

January 8, 2016

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

Docket No. PHMSA-2010-0229

Re: Comments of the Independent Petroleum Association of America –
Pipeline Safety: Safety of Hazardous Liquids Pipelines
[80 Fed. Reg. 197 (Oct. 13, 2015)]

Dear Sirs:

The Independent Petroleum Association of America (“IPAA”) and its members welcome this opportunity to respond to the Pipeline and Hazardous Materials Safety Administration’s (“PHMSA’s”) notice of proposed rulemaking referenced above. In particular, that notice proposes (i) the extension of reporting requirements to all gathering lines, (ii) the extension of reporting requirements to all gravity lines moving hazardous liquids, (iii) the inspection of all pipelines in areas affected by extreme weather or natural disasters, (iv) to require periodic integrity testing of pipelines outside of High Consequence Areas (“HCAs”), (v) to require the use of leak detection systems on hazardous liquid pipelines in all areas, (vi) to add additional conservatism to provisions requiring pipeline repairs as well as requiring repairs on all pipelines even those outside HCAs, and (vii) that all Integrity Management (“IM”) subject pipelines be capable of supporting inline inspection tools (“ILIs”) within twenty years, unless the basic construction thereof will not support ILIs.

IPAA is a national association that represents the thousands of independent oil and natural gas producers and service companies across the United States. Independent producers develop 90 percent of American oil and gas wells, produce 54 percent of American oil and produce 85 percent of American natural gas. IPAA has over 6,000 members, including companies that produce oil and natural gas ranging in size from large publicly traded companies and financial institutions. Formed in 1929, IPAA serves as an advocate for the exploration and production segment of the oil and gas industry, frequently providing expert information – both economic and statistical – on this vital domestic resource. IPAA has organized a broad-based Pipeline Safety Task Force for review and comment on the PHMSA notice. The Task Force has members from Texas, Oklahoma, Ohio, Pennsylvania, Colorado, and West Virginia and will actively participate in all phases of this proceeding. The Task Force Co-Chairmen are Thomas E. Stewart, of

Oilfield Policy Advisors LLC; and Gregory D. Russell, a partner with Vorys, Sater, Seymour and Pease LLP. Susan Ginsberg, IPAA Vice President, acts as the IPAA coordinator for the Task Force.

Concerned about the harmful impact that misplaced regulation can have on these producers and the energy resources they generate for the country, IPAA, through its Task Force, makes the following comments:

Regulatory Background

In 1979, Congress enacted the Hazardous Liquid Pipeline Safety Act (the “HLPSA”) to authorize the Secretary of Transportation to prescribe minimum federal safety standards for hazardous liquid pipeline facilities. The resulting safety standards for design, construction, testing and maintenance of hazardous liquids pipelines are contained in 49 C.F.R. Part 195. The HLPSA excluded gathering lines entirely:

Transportation of hazardous liquids means the movement of hazardous liquids by pipeline, or their storage incidental to such movement, in or affecting interstate or foreign commerce; except that it **shall not include any such movement through gathering lines in rural locations or onshore production, refining, or manufacturing facilities or storage or in-plant piping systems associated with any such facilities.**¹

The HLPSA has been amended several times since its original enactment. Most recently, the HLPSA was revised by H.R. 2845 in 2012 (“H.R. 2845”).² H.R. 2845 did not expand the regulation of hazardous liquids pipeline facilities under HLPSA. However, H.R. 2845 did require the Secretary of Transportation to make a report to Congress addressing the recommendations of the Secretary regarding the sufficiency of current hazardous liquids pipeline regulations:

The Secretary of Transportation shall conduct a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico. Report to Congress. In general. – Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review. Recommendations. – The report **shall include** the Secretary’s recommendations with respect to – the **sufficiency of existing Federal and State laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;** the economic impacts, technical practicability, and **challenges of**

¹ 49 USC 2001 (emphasis is ours).

