Types of rulemaking actions identified during this review include:

- Technical Corrections.
- Editorial Corrections and Clarifications, including minor grammar or factual changes, such as adding definitions and references to codes.
- Revisions to Civil Penalty Amounts, including providing adjustments to civil penalty amounts due to inflation/other causes.
- Enhanced Safety Revisions, including changes to safety revisions.
- Harmonization with International Standards, including changes made for consistency with international rules/terms, such as changes to proper shipping names, hazard classes vessel stowage requirements, etc.
- Administrative Rulemaking.

[1] https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-and-rulemaking-overview

[2] https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-standards-and-rulemaking-overview

- Pipeline Safety, including specific changes to safety measures such as maintenance or reporting.

This review concluded no significant impacts were identified by PHMSA during the NEPA analysis for these rules.

Table 1: Final Rules from 2013–2023[1]

Date	Subject	Document Type	Part	Program	Summary
4/24/2023	Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments: Technical Corrections; Response to Petitions for Reconsideration (Link to document)	Rule	192	Pipeline Safety	Correcting amendments
1/25/2023	Hazardous Materials: Editorial Corrections and Clarifications; Correction (Link to document)	Rule	107, 110, 171, 172, 173, 174, 175, 176, 177, 178, 180	HAZMAT Safety	Final rule; correction The final rule made editorial revisions and clarifications to the Hazardous Materials Regulations (HMR) including the hazardous materials table. The corrections address several errors to the hazardous material entries in the hazardous materials table.
1/6/2023	Revisions to Civil Penalty Amounts (Link to document)	Rule	107, 171, 190	Other	This final rule provides the statutorily prescribed 2023 adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations.
12/27/2022	Hazardous Materials: Editorial Corrections and Clarifications (Link to document)	Rule	107, 110, 171, 172, 173, 174, 175, 176, 177, 178, 180	HAZMAT Safety	This final rule corrects editorial errors and improves the clarity of certain provisions in PHMSA's program and procedural regulations and in the HMR. The intended effect of this rulemaking is to enhance accuracy and reduce

[1] Source: https://www.phmsa.dot.gov/regulations/federal-register-documents?title=&type%5B%5D=RULE&topics=All&abstract=All

Date	Subject	Document Type	Part	Program	Summary
					misunderstandings of the regulations. The amendments contained in this final rule are non-substantive changes and do not impose new requirements. Removed Outdated References to Other Regulated Materials-Domestic (ORM–D). Also included a review of each section by code.
12/21/2022	Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018) (Link to document)	Rule	107, 171, 173	HAZMAT Safety	This final rule revises the HMR for lithium cells and batteries transported by aircraft; prohibited the transport of lithium-ion cells and batteries as cargo on passenger aircraft; required lithium-ion cells and batteries to be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft when not packed with or contained in equipment; and limited the use of alternative provisions for smaller lithium cell or battery shipments to one package per consignment. In response to comments, this final rule provides editorial amendments and modification of certain provisions, including marking requirements, requests for an extension on the compliance date, and exception

Date	Subject	Document Type	Part	Program	Summary
					for lithium cells or batteries used for medical devices with approval by the Associate Administrator. Also included a section-by-section review.
10/25/2022	Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments (Link to document)	Rule	192	Pipeline Safety	This document included a correction to a definition under this code section: 192.3 Definitions. [Corrected]
8/24/2022	Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments (Link to document)	Rule	192	Pipeline Safety	The amendments in this final rule clarify certain integrity management provisions; codify a management of change process; update and bolster gas transmission pipeline corrosion control requirements; require operators to inspect pipelines following extreme weather events; strengthen integrity management assessment requirements; adjust the repair criteria for high consequence areas; create new repair criteria for non-high consequence areas; and revise or create specific definitions related to the above amendments.

Date	Subject	Document Type	Part	Program	Summary
8/16/2022	Hazardous Materials: Harmonization With International Standards; Correction (Link to document)	Rule	173	HAZMAT Safety	The final rule was published to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.
7/26/2022	Hazardous Materials: Harmonization With International Standards (Link to document)	Rule	171, 172, 173, 175, 176, 178, 180	HAZMAT Safety	
6/13/2022	Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Technical Corrections (Link to document)	Rule	191	Pipeline Safety	In amending then-existing regulatory language pertaining to incident (§ 191.15) and annual (§ 191.17) reporting requirements to provide that regulated onshore gas gathering pipelines must submit annual and incident reports, PHMSA inadvertently omitted language requiring offshore gas gathering pipelines to continue to submit the same consistent with longstanding requirements. PHMSA is now issuing corrections amending §§ 191.15(a)(1) and 191.17(a)(1) consistent with statements in the preamble to the Final Rule.

Date	Subject	Document Type	Part	Program	Summary
5/11/2022	Administrative Rulemaking: Criminal Referrals (Link to document)	Rule	107, 190	Other	PHMSA is incorporating within its regulations language noting its employees' ability to refer actual or possible criminal activity in connection with PHMSA's jurisdictional statutes directly to the DOT Office of Inspector General.
5/4/2022	Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Response to a Petition for Reconsideration; Technical Corrections; Issuance of Limited Enforcement Discretion (Link to document)	Rule	191, 192	Pipeline Safety	Response to petition for reconsideration; enforcement discretion; technical corrections PHMSA is alerting the public to its April 1, 2022, response denying a petition for reconsideration of the final rule titled ``Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments.'' This final rule also makes clarifications and two technical corrections to that rulemaking. Lastly, this final rule memorializes a limited enforcement discretion in connection with that rulemaking's amendment of the regulatory definition of ``incidental gathering.''
4/8/2022	Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards (Link to document)	Rule	192, 195	Pipeline Safety	In the revised regulations, PHMSA requires operators of these lines to install rupture-mitigation valves

