

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY**

In the Matter of	)	
	)	
	)	
Gulf South Pipeline Company, LLC	)	
and Texas Gas Transmission, LLC,	)	CPF No. 3-2024-065-WL
	)	
Respondents.	)	
	)	

**Written Response of Gulf South Pipeline Company, LLC
and Texas Gas Transmission, LLC to Warning Letter**

Pursuant to § 190.205 of the regulations of the Pipeline and Hazardous Materials Safety Administration (PHMSA),¹ Gulf South Pipeline Company, LLC (Gulf South) and Texas Gas Transmission, LLC (Texas Gas) submit a written response (Response) to the Warning Letter issued on August 14, 2024. Gulf South and Texas Gas recognize that PHMSA’s regulations do not provide for the adjudication of warning letters.² The Warning Letter, however, is so patently insupportable on legal and factual bases that Gulf South and Texas Gas are compelled to request that it be withdrawn.

Item 1 of the Warning Letter applies § 192.607 as a stand-alone provision without establishing that compliance is “required by this part,”³ a threshold prerequisite for invoking this regulation. The Warning Letter also retroactively applies § 192.607(b)’s traceable, verifiable and complete (TVC) standard to a document that was created before the regulation was adopted. This violates § 192.607(b)’s application to “records established under this section” and PHMSA’s explicit statements that § 192.607(b) applies prospectively only. Either of these two deficiencies is sufficient to require that Item 1 be withdrawn.

Item 2 of the Warning Letter also is legally insupportable because it applies § 192.624’s maximum allowable operating pressure (MAOP) reconfirmation requirement to a previously pressure tested gas transmission pipeline segment. This is inconsistent with the Pipeline Safety Act’s application of MAOP reconfirmation only to previously untested gas transmission pipelines and the statute’s anti-retroactivity provision.⁴

These legal defects require that the Warning Letter be withdrawn. A warning letter has impacts beyond the pipeline operator who receives it as other pipeline operators examine warning letters to discern how PHMSA interprets and applies its regulations and for guidance on the

¹ 49 C.F.R. § 190.205 (2022).

² *Id.*

³ *Id.* 192.607(a).

⁴ 49 U.S.C. §§ 60139(d)(1) and 60104(b).

agency's compliance expectations. PHMSA cannot permit a warning letter that so fundamentally misinterprets and misapplies its regulations to remain in the public domain.

If PHMSA does not withdraw the Warning Letter as legally deficient, then Gulf South and Texas Gas request that PHMSA withdraw Item 1 because, contrary to the Warning Letter's allegations, Gulf South possesses numerous documents that establish pipe material properties and attributes for Index 11-6. The Warning Letter therefore fails to establish either that § 192.607 applies or that Gulf South was attempting to verify pipe material properties and attributes with a single record. Item 2 also must be withdrawn because, in addition to being inconsistent with the Pipeline Safety Act, it is inconsistent with the pipeline safety regulations, and the regulatory history of § 192.624(a). If not withdrawn, Item 2 also creates regulatory uncertainty regarding the application of § 192.624(a)(2) to previously tested pipeline segments.

Gulf South and Texas Gas are committed to public safety and operating their pipeline facilities in accordance with PHMSA's regulations. The companies take all allegations of non-compliance seriously, including those contained in a publicly-issued Warning Letter whose allegations and compliance order-type requirements cannot be adjudicated.

I. Response of Gulf South and Texas Gas

Item 1 - § 192.607(b) Verification of Pipeline Material Properties and Attributes: Onshore steel transmission pipelines.

The Warning Letter alleges that Gulf South "failed to maintain records for material verification that are traceable, verifiable, and complete," claiming that Gulf South "relied on a single source to meet the requirement of TVC" for a pipe segment installed in 1928.⁵ The Warning Letter asserts the following:

[Gulf South] provided a record of a single source to demonstrate TVC of a segment of pipe installed in 1928. The example was presented to PHMSA in a PowerPoint presentation, entitled "Boardwalk TVC Program," slides 21-23, Example 3. The single record was created in 1969; the pipe was installed in 1928. There was no indication of where the information contained in the record was sourced from, as it was clearly transcribed from another document. [Gulf South] maintained that in cases of "old" pipe installation, a single source record is the only record it maintains for TVC determination.