² See the Pipeline Safety Regulatory Certainty and Job Creation Act of 2011.

applying existing Federal regulations to gathering lines that are not currently subject to Federal regulation when compared to the public safety benefits; and subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.³

H.R. 2845 also required a report on leak detection:

Leak Detection Report. – In general – Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on leak detection systems utilized by operators of hazardous liquid pipeline facilities and transportation-related flow lines. Contents – The report shall include – **an analysis of the technical limitations of current leak detection systems, including the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and an analysis of the practicability of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.** Rulemaking Requirements. – Review Period defined. In this subsection, the term “**review period**” means the period beginning on the date of enactment of the Act and ending on the earlier of – **the date that is 1 year after the date of the report under subsection (a);** or the date that is 2 years after the date of enactment of this Act. Congressional authority. **In order to provide Congress the necessary time to review the results of the report** required by subsection (a) and implement appropriate recommendations, the Secretary, during the review period, **shall not issue final regulations** described in paragraph (3). Standards.—As soon as practicable following the review period, if the report required by subsection (a) finds that it is practicable to establish technically, operationally, and

³ Id. Section 21 (emphasis is ours; numbering omitted). We note that in 80 Fed. Reg. 197 (Oct. 13, 2015) at 61612, PHMSA has suggested that the “study titled ‘Review of Existing Federal and State Regulations for Gas and Hazardous Liquid Gathering Lines,’ that was performed by the Oak Ridge National Laboratory and published on May 8, 2015,” has fulfilled the mandate of Congress in H.R. 2845. That is not the case. The Congressional mandate in Section 21 is not satisfied by the May 8, 2015 study, which is merely a compilation of existing regulations. Congress mandated an **analysis** of the **sufficiency** of existing regulation and the costs and benefits of additional regulation. The May 8, 2015 study is merely a first step in that analysis and does not fulfill the congressional mandate.

economically feasible standards for the capability of leak detection systems to detect leaks, the Secretary shall issue final regulations[.]⁴

80 Fed. Reg. 197 (Oct. 13, 2015) (the “Proposed Rules”) refers to a report from Keifner and Associates from 2012 (the “Report”) addressing leak detection systems. Notably absent is any reference to findings in the Report on the “the technical limitations of current leak detection systems, including the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and an analysis of the practicability of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.”

Another development relating to HLPESA is the adoption by Congress of risk management concepts for pipeline safety matters. Through several amendments to the HLPESA, Congress has mandated regulation of pipeline issues through a risk management approach.

Extension of Reporting for Non-Jurisdictional Pipelines

The Proposed Rules seek to mandate reporting to PHMSA for all hazardous liquids pipelines whether jurisdictional or non-jurisdictional. As set out in 49 C.F.R. Part 195, PHMSA is “proposing to add § 195.1(a)(5) to require that operators of all gathering lines (whether onshore, offshore, regulated, or unregulated) comply with requirements for submitting annual, safety-related condition, and incident reports.”⁵ This would require that owners of all gathering lines, whether onshore, offshore, **regulated or not**, comply with requirements for submitting annual, safety-related condition, and incident reports. The creation of this requirement exceeds PHMSA’s statutory authority, and the reliance on 49 U.S.C. 60117(b) to authorize this act is misplaced. 49 U.S.C 610117(b) does not grant a broad authority to create general regulation. Rather, it states “The Secretary may require owners and operators of gathering lines to provide the Secretary information **pertinent** to the Secretary’s ability to make a determination as to whether and to what extent to regulate gathering lines.” (Emphasis is ours). The reading of 49 U.S.C. 60117(b) required to create a general regulation ignores the word “pertinent,” which must modify the requested information. Thus, PHMSA has the statutory authority to request *pertinent* information and not to create a blanket reporting requirement affecting up to 40,000 miles of unregulated pipelines.