Date	Subject	Document Type	Part	Program	Summary
					(i.e., remote control or automatic shut-off valves) or alternative equivalent technologies and establishes minimum performance standards for those valves' operation to prevent or mitigate the public safety and environmental consequences of pipeline ruptures. This final rule establishes requirements for rupture-mitigation valve spacing, maintenance and inspection, and risk analysis. Also includes PHMSA responses to comments.
3/21/2022	Revisions to Civil Penalty Amounts (Link to document)	Rule	107, 171, 190	Other	
12/27/2021	Pipeline Safety: Unusually Sensitive Areas for the Great Lakes, Coastal Beaches, and Certain Coastal Waters (Link to document)	Rule	195	Pipeline Safety	PHMSA is amending the pipeline safety regulations to explicitly state that certain coastal waters, the Great Lakes, and coastal beaches are classified as unusually sensitive areas for the purpose of compliance with the hazardous liquid integrity management regulations. This amendment implements mandates contained in the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016, as amended by the PIPES Act of 2020.

Date	Subject	Document Type	Part	Program	Summary
11/15/2021	Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments (Link to document)	Rule	191, 192	Pipeline Safety	This final rule addresses congressional mandates, GAO recommendations, and public input received as part of the rulemaking process. The amendments in this final rule extend reporting requirements to all gas gathering operators and apply a set of minimum safety requirements to certain gas gathering pipelines with large diameters and high operating pressures.
6/2/2021	Civil Penalty Amounts; Correction (Link to document)	Rule	107	Other	This rule corrects an error in that rulemaking resulting from an inaccurate amendatory instruction. The rule does not change any civil penalty amounts established in the final rule published on May 3, 2021. Grammar/date corrections
5/3/2021	Civil Penalty Amounts	Rule	107, 171, 190	Other	This final rule provides the 2021 inflation adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. In addition, this rule amends the Federal Aviation Administration regulations to set forth the new civil penalties established in Division V, Title I of the Consolidated Appropriations

Date	Subject	Document Type	Part	Program	Summary
					Act, 2021. The rule also corrects a rounding error in an FAA penalty.
4/2/2021	Administrative Rulemaking, Guidance, and Enforcement Procedures (Link to document)	Rule	106	Other	This final rule removes the Department's internal policies and procedures relating to the issuance of rulemaking and guidance documents from the Code of Federal Regulations. In addition, this final rule removes regulations concerning the initiation and conduct of enforcement actions, including administrative enforcement proceedings and judicial enforcement actions brought in federal court. Amended by removing a few sentences.
3/5/2021	Pipeline Safety: Gas Pipeline Regulatory Reform; Correction (Link to document)	Rule	192	Pipeline Safety	PHMSA is correcting its Gas Pipeline Regulatory Reform final rule published in the *Federal Register* on January 11, 2021. The rule makes miscellaneous changes to the regulatory requirements for gas pipeline systems. This is also a short doc; revisions include: 1. On page 2240, in the second column, in part 192, in amendment 10, the instruction ‘‘In § 192.281, revise paragraph (c) to read as follow:’’ is corrected to

Date	Subject	Document Type	Part	Program	Summary
					read ‘‘In § 192.281, revise paragraph (c) introductory text to read as follows:’’
3/5/2021	Pipeline Safety: Gas Pipeline Regulatory Reform (Link to document)	Rule	191, 192	Pipeline Safety	Withdrawal of enforcement discretion; delay of effective date In accordance with the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, titled ``Regulatory Freeze Pending Review,'' PHMSA delays the effective date of the final rule, ``Pipeline Safety: Gas Pipeline Regulatory Reform,'' until March 21, 2021. PHMSA also delays until March 21, 2021, its withdrawal of the March 26, 2019, ``Exercise of Enforcement Discretion Regarding Farm Taps'' and the unpublished October 27, 2015, letter to the Interstate Natural Gas Association of America announcing a stay of enforcement pertaining to certain pressure vessels.
1/15/2021	Pipeline Safety: Frequently Asked Questions on the Gas Transmission Rule (Link to document)	Rule	191, 192	Pipeline Safety	PHMSA is seeking public comment on a second set of draft frequently asked questions (Batch-2 FAQs) to facilitate implementation of its final rule.
1/13/2021	Hazardous Materials: Editorial Corrections and Clarifications (Link to document)	Rule	106, 107, 171, 172, 173, 174,	HAZMAT Safety	Correcting two dates.

Date	Subject	Document Type	Part	Program	Summary
			175, 176, 177, 178, 179, 180		
1/11/2021	Pipeline Safety: Gas Pipeline Regulatory Reform (Link to document)	Rule	191, 192	Pipeline Safety	Withdrawal of enforcement discretion. These amendments include regulatory relief actions identified by internal agency review, petitions for rulemaking, and public comments submitted in response. PHMSA is amending Federal Pipeline Safety Regulations to ease regulatory burdens on the construction, maintenance, and operation of gas transmission, distribution, and gathering pipeline systems without adversely affecting safety. The amendments in this rule are based on rulemaking petitions from stakeholders, and DOT and PHMSA initiatives to identify appropriate areas where regulations might be repealed, replaced, or modified, and PHMSA's review of public comments. PHMSA also, as of the effective date of this final rule, withdraws the March 29, 2019, ``Exercise of Enforcement Discretion Regarding Farm Taps'' and the unpublished October 27,