This record only included the date of installation, station numbers, and pipe attributes of outside diameter and wall thickness, which is not sufficient to meet the requirements of § 192.607(b), as it did not include specific characteristics and

⁵ Warning Letter at 2. Although the Warning Letter refers to "BW Pipelines," the allegation in Item 1 pertains only to Gulf South. Gulf South and Texas Gas, the other Respondent in this proceeding, are wholly owned operating subsidiaries of Boardwalk Pipelines, L.P. (Boardwalk) and they operate separate pipeline systems that have different operator identification numbers (OPID). Gulf South's OPID is 31728 and Texas Gas's OPID is 19270. The two companies operate their pipeline systems pursuant to procedures that are maintained by Boardwalk on behalf of multiple Boardwalk-owned pipelines. Boardwalk does not operate any pipeline facility and does not have an OPID.

attributes including yield strength, ultimate tensile strength, and pressure ratings. No other record was provided to demonstrate full TVC.⁶

The Warning Letter concludes that:

Here, the relevant record cannot serve as an adequate basis for TVC because it (1) did not have a complementary or supporting documentation, (2) cannot be verified by complementary or supporting documentation, and (3) did not have any indication of being “finalized,” in addition to (4) missing other specific characteristics and attributes (yield strength, ultimate tensile strength, and pressure ratings).

Thus, the single record provided did not meet the Traceable, Verifiable or Complete aspects of TVC; therefore, the pipe should not have been considered TVC’d. As a result, the attributes must be opportunistically obtained through § 192.607(c) efforts.⁷

Gulf South contests Item 1 of the Warning Letter and requests that it be withdrawn because it has no legal or factual basis.

A. The Warning Letter Is Inconsistent With the Plain Language of § 192.607.

Section 192.607(a) requires that “[w]herever required by this part, operators of onshore steel transmission pipelines must document and verify material properties and attributes in accordance with this section.”⁸ Section 192.607(b) states that “[r]ecords established under this section documenting physical pipeline characteristics and attributes . . . must be maintained for the life of the pipeline and be traceable, verifiable and complete.”⁹ Other provisions of § 192.607 describe how an operator must verify pipe material properties and attributes if records are not TVC.

Section 192.607(a) establishes that an operator is not required to comply with § 192.607 unless required to do so under another section of Part 192. The opening words of § 192.607(a), “[w]herever required by this part,” makes this applicability explicitly clear. Section 192.607, therefore, is a procedural regulation that does not, by itself, create a compliance obligation. The final rule adopting § 192.607 was also clear. Specifically, PHMSA stated that it was:

removing the applicability criteria of the material properties verification requirements and making material properties verification *a procedure* for obtaining records for physical pipeline properties and attributes that are not documented in traceable, verifiable, and complete records or otherwise verifying physical pipeline

⁶ Warning Letter at 2.

⁷ *Id.*

⁸ *Id.* § 192.607(a).

⁹ *Id.* § 192.607(b).

properties and attributes *when required by MAOP reconfirmation requirements, IM requirements, repair requirements, or other code sections.*¹⁰

Section 192.607 also cannot be applied retroactively, as is clear by the text of § 192.607(b) which applies to “[r]ecords established under this section.”¹¹ As explained in the final rule adopting § 192.607(b), the TVC language applies only prospectively to records created as operators “execute the methodology in § 192.607 on a prospective basis.”¹² PHMSA also expressly stated in the final rule that § 192.607’s recordkeeping requirements are not retroactive.¹³

Item 1 of the Warning Letter disregards the plain text of both § 192.607(a) and § 192.607(b). First, despite the language “[w]herever required by this part,” Item 1 fails to identify a Part 192 provision that triggers the applicability of § 192.607’s material verification requirements.¹⁴ The Warning Letter merely selects a random sample document from the Boardwalk PowerPoint presentation and alleges that a violation of § 192.607. The Warning Letter therefore fails to satisfy § 192.607(a)’s basic threshold requirement.

Second, the Warning Letter retroactively applies § 192.607(b)’s TVC standard to a record that was created in 1969, decades before the regulation was adopted. In doing so, the Warning Letter disregards the language of § 192.607(b) which applies to “records established under this section.”¹⁵ The Warning Letter also ignores express statements of PHMSA in the final rule that § 192.607 applies only on a prospective basis and does not apply retroactively.¹⁶

Item 1 of the Warning Letter misapplies § 192.607’s plain language and must be withdrawn as legally insupportable.