While certainly a laudable concern, and one shared by IPAA, an interest in promoting pipeline safety does **not** provide a legitimate basis for extending PHMSA’s regulatory authority beyond its permissible statutory reach. It has long been the law that an agency’s jurisdiction is limited to that granted by statute, and that an agency cannot extend its own jurisdiction by regulatory fiat. See, e.g., *Michigan v. Environmental Protection Agency*, 268 F.3d 1075, 1081 (D.C. Cir. 2001).⁶ This is true even when an agency seeks to address what it sees as a legitimate,

⁴ Id. Section 8 (emphasis is ours, numbering omitted).

⁵ 49 C.F.R. Part 195 at 61612.

⁶ “It is elementary that our federal government is one of limited and enumerated powers. ‘The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written.’ [citation omitted] This principal applies with equal force to the so-called modern

serious health problem. See, e.g., *Food and Drug Administration v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 125 (2000) (“**Regardless of how serious the problem an administrative agency seeks to address, however, it may not exercise its authority ‘in a manner that is inconsistent with the administrative structure that Congress enacted into law.’**”) (U.S. Supreme Court holding that FDA did not have authority to regulate tobacco products despite concern over public health) (emphasis is ours).

The application of these legal principles is particularly appropriate here, where there has been no demonstrated need for federal pipeline safety regulatory authority over additional facilities, especially onshore gathering facilities. Not only is there **no statutory authority** to mandate reporting of all pipelines, but there has been **no showing that PHMSA-unregulated gathering lines have somehow been inadequately regulated on the state level**, even if there were authority for assertion of federal pipeline safety regulation. To the contrary, Congress properly left that jurisdiction to the determinations of the individual states, and there has been and can be no showing that the states have somehow shirked that responsibility. Even an advocate of greater authority for the Secretary at the time of the Pipeline Safety Act’s original enactment warned against the unjustifiable encroachment of administrative jurisdiction: “**I would nonetheless caution against a familiar pitfall of consumer legislation, the desire of well-intentioned administrators to achieve a wider jurisdiction than is proved necessary.**” Congressman Van Deerlin, 1968 U.S. Code Cong. & Admin. News at 3272 (emphasis is ours). That congressional admonition is equally valid here.

The HPLSA does not authorize the federal regulation of production facilities, leaving that up to the individual states. IPAA is legitimately concerned that some of the changes in the Proposed Rules nonetheless improperly encroach upon the states’ regulatory authority over those facilities – in essence, seeking jurisdiction that Congress and the states have refused to grant them by mandating universal reporting to PHMSA.

PHMSA suggests in its notice, for example, that it seeks to expand its regulatory reach because it regulates today only a small portion of the approximately 40,000 miles of hazardous liquids gathering lines in the United States. See 80 Fed. Reg. at 61612 (justifying its proposed changes by noting that “Recent data indicates, however, that PHMSA regulates **less than 4,000 miles of the approximately 30,000 to 40,000 miles of onshore hazardous liquid gathering lines in the United States.**”) (emphasis is ours). The desire to regulate more hazardous liquids pipelines and the challenges faced by PHMSA in enforcing its regulatory program do not and cannot justify disregarding the jurisdictional boundaries imposed by Congress and encroaching upon the states’ regulatory authority over production operations.

IPAA believes strongly that our experience over the last ten years in the Barnett Shale compels PHMSA to address real safety risks not new gathering system lines that have *not* failed. The Barnett Shale formation production shows the safety advantages of newly-constructed, well-

administrative state. EPA is a federal agency – a creature of statute. It has no constitutional or common law existence or authority, but only those authorities conferred upon it by Congress.” See also, e.g., *Birth Hope Adoption Agency, Inc. v. Arizona Health Care Cost Containment System*, 218 F.3d 1040, 1045 (9th Cir. 2000) (“We note as a preliminary matter that ‘[t]he scope of an agency’s power is measured by statute and may not be expanded by agency fiat.’”).