Date	Subject	Document Type	Part	Program	Summary
					2015, letter to the Interstate Natural Gas Association of America announcing a stay of enforcement pertaining to certain pressure vessels.
1/11/2021	Revisions to Civil Penalty Amounts	Rule	107, 171, 190	Other	
12/28/2020	Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders (Link to document)	Rule	107, 171, 173, 178, 180	HAZMAT Safety	Revise certain requirements applicable to the manufacture, use, and requalification of DOT-specification cylinders. PHMSA is taking this action in response to petitions for rulemaking submitted by stakeholders and agency review of compressed gas cylinder regulations. Specifically, PHMSA is incorporating by reference or updating the references to several Compressed Gas Association publications; amending the filling requirements for compressed and liquefied gases; expanding the use of salvage cylinders; and revising and clarifying the manufacture and requalification requirements for cylinders.
12/21/2020	Hazardous Materials: Editorial Corrections and Clarifications (Link to document)	Rule	106, 107, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180	HAZMAT Safety	

Date	Subject	Document Type	Part	Program	Summary
12/3/2020	Hazardous Materials: Harmonization With International Standards (Link to document)	Rule	171, 172, 173, 174, 175, 176, 178, 180	HAZMAT Safety	
11/25/2020	Hazardous Materials: Adoption of Miscellaneous Petitions To Reduce Regulatory Burdens (Link to document)	Rule	107, 171, 172, 173, 178, 179, 180	HAZMAT Safety	This final rule updates, clarifies, or provides relief from various regulatory requirements without adversely affecting safety.
10/30/2020	Hazardous Materials: Response to an Industry Petition To Reduce Regulatory Burden for Cylinder Requalification Requirements (Link to document)	Rule	180	HAZMAT Safety	Amending the requirements of the requalification periods for certain DOT 4-series specification cylinders in non-corrosive gas service in response to a petition for rulemaking submitted by the National Propane Gas Association (NPGA).
7/24/2020	Hazardous Materials: Liquefied Natural Gas by Rail	Rule	172, 173, 174, 179, 180	HAZMAT Safety	Amending the HMR to allow for the bulk transport of ``Methane, refrigerated liquid,'' commonly known as liquefied natural gas (LNG), in rail tank cars. This rulemaking authorizes the transportation of LNG by rail in DOT-113C120W specification rail tank cars with enhanced outer tank requirements, subject to all applicable requirements and certain additional operational controls.
7/23/2020	Pipeline Safety: Safety of Underground Natural Gas Storage Facilities; Correction (Link to document)	Rule	191	Pipeline Safety	Amending PHMSA's regulations establishing minimum safety standards for underground natural

Date	Subject	Document Type	Part	Program	Summary
					gas storage facilities. That document inadvertently removed certain reporting requirements for natural gas pipeline operators. This document corrects the final regulations.
7/6/2020	Pipeline Safety: Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements, and Other Related Amendments: Response to a Joint Petition for Reconsideration (Link to document)	Rule	192	Pipeline Safety	PHMSA received a petition requesting an amendment, and PHMSA agreed to amend the doc based on the petition. In response to the petition, PHMSA is amending the Gas Transmission Final Rule to address the requirements for recordkeeping and the applicability of maximum allowable operating pressure (MAOP) reconfirmation. The amendments are intended to clarify the regulatory requirements identified in the petition without adversely affecting safety.
5/11/2020	Hazardous Materials: Harmonization With International Standards	Rule	171, 172, 173, 174, 175, 176, 178, 180	HAZMAT Safety	
2/12/2020	Pipeline Safety: Safety of Underground Natural Gas Storage Facilities (Link to document)	Rule	191, 192, 195	Pipeline Safety	Amend its minimum safety standards for underground natural gas storage facilities Based on the comments received and a petition for reconsideration, PHMSA has determined that the recommended practices, as

Date	Subject	Document Type	Part	Program	Summary
					originally published, will provide PHMSA with a stronger basis upon which to base enforcement. This final rule also addresses recommendations from commenters and a petition to modify compliance timelines; revising the definition of a UNGSF; clarifying the states' regulatory role; reducing recordkeeping and reporting requirements; formalizing integrity management practices; and adding risk management requirements for solution-mined salt caverns
1/29/2020	Pipeline Safety: Public Meeting on Implementing the Recently Published Gas Transmission and Hazardous Liquid Final Rules (Link to document)	Rule	191, 192, 195	Pipeline Safety	Announcement of public meeting and request for comments.
10/29/2019	Revisions to Civil Penalty Amounts	Rule	107, 171, 190	Other	
10/1/2019	Pipeline Safety: Enhanced Emergency Order Procedures (Link to document)	Rule	190	Pipeline Safety	PHMSA published an interim final rule issuing temporary emergency order procedures and requesting public comment. This final rule adopts, with modifications, that IFR implementing the emergency order These regulations establish procedures for the issuance of emergency orders to address an unsafe condition or practice, or a combination of unsafe conditions

Date	Subject	Document Type	Part	Program	Summary
					or practices, that constitute or cause an imminent hazard to public health and safety or the environment. The regulations describe the duration and scope of such orders and provide a mechanism by which pipeline owners and operators subject to, and aggrieved by, emergency orders can seek administrative or judicial review.
10/1/2019	Pipeline Safety: Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements, and Other Related Amendments (Link to document)	Rule	191, 192	Pipeline Safety	The amendments in this final rule address integrity management requirements and other requirements. They focus on the actions an operator must take to reconfirm the maximum allowable operating pressure of previously untested gas transmission pipelines and pipelines lacking certain material or operational records; the periodic assessment of pipelines in populated areas not designated as ``high consequence areas;'' the reporting of exceedances of maximum allowable operating pressure; the consideration of seismicity as a risk factor in integrity management; safety features on in-line inspection launchers and receivers; a six-month grace period for seven-calendar-year integrity