B. Section 192.607 Does Not Apply Because Gulf South Possesses TVC Records for Index 11-6.

Alternatively, if PHMSA does not withdraw Item 1 as legally defective, then the item should be withdrawn as factually unsupported because Gulf South possesses multiple types of records that are more than adequate to verify the pipe material properties and attributes of Index 11-6.

As an initial matter, the Warning Letter appears to misconstrue the purpose of the PowerPoint presentation provided by Gulf South and Texas Gas during the inspection. The focus of PHMSA’s 2023 inspection was to assess compliance with the regulations adopted in PHMSA’s

¹⁰ Pipeline Safety: Safety of Gas Transmission Pipelines: MAOP Reconfirmation, Expansion of Assessment Requirements, and Other Related Amendments, Final Rule, 84 Fed. Reg. 52,180, 52,192 (Oct. 1, 2019) (italics added); *as amended*, Final Rule; Response to Petition for Reconsideration, 85 Fed. Reg. 40,132 (July 6, 2020).

¹¹ 49 C.F.R. § 192.607(b).

¹² 84 Fed. Reg. at 52,192 n. 64. *See also id.* at 52,218 (stating that PHMSA modified the rule to clarify that new record-keeping requirements are not retroactive).

¹³ *Id.* at 52,195.

¹⁴ 49 C.F.R. § 192.607(a).

¹⁵ *Id.* § 192.607(b).

¹⁶ 84 Fed. Reg. at 52,192 n. 64, 52,195, & 52,218.

Gas Transmission Final Rule issued on October 1, 2019.¹⁷ Anticipating PHMSA’s inspection of compliance with TVC requirements, Gulf South and Texas Gas prepared the “Boardwalk TVC Program” PowerPoint to demonstrate the software used to organize pipeline records and to explain the workflow process followed for verifying pipe material properties and attributes.¹⁸ The Gulf South and Texas Gas systems contain pipeline facilities constructed over several decades. Information on pipe material properties and attributes is contained in various types of records that have been generated and maintained over many years. In addition, because the Gulf South and Texas Gas pipeline systems were established and operated as separate unaffiliated pipeline systems for many years, the two companies maintain different types of documents. The workflow process ensures that Gulf South and Texas Gas follow a consistent, repeatable approach to verifying compliance with TVC standards. The PowerPoint presentation was intended to assist the inspectors in understanding the range of records that exist for the Gulf South and Texas Gas pipeline systems, how records are organized, and the workflow process used to evaluate whether they are TVC. The Warning Letter conveys none of this context for the presentation.

The presentation showed examples of the various types of documents that personnel encounter when performing their TVC assessments. One of the examples shown in the presentation was a document called a “Transmission Pipe Line Tabulation” for Gulf South’s Rusk Lateral Pipeline, also called Index 11-6.¹⁹ The Rusk Lateral is a 13-mile, 4.5-inch diameter pipeline constructed in 1927 and placed into operation in 1928 by Dixie Gas & Fuel Company, the original operator of what is now Gulf South’s Index 11-6. Before the existence of computers, pipeline personnel extracted relevant pipeline data from original construction documentation and recorded that data on “Tabulation” sheets. This was a common practice among pipeline operators for organizing and maintaining important pipeline data in a way that was accessible when needed.

The tabulation sheet referencing Index 11-6 that was contained in the presentation was created in 1969. The document reflects the following information for approximately 5910 feet of the pipeline: dates of construction, outside diameter, weight per foot, yield strength, manufacturer and seam type. The document was included in the presentation as a representative example of tabulation sheets that have been created over the years and that Gulf South uses in its TVC verification efforts.²⁰

In the Warning Letter, PHMSA has plucked the tabulation sheet for Index 11-6 from the presentation to support the allegation that Gulf South relies solely on this single document to establish TVC compliance for a portion of the pipe on Index 11-6. The Warning Letter claims that “[n]o other record was provided to demonstrate full TVC.”²¹ In doing so, the Warning Letter misunderstands the purpose of the presentation and the reason for including the tabulation sheet.

Gulf South did not include this document in the PowerPoint presentation to illustrate a “single source record” relied on to establish TVC documentation for Index 11-6. The document

¹⁷ 84 Fed. Reg. 52,180 (Oct. 1, 2019); *as amended*, 85 Fed. Reg. 40,132 (July 6, 2020).

¹⁸ The Boardwalk TVC Program PowerPoint presentation is attached hereto as Attachment 1.