engineered gathering lines that have created few real issues. While third-party dig-ins remain the exception, our experience with PHMSA regulations shows that dig-ins are little impacted by the regulation of gathering lines. We urge PHMSA to limit its attention to pipelines already under its jurisdiction that likely pose higher risks due, for example, to higher operating pressures or a history of failure. Gathering lines have the reverse safety profile. The highest pressures are usually experienced when the facilities are new, with declining pressures as the wells decline, often by more than 50% (fifty percent), five to ten years into their useful life. Gathering systems thus are usually at the optimum for safety when the operating pressures are highest, unlike the higher-risk, decades-old jurisdictional lines on which PHMSA should focus its safety review.

In recently enacted H.R. 2845, Congress set out the appropriate path for PHMSA to follow when considering changes to the regulation of hazardous liquids gathering lines. In connection with integrity management and leak detection questions, Congress called for DOT to study the related issues and report to Congress on any need to modify its regulations. Then, Congress allowed itself the “necessary time to review the results of the report . . . and during the review period, [DOT] **shall not issue final regulations.**” Section 8(b)(2). H.R. 2845 goes on to require within two years a report by DOT to the *Committee on Transportation and Infrastructure* and the *Committee on Energy and Commerce* in the House and the *Committee on Commerce Science and Transportation* in the Senate. That report will address the sufficiency of federal and state laws and regulations to ensure the safety of gathering lines, and specifically:

(B) the **economic impacts**, technical practicability, and challenges of applying existing Federal regulations to gathering lines that are not currently subject to Federal regulation when compared to the public safety benefits; and

(C) **subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.**

H.R. 2845, Section 21(b)(2) B and C.

With the exceptional safety history in the Barnett Shale, for example, there is good reason to believe that there is little need for additional federal regulation of gathering lines. IPAA has learned that PHMSA accident data⁷ from 2010 to present reveals that 87 of the 2,256 reported accidents occurred on gathering lines. This equates to 3.8% of the accidents reported. Of these, 45 occurred on gathering lines reported to have MOP’s established at a pressure $\leq 20\%$ SMYS, which implies they are in a non-rural location and are likely subject to the Integrity Management Programs prescribed in § 195.452. Thus, it would appear that the proposal is targeted at pipelines that, at most, have caused 1.9% of the reportable accidents in the last five years. PHMSA needs to follow the regulatory path established by H.R. 2845, prepare its report to Congress, give Congress time to respond, and then consider any action concerning regulations. Any other path to change regulation of gathering lines is not only irresponsible by PHMSA, it is directly contrary to the congressional intent outlined in H.R. 2845.

⁷ <http://www.phmsa.dot.gov/pipeline/library/data-stats/flagged-data-files>

Non-regulated gathering lines are by definition beyond the jurisdiction of PHMSA to regulate. 49 U.S.C. 610117(b) allows PHMSA to “require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary’s ability to make a determination as to whether and to what extent to regulate gathering lines.” (Emphasis ours). The invoked authority is to require owners to provide pertinent information. However, PHMSA’s proposal seeks to require blanket reporting of non-regulated lines, in essence, attempting to fully regulate gathering lines that are beyond its jurisdiction. A long-held tenant of federal administrative law has been that regulations created by an administrative entity must not be inconsistent with the statute authorizing the regulation.⁸ Here, PHMSA is inconsistent with the statute by not limiting the inquiry to information pertinent to the determination of whether and to what extent to regulate gathering lines. Rather, PHMSA is creating a general reporting requirement where none existed. This approach amounts to regulating non-regulated gathering lines. The similar imposition of general reporting requirements has been held to be an impermissible regulation, when imposed by an entity that lacked jurisdiction in the area affected. See, e.g., *United States v. Gary Locke et al*, 120 S. Ct. 1135, 1152 (2000) (“**The State’s reporting requirement is a significant burden in terms of cost and the risk of innocent noncompliance**”). 49 U.S.C. 610117(b) is not a grant of authority to issue regulation, but is a grant of authority to seek relevant or pertinent information to the determination of what gathering lines should be considered for PHMSA to recommend to Congress for regulation. PHMSA should turn its attention to making the necessary report mandated by Congress through H.R. 2845 and remain consistent with its statutory authority.