Date	Subject	Document Type	Part	Program	Summary
					management reassessment intervals; and related recordkeeping provisions.
10/1/2019	Pipeline Safety: Safety of Hazardous Liquid Pipelines (Link to document)	Rule	195	Pipeline Safety	Amending the Pipeline Safety Regulations to improve the safety of pipelines transporting hazardous liquids. Specifically, PHMSA is extending reporting requirements to certain hazardous liquid gravity and rural gathering lines; requiring the inspection of pipelines in areas affected by extreme weather and natural disasters; requiring integrity assessments at least once every 10 years of onshore hazardous liquid pipeline segments located outside of high consequence areas and that are ``piggable'' (i.e., can accommodate in-line inspection devices); extending the required use of leak detection systems beyond high consequence areas to all regulated, non-gathering hazardous liquid pipelines; and requiring that all pipelines in or affecting high consequence areas be capable of accommodating in-line inspection tools within 20 years, unless the basic construction of a pipeline cannot be modified to permit that accommodation. Additionally,

Date	Subject	Document Type	Part	Program	Summary
					PHMSA is clarifying other regulations and is incorporating Sections 14 and 25 of the PIPES Act of 2016 to improve regulatory certainty and compliance.
7/31/2019	Revisions to Civil Penalty Amounts	Rule	107, 171, 190	Other	
4/23/2019	Conforming Amendments and Technical Corrections to Department Rules Implementing the Transportation Industry Drug Testing Program (Link to document)	Rule	199	Other	Amendment made to mode regs to be consistent w DOT wide regs, specifically about drug testing. Amendments include referring to opiates vs opioids.
3/26/2019	Pipeline Safety: Exercise of Enforcement Discretion Regarding Farm Taps (Link to document)	Rule	192	Pipeline Safety	Exercise of enforcement discretion with respect to portions of its regulations that pertain to farm taps. Pursuant to the exercise of enforcement discretion announced in this document, PHMSA will not take enforcement action against operators who forego the new maintenance and inspection requirements established in March 2017 and instead mitigate any future risk associated with farm taps through compliance with the existing Distribution Integrity Management Program (DIMP) regulations. This will provide regulatory flexibility to pipeline operators while at the same time maintaining an equivalent level of safety.

Date	Subject	Document Type	Part	Program	Summary
3/6/2019	Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018) (Link to document)	Rule	172, 173	HAZMAT Safety	Revise Hazardous Materials Regulations for lithium cells and batteries transported by aircraft.
2/28/2019	Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act) (Link to document)	Rule	107, 130, 171, 173, 174	HAZMAT Safety	Issues this final rule to revise and clarify requirements for comprehensive oil spill response plans (COSRPs) and to expand their applicability based on petroleum oil thresholds that apply to an entire train consist. Specifically, this final rule: Expands the applicability for COSRPs; modernizes the requirements for COSRPs; requires railroads to share information about high-hazard flammable train (HHFT) operations with state and tribal emergency response commissions to improve community preparedness; and incorporates by reference a voluntary standard. The amendments in this final rule will provide regulatory flexibility and improve response readiness to mitigate effects of rail accidents and incidents involving petroleum oil and HHFTs.
2/14/2019	Hazardous Materials: Revisions to Hazardous Materials Grants Requirements (FAST Act) (Link to document)	Rule	107, 110	HAZMAT Safety	PHMSA is revising the HMR pertaining to the Hazardous Materials Grants Program and the Hazardous Materials Emergency Preparedness Grant. This final rule

Date	Subject	Document Type	Part	Program	Summary
					aligns with the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (``Uniform Guidance'') and implements new requirements set forth by the Fixing America's Surface Transportation (FAST) Act of 2015
11/27/2018	Revisions to Civil Penalty Amounts (Link to document)	Rule	107, 171, 190	Other	
11/20/2018	Pipeline Safety: Plastic Pipe Rule (Link to document)	Rule	192	Pipeline Safety	PHMSA is amending the Federal Pipeline Safety Regulations that govern the use of plastic piping systems in the transportation of natural and other gas. These amendments are necessary to enhance pipeline safety; adopt innovative technologies and best practices; and respond to petitions from stakeholders. The changes include increasing the design factor of polyethylene pipe; increasing the maximum pressure and diameter for Polyamide-11 pipe and components; allowing the use of Polyamide-12 pipe and components; new standards for risers and more stringent standards for plastic fittings and joints; stronger mechanical fitting requirements; the incorporation by

Date	Subject	Document Type	Part	Program	Summary
					reference of certain new or updated consensus standards for pipe, fittings, and other components; the qualification of procedures and personnel for joining plastic pipe; the installation of plastic pipe; and a number of general provisions.
11/7/2018	Hazardous Materials: Response to Petitions From Industry To Modify, Clarify, or Eliminate Regulations (Link to document)	Rule	171, 172, 173, 176, 178, 180	HAZMAT Safety	PHMSA is amending the HMR in response to 19 petitions for rulemaking submitted by the regulated community to update, clarify, streamline, or provide relief from miscellaneous regulatory requirements. By adopting these deregulatory amendments, PHMSA is allowing more efficient and effective ways of transporting hazardous materials in commerce while maintaining an equivalent level of safety.
10/31/2018	Hazardous Materials: Notification of the Pilot-in-Command and Response to Air Related Petitions for Rulemaking (Link to document)	Rule	172, 175	HAZMAT Safety	Correction
10/18/2018	Hazardous Materials: Notification of the Pilot-in-Command and Response to Air Related Petitions for Rulemaking (Link to document)	Rule	172, 175	HAZMAT Safety	Align the U.S. HMR with current international standards for the air transportation of hazardous materials.
9/25/2018	Hazardous Materials: Removal of Electronically Controlled Pneumatic Brake System Requirements for High Hazard Flammable Unit Trains (Link to document)	Rule	174, 179	HAZMAT Safety	Issuing this final rule to remove requirements pertaining to electronically controlled pneumatic brake systems on high-