¹⁹ Attachment 1 at Slides 21-23.

²⁰ *Id.* at Slide 23.

²¹ Warning Letter at 2.

was included to illustrate one of several examples of the kinds of documents Gulf South examines when performing TVC.

In addition, at no time during the presentation, the inspection, or the post-inspection review did any PHMSA inspector ask whether Gulf South had other documentation related to Index 11-6 or request to review other records related to this specific pipeline segment. Had an inspector made this request, Gulf South would have presented a trove of documents related to Index 11-6.²² Attachment 2 contains the documents that Gulf South possesses documenting pipe material properties and attributes for Index 11-6. These attached documents include the following:

- Alignment sheets that were created immediately after construction of Index 11-6. The alignment sheets, which are signed and dated, show the outside diameter, weight per foot (i.e., wall thickness), and station numbers. To the extent that the alignment sheets do not provide the grade of the steel, Gulf South has used the default value of 24,000 p.s.i. as permitted under § 192.107,²³ and for which PHMSA has expressly stated TVC documents are not required.²⁴
- Multiple tabulation sheets for this portion of Index 11-6 dating to the 1930s.
- Handwritten construction progress notes written contemporaneously with construction of the pipeline in late 1927 by a representative of the company (Sanderson & Porter Engineers) that constructed the pipeline and who was present during construction.

Taken together, these records constitute TVC documentation of the pipe material properties and attributes for the segment of Index 11-6 at issue in this Warning Letter.

The documents submitted by Gulf South demonstrate that the Warning Letter's allegation that Gulf South relied on a "single source record" to verify the pipe material properties and attributes on Index 11-6 is factually unsubstantiated and incorrect. In addition, the documents submitted by Gulf South constitute TVC records. Therefore, § 192.607 does not apply and Gulf South is not required to take any action to opportunistically obtain any information under § 192.607.

Item 1 of the Warning Letter must be withdrawn because it is legally deficient and factually unsupported. Even though PHMSA does not permit an operator to adjudicate a Warning Letter, the agency bears the burden of establishing a both legal and factual bases for an allegation and any mandated corrective actions. Here, where PHMSA has failed to establish both legal and factual bases, simple fairness requires that PHMSA withdraw Item 1 of the Warning Letter and remove it from the public domain.

²² The records relating to this portion of Index 11-6 are attached as Attachment 2.

²³ 49 C.F.R. § 192.107(b)(2).

²⁴ PHMSA, Second Batch of Frequently Asked Questions (FAQs) for the Final Rule, FAQ-60 (Apr. 19, 2023), <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2023-05/Batch-2-RIN-1-FAQs.pdf> (last accessed Sept. 12, 2024).

Item 2 - § 192.624(a)(2) Maximum allowable operating pressure reconfirmation: Onshore steel transmission pipelines.

Section 192.624(a) requires that an operator of an onshore steel transmission pipeline reconfirm the maximum allowable operating pressure (MAOP) of pipeline segments with MAOP established under § 192.619(c) if the MAOP produces a hoop stress greater than or equal to 30 percent of the specified minimum yield strength (SMYS) and the pipeline segment is located in either a high consequence area (HCA);²⁵ a Class 3 or Class 4 location; or a moderate consequence area (MCA),²⁶ if the pipeline segment can accommodate an instrumented inline inspection (ILI) tool.²⁷ For pipeline segments requiring MAOP reconfirmation, an operator must “develop and document procedures for,” among other things, reconfirming MAOP, and if applicable, performing a spike hydrostatic pressure test in accordance with § 192.506 or material verification in accordance with § 192.607.²⁸ Section 192.624(c) describes the six methods an operator may use to reconfirm MAOP, including performing a pressure test, replacing the pipe, or reducing operating pressure.

The Warning Letter alleges that Gulf South and Texas Gas did not include segments from 18 pipelines meeting the criteria of § 192.624(a)(2) in MAOP Reconfirmation Plans. The Warning Letter directs Gulf South and Texas Gas to include the identified pipeline segments in the respective MAOP Reconfirmation Plans.²⁹ Though acknowledging that Gulf South and Texas Gas have valid pressure tests for each of the listed pipeline segments, the Warning Letter makes the categorical statement that, if a pipeline segment’s MAOP is established under § 192.619(c), the segment is subject to MAOP reconfirmation under § 192.624(a)(2).