Even assuming PHMSA’s reading of 49 U.S.C. 60117(b) is permissible, PHMSA is taking the most difficult and burdensome path to obtain the information as to the safety performance of non-regulated gathering lines. This is being done without regard to the administrative cost or burden created for both the owners of gathering lines and PHMSA itself, as there will be a **tenfold** increase in reports to be collected and processed by PHMSA under the Proposed Rules. PHMSA could take a more economically feasible approach and obtain this information by creating an abbreviated form that requires only reports concerning **actual** safety incidents from owners and operators of pipelines or from the state regulatory authorities **already** regulating them.

PHMSA Has Not Supported Any Changes Regarding Leak Detection

H.R. 2845 called for a report containing “an analysis of the technical limitations of current leak detection systems, including the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and an analysis of the practicability of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.” (See H.R. 2845 section 5, internal numbering omitted.) While PHMSA has published the Report addressing leak detection systems, the Proposed Rules clearly indicate that the Report did not satisfy the mandate of H.R. 2845 and thus PHMSA cannot proceed with changes regarding leak

⁸ See *Lynch v. Tilden Produce Co.*, 265 U.S. 315 (1924); *Miller v. United States*, 294 U.S. 435 (1935); *Manhattan General Equipment Co. v. Commissioner*, 297 U.S. 129 (1936); *Georgia v. United States*, 411 U.S. 526 (1973).

detection systems. H.R. 2845 calls for: “Standards.—As soon as practicable following the review period, if the report required by subsection (a) finds that it is practicable to establish technically, operationally, and economically feasible standards for the capability of leak detection systems to detect leaks, the Secretary shall issue final regulations – require operators of hazardous liquid pipeline facilities to use leak detection systems where practicable; and establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.”⁹ The Proposed Rules “amend § 195.134 to require all new hazardous liquid pipelines be designed to include leak detection systems” (See 80 Fed. Reg. at 61614.) However, the Proposed Rules fail to set out any finding from the Report relating to **an analysis of the practicability of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.** Therefore, by statute, there is no reason to issue final regulations relating to leak detection systems.

DOT Should Not Proceed with Mandating Inline Inspection Tools for Pipeline Monitoring

The Proposed Rules require that new pipelines affecting HCAs will be required to use inline inspection tools (“ILIs”), while existing pipelines will be required to be made to accommodate ILIs within 20 years with limited exceptions. Through this requirement, PHMSA is choosing for the industry what technology must be used to monitor the status of pipelines in nearly all circumstances. This is done in stark contrast to the leak detection requirement discussed above in which PHMSA sets out only a goal of regulation without mandating how that goal is achieved. The Proposed Rules do not refer to a technical study suggesting that the only accurate means of monitoring pipeline status is through the use of ILIs, as one has not been completed. Before mandating technology for the pipeline industry, PHMSA should conduct a study and determine if requiring ILI is truly the appropriate path to take to monitor pipeline corrosion given the current state of technology along with a detailed analysis of the economic impact of this requirement. The Proposed Rules should be revised to require pipelines to be capable of monitoring for particular data regarding pipeline integrity while leaving it to pipeline operators how they achieve compliance. During an era of great technological innovation, both in the oil and gas industry and in technology more generally, this adjustment would allow for technology to continue to evolve through merit, not through compliance with command and control regulation. This process began on October 18, 2010 and will be ongoing as of January 8, 2016, demonstrating the lack of the agility inherent in the rulemaking process. The safety of pipelines throughout this country should be monitored through the currently available best means.