Date	Subject	Document Type	Part	Program	Summary
					hazard flammable unit trains. This final action is based on the DOT's determination that the requirements are not economically justified.
6/18/2018	Hazardous Materials: Miscellaneous Amendments; Response to Appeals; Corrections (Link to document)	Rule	172, 173, 180	HAZMAT Safety	PHMSA issues this rulemaking in response to appeals submitted to a previously published final rule. On June 2, 2016, PHMSA published a final rule that made miscellaneous amendments to the HMR. This final rule specifically responds to appeals to extend the effective date of certain nitric acid packaging and emergency response telephone number amendments as previously adopted. This final rule also clarifies amendments associated with the trigger date of the 10-year test period for certain MC 331 cargo tanks in dedicated propane service and corrects editorial errors.
2/5/2018	General Information, Regulations, and Definitions (Link to document)	Rule	171	Other	Revised definitions.
10/19/2017	Pipeline Safety: Safety of Underground Natural Gas Storage Facilities (Link to document)	Rule	191, 192	Pipeline Safety	Re-opening comment period.
10/16/2017	Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains (Link to document)	Rule	174	HAZMAT Safety	Opening comment period.

Date	Subject	Document Type	Part	Program	Summary
	Haz Mat: Admin				
4/27/2017	Pipeline Safety: Inflation Adjustment of Maximum Civil Penalties	Rule	190	Pipeline Safety	
4/19/2017	Hazardous Materials: Revision of Maximum and Minimum Civil Penalties	Rule	107, 171	HAZMAT Safety	
4/10/2017	Pipeline Safety: Guidance on Training and Qualifications for the Integrity Management Program (Link to document)	Rule	192	Pipeline Safety	This rule, in part, established requirements for supervisory and other personnel with IM program functions. PHMSA has recognized inconsistencies in how the requirements have been implemented by operators and is issuing this Advisory Bulletin to remind operators of their responsibility to include qualification requirements for IM personnel, as required by PHMSA regulations and discussed in the American Society of Mechanical Engineers.
3/30/2017	Hazardous Materials: Harmonization With International Standards (RRR)	Rule	107, 171, 172, 173, 175, 176, 178, 180	HAZMAT Safety	
1/23/2017	Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Changes (Link to document)	Rule	190, 191, 192, 195, 199	Pipeline Safety	PHMSA is amending the pipeline safety regulations to address requirements of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (2011 Act), and to update and clarify certain regulatory requirements. Among other provisions, PHMSA is

Date	Subject	Document Type	Part	Program	Summary
					adding a specific time frame for telephonic or electronic notifications of accidents and incidents, and adding provisions for cost recovery for design reviews of certain new projects, for the renewal of expiring special permits, and setting out the process for requesting protection of confidential commercial information. PHMSA is also amending the drug and alcohol testing requirements, and incorporating consensus standards by reference for in-line inspection (ILI) and Stress Corrosion Cracking Direct Assessment
12/19/2016	Pipeline Safety: Safety of Underground Natural Gas Storage Facilities (Link to document)	Rule	191, 192	Pipeline Safety	This interim final rule (IFR) revises the Federal pipeline safety regulations to address critical safety issues related to downhole facilities, including wells, wellbore tubing, and casing, at underground natural gas storage facilities. This IFR responds to Section 12 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, which was enacted following the serious natural gas leak at the Aliso Canyon facility in California on October 23, 2015. This IFR incorporates by reference two American Petroleum Institute

Date	Subject	Document Type	Part	Program	Summary
					(API) Recommended Practices (RP): API RP 1170, ``Design and Operation of Solution-Mined Salt Caverns Used for Natural Gas Storage,'' issued in July 2015; and API RP 1171, ``Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs,'' issued in September 2015.
10/21/2016	Pipeline Safety: Expanding the Use of Excess Flow Valves in Gas Distribution Systems to Applications Other Than Single-Family Residences (Link to document)	Rule	192	Pipeline Safety	Correction In rule document 2016–24817, appearing on pages 70987 through 71002 in the issue of Friday, October 14, 2016
10/14/2016	Pipeline Safety: Enhanced Emergency Order Procedures (Link to document)	Rule	190	Pipeline Safety	This interim final rule establishes regulations implementing the emergency order authority conferred on the Secretary of Transportation (Secretary) by the PIPES Act. These regulations are mandated by the PIPES Act and, in accordance with the Act, PHMSA is establishing procedures for the issuance of emergency orders that will be used to address an unsafe condition or practice, or combination of unsafe conditions or practices, that pose an imminent hazard to public health and safety or the environment. By implementing this statutory mandate, PHMSA will enhance its existing enforcement authority to