The segments listed in the Warning Letter were constructed before the first pipeline safety regulations were adopted in 1970. As permitted under § 192.619(c), the MAOP of these segments is based on the highest actual operating pressure experienced during the five years preceding July 1, 1970.³⁰ All of these pipeline segments were pressure tested in accordance with the standards in place at the time the test was conducted, whether that standard was ASME B31.8 or one of its predecessor publications,³¹ or Subpart J of PHMSA’s regulations.³² The pressure tests were completed at a sufficient pressure to substantiate the MAOP based on the test factors contained in § 192.619(a)(2).

PHMSA adopted § 192.624 to implement § 60139(d)(1) of the Pipeline Safety Act which required that PHMSA adopt regulations “for conducting tests to confirm the material strength of

²⁵ High consequence areas are defined in § 192.903. 49 C.F.R. § 192.903.

²⁶ Moderate consequence areas are defined in § 192.3. 49 C.F.R. § 192.3.

²⁷ 49 C.F.R. § 192.624(a)(2).

²⁸ *Id.* § 192.624(b).

²⁹ Warning Letter at 3.

³⁰ 49 C.F.R. § 192.619(c).

³¹ American Society of Mechanical Engineers (ASME), “Gas Transmission and Distribution Piping Systems.” The predecessor standard was called the USA Standard Code for Pressure Piping, Gas Transmission and Distribution Systems, USAS B31.8. As required under the Natural Gas Pipeline Safety Act of 1968, PHMSA adopted the 1968 version of B31.8 as interim gas pipeline safety regulations. Interim Minimum Federal Safety Standards for the Transportation of Natural and Other Gas by Pipeline, 33 Fed. Reg. 16,500 (Nov. 13, 1968).

³² 49 C.F.R. Part 192, Subpart J.

previously untested natural gas transmission pipelines located in high-consequence areas and operating at a pressure greater than 30 percent of specified minimum yield strength.”³³ The statute’s application to only “previously untested” gas transmission pipelines is important and is consistent with the Pipeline Safety Act’s longstanding prohibition on applying “design, installation, construction, initial inspection, or initial testing standards” to pipeline facilities already existing when the standard is adopted.³⁴ Section 60139(d) did not include transmission pipeline segments whose material strength had been previously tested.³⁵

In the Gas Transmission Notice of Proposed Rulemaking (NPRM) issued in April 2016, PHMSA proposed § 192.624 to implement § 60139(d).³⁶ When PHMSA’s Gas Pipeline Advisory Committee (GPAC) discussed the proposed regulation, several members addressed the issue of whether previously tested pipe would require MAOP reconfirmation under § 192.624 and sought assurances from PHMSA that a pipeline segment that has been previously pressure tested to the standards that applied at the time of the test, whether the standard was Subpart J or not, would not be required to reconfirm MAOP. On multiple occasions during these meetings, PHMSA representatives agreed that a pressure test is the “gold standard” for confirming MAOP and agreed that a pipeline segment previously pressure tested to standards that existed at the time of the test, including Subpart J, would not require MAOP reconfirmation.³⁷

³³ 49 U.S.C. § 60139(d) (*italics added*).

³⁴ *Id.* § 60104(b).

³⁶ Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines, Notice of Proposed Rulemaking, 81 Fed. Reg. 20,722, 20,833-34 (Apr. 8, 2016) (proposed 49 C.F.R. § 192.624(a)).

³⁶ Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines, Notice of Proposed Rulemaking, 81 Fed. Reg. 20,722, 20,833-34 (Apr. 8, 2016) (proposed 49 C.F.R. § 192.624(a)).

³⁷ See PHMSA, Gas Pipeline Advisory Committee Meeting Transcript Day 1 at 103:8-107:22 (Mar. 26, 2018), <https://primis-meetings.phmsa.dot.gov/archive/MtgHome.mtg@mtg=132.html>

Mr. Drake: “I think really the point is the test is the gold standard. If you have a test, that’s actually the litmus to validate the MAOP. Whether you have TVC records or not is subservient to that. I think that the other question is really about is it a 619 – or 619(a)(2) test at the time the code was written when that pipe was installed? Because codes move around. And what is the standard? What’s the target?” *Id.* at 104:2-14.

Mr. Nanney (PHMSA): “Well, the target would be at the time it was constructed, unless you’re doing a new test.” *Id.* at 104:15-17.

