



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 17, 2023

**NOTICE OF LIMITED ENFORCEMENT DISCRETION FOR NEW AND REPLACED  
ONSHORE GAS TRANSMISSION PIPELINES**

Re: Limited Enforcement Discretion for Onshore Gas Transmission Pipelines Entered into Service After August 24, 2022 Regarding Compliance with the Recently Issued Gas Transmission Final Rule (87 FR 52224 (Aug. 24, 2022)).

On August 24, 2022, the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) published in the *Federal Register* a final rule titled “Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments.”<sup>1</sup> The Final Rule introduces a number of new requirements ensuring the prevention, timely identification, careful evaluation, and prompt remediation of threats to gas transmission pipeline integrity. On December 6, 2022, PHMSA issued a notice of enforcement discretion stating PHMSA would not seek to enforce many of the Final Rule’s provisions with respect to existing transmission lines (i.e., those in-service as of the August 24, 2022, publication date of the Final Rule) for nine additional months (until February 24, 2024) to come into compliance with many of the Final Rule’s provisions to facilitate operator compliance and implementation efforts.<sup>2</sup>

PHMSA has now determined that the same rationale merits the exercise of enforcement discretion for certain of the Final Rule’s new requirements to pipelines that enter into service after the Final Rule’s publication date, or will enter into service during the period of this enforcement discretion. Specifically, PHMSA will exercise its inherent enforcement discretion to refrain from taking enforcement action alleging violations of the Final Rule’s requirements — except for certain regulatory amendments discussed below — for nine additional months (i.e., from the effective date of the Final Rule on May 24, 2023, to February 24, 2024) against operators of onshore gas transmission pipelines that enter into service<sup>3</sup> between August 24, 2022 (the publication date of the Final Rule), and the expiration of this enforcement discretion on

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<sup>1</sup> 87 FR 52224 (Aug. 24, 2022) (“Final Rule”).

<sup>2</sup> <https://www.phmsa.dot.gov/regulatory-compliance/phmsa-guidance/notice-limited-enforcement-discretion-existing-onshore-gas>.

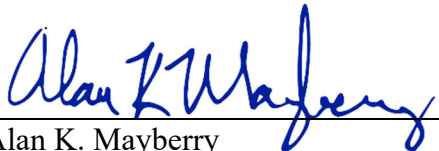
<sup>3</sup> PHMSA notes that this includes gas transmission pipelines that are newly built or constructed, or replacement projects on existing lines; PHMSA understands that other gas transmission pipelines will find themselves within the terms of the enforcement discretion issued December 6, 2022.

February 24, 2024. In addition, prior to February 24, 2024, PHMSA will not enforce updated O&M manuals to account for those provisions that do not otherwise require operator action before that time.

This enforcement discretion specifically excludes: (1) those provisions of the Final Rule subject to independent compliance timelines (i.e., §§ 192.917(b) and 192.13(d)); and (2) compliance with §§ 192.319, 192.461, and 192.613. Sections 192.319 and 192.461 provide important corrosion control provisions to take during construction to ensure long-term integrity of pipelines after the expiration of this enforcement discretion; PHMSA therefore expects operators will comply with these provisions. Section 192.613 is narrowly focused on processes following an extreme weather event or natural disaster impacting the pipeline, bringing important safety assurances. PHMSA will memorialize this enforcement discretion within implementation material for PHMSA inspectors and recommends that its state partners conform to the contents of this limited enforcement discretion. This enforcement discretion will remain in effect until February 24, 2024.

Regulated entities may rely on this notice as a temporary safeguard from PHMSA regulatory enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way. Nothing herein prohibits PHMSA from rescinding this limited exercise of its enforcement discretion and pursuing an enforcement action if it determines that a significant safety issue warrants doing so. Nothing herein relieves operators from compliance with any other applicable provisions of Federal regulations or other law, and PHMSA reserves the right to exercise all of its other authorities.

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