Date	Subject	Document Type	Part	Program	Summary
					respond immediately to conditions or practices that exist in a subset of, or across, the pipeline industry. This IFR solely affects agency enforcement procedures to implement the emergency order provisions of the law and, therefore, this rulemaking results in no additional burden or compliance costs to industry.
10/14/2016	Pipeline Safety: Expanding the Use of Excess Flow Valves in Gas Distribution Systems to Applications Other Than Single-Family Residences (Link to document)	Rule	192	Pipeline Safety	Excess flow valves (EFV), which are safety devices installed on gas distribution pipelines to reduce the risk of accidents, are currently required for new or replaced gas service lines servicing single-family residences (SFR). This final rule expands this requirement to include new or replaced branched service lines servicing SFRs, multifamily residences, and small commercial entities consuming gas volumes, and to require the use of either manual service line shut-off valves (e.g., curb valves) or EFVs. Lastly, this final rule requires operators to notify customers of their right to request installation of an EFV on service lines that are not being newly installed or replaced.
8/16/2016	Pipeline Safety: Clarification of Terms Relating to Pipeline Operational Status	Rule	192, 195	Pipeline Safety	

Date	Subject	Document Type	Part	Program	Summary
8/15/2016	Hazardous Materials: FAST Act Requirements for Flammable Liquids and Rail Tank Cars (Link to document)	Rule	173, 179	HAZMAT Safety	Issuing this final rule to codify in the HMR certain mandates and minimum requirements of the FAST Act standards.
6/30/2016	Pipeline Safety: Inflation Adjustment of Maximum Civil Penalties	Rule	190	Pipeline Safety	
6/29/2016	Hazardous Materials: Revision of Maximum and Minimum Civil Penalties	Rule	107, 171	HAZMAT Safety	
6/2/2016	Hazardous Materials: Miscellaneous Amendments (RRR) (Link to document)	Rule	107, 171, 172, 173, 175, 176, 177, 178, 179, 180	HAZMAT Safety	Miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices; address petitions for rulemaking; respond to National Transportation Safety Board Safety Recommendations; facilitate international commerce; make editorial corrections; and simplify the regulations.
5/27/2016	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans (Link to document)	Rule	172	Other	One paragraph correction.
5/19/2016	Hazardous Materials: Carriage of Battery-Powered Electronic Smoking Devices in Passenger Baggage (Link to document)	Rule	175	HAZMAT Safety	Issuing a final rule to prohibit people from carrying battery-powered portable electronic smoking devices in checked baggage and from charging these devices and their batteries on planes.

Date	Subject	Document Type	Part	Program	Summary
5/16/2016	Hazardous Materials: Incorporation by Reference Edition Update for the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and Transportation Systems for Liquids and Slurries: Pressure Piping Code (Link to document)	Rule	171, 173, 178	HAZMAT Safety	One paragraph correction.
4/29/2016	Hazardous Materials: Incorporation by Reference Edition Update for the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and Transportation Systems for Liquids and Slurries: Pressure Piping Code (Link to document)	Rule	171, 173, 178	HAZMAT Safety	This direct final rule incorporates the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update is to enable non-specification manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) and replacing the ASME 1998 Edition referenced.
4/25/2016	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans (Link to document)	Rule	172	Other	One paragraph correction
3/31/2016	Hazardous Materials: Reverse Logistics (RRR) (Link to document)	Rule	171, 173	HAZMAT Safety	In this final rule, PHMSA is adopting regulatory amendments applicable to the reverse logistics shipments of certain hazardous materials by highway

Date	Subject	Document Type	Part	Program	Summary
					transportation. This final rule revises the HMR to include a definition of ``reverse logistics'' and provides appropriate provisions for hazardous materials within the scope of this definition. This final rule also expands a previously existing exception for return shipments of used automobile batteries transported between a retail facility and a recycling center.
1/21/2016	Hazardous Materials: Adoption of Special Permits (MAP-21) (RRR) (Link to document)	Rule	107, 171, 172, 173, 174, 176, 177, 178, 180	HAZMAT Safety	As required by the Moving Ahead for Progress in the 21st Century Act, PHMSA is amending the HMR to adopt provisions contained in certain widely used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety.
12/21/2015	Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives (RRR) (Link to document)	Rule	171, 172, 173, 177	HAZMAT Safety	PHMSA is amending the HMR by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and

Date	Subject	Document Type	Part	Program	Summary
					multipurpose bulk trucks transporting materials for blasting operations. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this final rule mirror the majority of provisions contained in nine widely used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, and authorizes the transportation of certain explosives. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks.
11/23/2015	Hazardous Materials: Editorial Corrections and Clarifications (RRR)	Rule	171, 172, 173, 175, 176, 177, 178, 180	HAZMAT Safety	
11/18/2015	Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains (Link to document)	Rule	171, 172, 173, 174, 179	HAZMAT Safety	PHMSA received six appeals regarding the final rule, one of which was withdrawn. This document responds to the five remaining appeals.
10/30/2015	Hazardous Materials: Carriage of Battery-Powered Electronic Smoking Devices in Passenger Baggage (Link to document)	Rule	175	HAZMAT Safety	PHMSA is issuing an interim final rule to prohibit passengers and crewmembers from carrying battery-powered portable