Mr. Drake: “If the test is the gold standard, I think we need to be conscious about adding the words TVC to the test. Because TVC comes with all kind of burdens about MAOP confirmation. The test may not meet the criteria for TVC. And I think as long as you have a test, that is the gold standard.” *Id.* at 106:3-9.

Mr. Bradley: “a valid pressure test in hand, you’re done. You’ve got what you need, you can move forward. If you have to reconfirm and you’ve already got that valid pressure test, you’re set.” *Id.* at 107:12-16.

Mr. Nanney (PHMSA): “Yes, it is on the pressure test.” *Id.* at 107:22.

Mr. Drake: “I mean, just to be very honest, you’re proposing changing subpart J. The question is not before 1970, it’s before today. Is the current subpart J 1.1 test valid, or are we going to now come up with a new subpart J criteria today, tomorrow, next month that is a new subpart J target? That’s really what the question is. . . So, is the current, the current today subpart J the gold standard? If it is, I think everybody’s okay. If it’s the tomorrow standard then we’ve got to stop because that’s a target we haven’t even been held accountable to date.” *Id.* at 115:10-116:3.

Mr. Nanney: “Just to answer, as of today if you’ve got a valid 1.1 pressure test, and it’s class 1 and it met the requirements, the answer is yes.” *Id.* at 116:5-8.

The Warning Letter's unqualified statement that "all" pipelines with MAOPs established under § 192.619(c) are subject to MAOP reconfirmation under § 192.624(a)(2), regardless of whether the pipeline was previously pressure tested, runs counter to § 60139(d) of the Pipeline Safety Act which applies only to previously untested pipelines. The Warning Letter also is inconsistent with the clear assurances provided by PHMSA during GPAC meetings that pipe previously tested to the standards existing at the time of the test (i.e., valid pressure tests) would not require MAOP reconfirmation because a pressure test is the "gold standard."

The Warning Letter is inconsistent with the pipeline safety regulations and creates significant regulatory uncertainty for operators of pipeline segments with MAOPs established under § 192.619(c) that have valid pressure tests. The Warning Letter suggests that operators of such pipelines may not rely on pressure tests, regardless of how recently the test was conducted. In this respect, the Warning Letter is inconsistent with the pipeline safety regulations which permit operators to rely on previous pressure tests for the life of the pipeline barring changed circumstances that are not present in the Warning Letter.³⁸ The Warning Letter raises basic questions about the meaning of the term "previously tested" and creates uncertainty regarding whether an operator of a pipeline segment with an MAOP established under § 192.619(c) will be required to reconfirm MAOP by applying methods described in § 192.624(c) other than a pressure test.

The Warning Letter also raises serious real-world service reliability issues for the customers of Gulf South and Texas Gas. The pipelines listed in the Warning Letter serve numerous small towns and communities where the pipeline is the sole supplier of natural gas. Reducing current MAOPs of these pipeline segments is not an option because Gulf South and Texas Gas would be unable to satisfy firm delivery obligations to these and other critical energy infrastructure customers. If required to re-pressure test these pipelines, they would have to be removed from service for four to eight weeks. Disrupting natural gas service to customers in order to retest pipelines that already have been pressure tested has human, safety, contractual, and economic consequences. Pressure testing also has adverse environmental impacts caused by the unavoidable releases of methane.

Gulf South and Texas Gas request that Item 2 of the Warning Letter be withdrawn. The categorical premise of the Warning Letter that "all" previously tested pipelines with MAOPs established under § 192.619(c) are subject to § 192.624(a)(2)'s MAOP reconfirmation requirement is inconsistent with the Pipeline Safety Act, the pipeline safety regulations, and the intended application of § 192.624(a) as reflected in its regulatory history, including statements of PHMSA itself. In addition, the Warning Letter raises significant service reliability concerns and creates regulatory uncertainty.

³⁸ For example, an operator must re-verify or reconfirm the MAOP of a pipeline segment if the hoop stress corresponding to the established MAOP is no longer commensurate with the segment's class location. 49 C.F.R. § 192.611. In addition, under § 192.613(b), an operator must reduce MAOP if the operator determines that a line segment is in unsatisfactory condition and cannot be reconditioned or replaced. *Id.* § 192.613(b).

II. Conclusion

For the reasons set forth above, Gulf South and Texas Gas request that the Warning Letter be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony G. Rizk", with a stylized flourish extending to the right.

Tony G. Rizk, P.E.
VP, Technical Services
Boardwalk Pipelines

September 20, 2024