Date	Subject	Document Type	Part	Program	Summary
					electronic smoking devices (e.g., e-cigarettes, e-cigs, e-cigars, e-pipes, e-hookahs, personal vaporizers, electronic nicotine delivery systems) in checked baggage, and prohibit passengers and crewmembers from charging the devices and/or batteries on board the aircraft.
9/30/2015	Pipeline Safety: Miscellaneous Changes to Pipeline Safety Regulations: Response to Petitions for Reconsideration (Link to document)	Rule	192	Pipeline Safety	Final rule responding to petitions.
9/10/2015	Hazardous Materials: Special Permit and Approvals Standard Operating Procedures and Evaluation Process (Link to document)	Rule	105, 107, 171	HAZMAT Safety	PHMSA is adopting regulations to include the standard operating procedures (SOPs) and criteria used to evaluate applications for special permits and approvals. This rulemaking addresses issues identified in the Hazardous Materials Transportation Safety Improvement Act of 2012 related to OHMS' Approvals and Permits Division. In addition, this rulemaking also provides clarity regarding what conditions need to be satisfied to promote special permit application completeness. Through public notice and comment, this final rule is required to establish SOPs. These

Date	Subject	Document Type	Part	Program	Summary
					amendments do not change previously established policies.
8/6/2015	Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments; Corrections (Link to document)	Rule	192, 193, 195	Pipeline Safety	
7/23/2015	Pipeline Safety: Pipeline Damage Prevention Programs (Link to document)	Rule	196, 198	Pipeline Safety	Pursuant to the PIPES Act, this final rule establishes review criteria for state excavation damage prevention law enforcement programs as a prerequisite for PHMSA to conduct an enforcement proceeding against an excavator in the absence of an adequate enforcement program in the state where a pipeline damage prevention violation occurs. This final rule amends the pipeline safety regulations to establish the following: criteria and procedures for determining the adequacy of state pipeline excavation damage prevention law enforcement programs; an administrative process for making state adequacy determinations; the federal requirements PHMSA will enforce in states with inadequate excavation damage prevention law enforcement programs; and the adjudication process for administrative enforcement proceedings against excavators

Date	Subject	Document Type	Part	Program	Summary
					where federal authority is exercised. The development of the review criteria and the subsequent determination of the adequacy of state excavation damage prevention law enforcement programs are intended to encourage states to develop effective excavation damage prevention law enforcement programs to protect the public from the risk of pipeline ruptures caused by excavation damage and allow for federal administrative enforcement action in states with inadequate enforcement programs.
5/8/2015	Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains (Link to document)	Rule	171, 172, 173, 174, 179	HAZMAT Safety	Adopting requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of flammable liquids. The final rule defines certain trains transporting large volumes of flammable liquids as ``high-hazard flammable trains'" and regulates their operation in terms of speed restrictions, braking systems, and routing. The final rule also adopts safety improvements in tank car design standards, a sampling and classification program for

Date	Subject	Document Type	Part	Program	Summary
					unrefined petroleum-based products, and notification requirements.
4/2/2015	Clarification on Policy for Additional Name Requests Regarding Fireworks	Rule	173	Other	
3/30/2015	Hazardous Materials: Spare Fuel Cell Cartridges Containing Flammable Gas Transported by Aircraft in Passenger and Crew Member Checked Baggage (Link to document)	Rule	175	HAZMAT Safety	This document provides a more thorough explanation and substantial evidence to support PHMSA's decision to prohibit the carriage of spare fuel cell cartridges in passenger and crew member checked baggage.
3/11/2015	Pipeline Safety: Miscellaneous Changes to Pipeline Safety Regulations (Link to document)	Rule	191, 192, 195	Pipeline Safety	Amending the pipeline safety regulations to make miscellaneous changes that update and clarify certain regulatory requirements. These amendments address several subject matter areas including the performance of post-construction inspections, leak surveys of Type B onshore gas gathering lines, qualifying plastic pipe joiners, regulation of ethanol, transportation of pipe, filing of offshore pipeline condition reports, and calculation of pressure reductions for hazardous liquid pipeline anomalies. The changes are addressed on an individual basis and, where appropriate, made applicable to the safety standards for both gas

Date	Subject	Document Type	Part	Program	Summary
					and hazardous liquid pipelines. Editorial changes are also included.
2/20/2015	Hazardous Materials: Transportation of Lithium Batteries	Rule	171, 172, 173, 175	HAZMAT Safety	
1/8/2015	Hazardous Materials: Harmonization With International Standards (RRR)	Rule	171, 172, 173, 175, 176, 178, 180	HAZMAT Safety	
1/5/2015	Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments (Link to document)	Rule	192, 193, 195, 198, 199	Pipeline Safety	
9/24/2014	Clarification on Fireworks Policy Regarding Display Aerial Shells With Attachments (Link to document)	Rule	173	Other	
9/24/2014	Clarification on Fireworks Policy Regarding Display Mines Clarifications and Corrections (Link to document)	Rule	173	Other	
8/7/2014	Hazardous Materials: Failure To Pay Civil Penalties (Link to document)	Rule	107, 109	HAZMAT Safety	
8/6/2014	Hazardous Materials: Transportation of Lithium Batteries	Rule	171, 172, 173, 175	HAZMAT Safety	
7/25/2014	Shippers-General Requirements for Shipments and Packagings (Link to document)	Rule	173	Other	
7/11/2014	Hazardous Materials: Compatibility With the Regulations of the International Atomic Energy Agency (RRR) (Link to document)	Rule	171, 172, 173, 174, 175, 176, 177, 178	HAZMAT Safety	
3/18/2014	Hazardous Materials: Adoption of Certain Special Permits and Competent Authorities Into Regulations (Link to document)	Rule	107, 171, 172, 173, 175, 178	HAZMAT Safety	These revisions are intended to provide wider access to the regulatory flexibility offered in special permits and approvals, and

Date	Subject	Document Type	Part	Program	Summary
					eliminate the need for numerous renewal requests, reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.
11/19/2013	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans (Link to document)	Rule	172	Other	
10/31/2013	Hazardous Materials: Corrections and Response to Administrative Appeals (HM-215K, HM-215L, HM-218G and HM-219). (Link to document)	Rule	171, 172, 173, 175, 176, 178	HAZMAT Safety	
10/2/2013	Hazardous Materials: Enhanced Enforcement Procedures-Resumption of Transportation (Link to document)	Rule	109	HAZMAT Safety	Amending the package opening provision to include procedures for an agent of the Secretary to open packages of perishable hazardous materials and to provide notification to the responsible party that an agent has exercised a safety inspection or investigation authority. In addition, we are establishing equipment requirements for agents.
10/2/2013	Hazardous Materials: Minor Editorial Corrections and Clarifications (RRR)	Rule	107, 130, 171, 172, 173, 174, 177, 178, 179, 180	HAZMAT Safety	

Date	Subject	Document Type	Part	Program	Summary
10/2/2013	Clarification on Fireworks Policy Regarding Approvals or Certifications for Specialty Fireworks Devices	Rule	173	Other	
10/2/2013	Clarification on Fireworks Policy Regarding Approvals or Certifications for Firework Series	Rule	173	Other	
10/2/2013	Hazardous Materials Regulations: Penalty Guidelines	Rule	107	Other	This revised statement of policy is intended to provide the regulated community and the general public with information on the hazardous materials penalty assessment process.
9/25/2013	Pipeline Safety: Administrative Procedures; Updates and Technical Corrections (Link to document)	Rule	190, 192, 193, 195, 199	Pipeline Safety	Update the administrative civil penalty maximums for violation of the safety standards to reflect current law; to update the informal hearing and adjudication process for pipeline enforcement matters to reflect current law; and to make other technical corrections and updates to certain administrative procedures. The amendments do not impose any new operating, maintenance, or other substantive requirements on pipeline owners or operators
9/25/2013	Highway-Rail Grade Crossing; Safe Clearance (Link to document)	Rule	177	Other	FMCSA and PHMSA amend FMCSRs and the HMR to prohibit a driver of a commercial motor vehicle or of a motor vehicle transporting certain hazardous materials, or certain agents or toxins from entering onto a

Date	Subject	Document Type	Part	Program	Summary
					highway-rail grade crossing unless there is sufficient space to drive completely through the grade crossing without stopping.
7/31/2013	Transportation of Hazardous Liquids by Pipeline (Link to document)	Rule	195	Other	
7/30/2013	Hazardous Materials: Approval and Communication Requirements for the Safe Transportation of Air Bag Inflators, Air Bag Modules, and Seatbelt Pretensioners (RRR) (Link to document)	Rule	172, 173	HAZMAT Safety	Amending the HMR applicable to air bag inflators, air bag modules, and seatbelt pretensioners. The revisions incorporate the provisions of two special permits.
7/25/2013	Specifications for Packagings (Link to document)	Rule	178	Other	
7/18/2013	Pipeline Safety: Reminder of Requirements for Utility LP-Gas and LPG Pipeline Systems (Link to document)	Rule	192	Pipeline Safety	PHMSA is issuing an Advisory Bulletin to remind owners and operators of liquefied petroleum gas and utility liquefied petroleum gas plants that although they must follow the American National Standards Institute/National Fire Protection Association standards, they must also follow certain sections and requirements of Part 192.
7/16/2013	Hazardous Materials: Revision to Fireworks Regulations (RRR) (Link to document)	Rule	107, 171, 172, 173	HAZMAT Safety	PHMSA is revising the HRM applicable to the approval of Division 1.4G consumer fireworks and establishing DOT-approved fireworks certification agencies that provide an alternative to the approval process for consumer fireworks. PHMSA is also

Date	Subject	Document Type	Part	Program	Summary
					reformatting the procedural regulations pertaining to certification agencies. These actions clarify regulations with respect to PHMSA's fireworks approval process and provide regulatory flexibility.
7/12/2013	Safety Advisory Guidance: Heating Rail Tank Cars To Prepare Hazardous Material for Unloading or Transloading (Link to document)	Rule		Other	This guidance provides safety precautions and recommended guidance for persons responsible for unloading or transloading hazardous materials from rail tank cars. Further, this guidance reminds such persons of current regulatory requirements addressing this type of operation.
4/19/2013	Hazardous Materials; Temporary Reduction of Registration Fees (Link to document)	Rule	107	HAZMAT Safety	Reducing registration fees for 2013-2014
4/17/2013	Hazardous Materials: Revision of Maximum and Minimum Civil Penalties	Rule	107, 171	HAZMAT Safety	
3/25/2013	Hazardous Materials: Miscellaneous Petitions for Rulemaking (RRR) (Link to document)	Rule	172, 173, 176, 178	HAZMAT Safety	
3/11/2013	Hazardous Materials; Miscellaneous Amendments (RRR) (Link to document)	Rule	105, 171, 172, 173, 177, 178, 180	HAZMAT Safety	
3/7/2013	Hazardous Materials: Miscellaneous Petitions for Rulemaking (RRR) (Link to document)	Rule	172, 173, 176, 178	HAZMAT Safety	
2/6/2013	Hazardous Materials: Harmonization with International Standards (RRR)	Rule	172	HAZMAT Safety	

Date	Subject	Document Type	Part	Program	Summary
1/7/2013	Hazardous Materials: Harmonization with International Standards (RRR)	Rule	171, 172, 173, 175, 176, 177, 178	HAZMAT Safety	
1/7/2013	Hazardous Materials: Harmonization With the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air	Rule	171, 172, 173, 175, 176, 178	HAZMAT Safety	