The Proposed Rules would create a regulatory mandate that pipeline operators use only ILIs without regard for what technology might most accurately monitor pipeline status. This mandate would be universal to all future pipelines in areas that could possibly impact HCAs. This regulatory directive would stifle the ability of the pipeline industry to test or use improved alternatives or new technologies to monitor pipelines. PHMSA proposed that operators could use an assessment tool other than ILI with prior written notice, a technical demonstration of the

⁹ See the Pipeline Safety Regulatory Certainty and Job Creation Act of 2011 section 8 (numbering omitted).

inability to use ILI, and a description of the proposed assessment technology. However, this is a cumbersome process and one that establishes ILI as the presumptively superior technology. While proposing to create a regulatory directive to the use of ILIs, PHMSA does so without a substantive review of the costs that such a mandate would create for those tasked with compliance. Further, the limited economic review PHMSA has conducted is flawed as it does not account for pipelines that are economically marginal and would be rendered uneconomic through the additional costs of the ILI requirement. That could have a cascading effect causing wells feeding such pipelines to be shut in or severely restricting the use of pipelines, long considered a safe and effective method of transporting liquids. Thus, the Proposed Rules should be revised to set criteria that should be monitored for affected pipelines. Such an approach would allow operators to control the considerable cost of expanding what pipeline information is monitored through the most efficient means. This approach would allow for the goals of PHMSA to be achieved, while market forces would ensure that the economic impact of the regulation would be minimized. Alternatively, PHMSA should allow for exceptions for short pipelines or those moving low volumes of hazardous liquids.

PHMSA Has Not Relied on a Risk-Based Analysis

The Proposed Rules make references to several incidents in which pipelines have leaked or ruptured (the “Incidents”). While it is certainly a laudable concern, and one shared by IPAA – to avoid such incidents, the Proposed Rules **do not** demonstrate a nexus between the Incidents and the changes contained in the proposal. For example PHMSA has proposed to extend reporting requirements to non-jurisdictional pipelines. However, upon a cursory review, the Incidents involve mostly pipelines that are currently jurisdictional and thus already subject to reporting to PHMSA. Another example is the mandate of ILI-use in new pipelines in HCAs. Again, the Proposed Rules do not set out that the Incidents involved pipelines that did not have ILIs. In fact, the Proposed Rules do not address such a connection at all. A risk-based analysis would weigh the understood risks from actual incidents and experience and attempt to address the causes of such incidents.

The Proposed Rules Raise Several Additional Concerns

The Proposed Rules mandate more immediate repairs to pipelines affected by certain dents as well as a more conservative pressure repair threshold. PHMSA rightly predicts that this requirement will cause more pipeline sections to require immediate repair. However, the Proposed Rules do not address if resources exist to make the additional repairs that would be required. Further, the increased conservatism in repair requirements would impact regulated gathering lines. However, PHMSA has not demonstrated a nexus between an existing risk and the more conservative repair requirements that justify the potential costs.

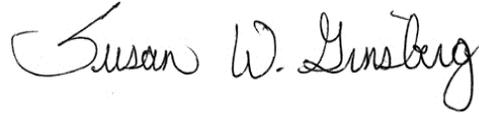
The Proposed Rules seek to mandate inspection of pipeline segments in areas that are subject to extreme weather events, natural disasters or other similar events (See 80 Fed. Reg. at 61639). As presented, very little guidance is provided as to what events trigger the requirement. Does a 10-year-flood require inspection? Does an earthquake reaching 2.2 on the Richter scale require an inspection? Does a Category 2 hurricane require an inspection? IPAA’s concern is that the Proposed Rules do not allow operators to answer these questions and intelligently comply.

Conclusion

IPAA, therefore, is strongly opposed to PHMSA's proposal to proceed contrary to H.R. 2845 and regulate all gathering lines. IPAA further believes that any changes to the regulatory requirements imposed upon hazardous liquid gathering lines must be based upon a scientifically-valid assessment of the risks presented by those lines and the costs and benefits of any changes to the program. Any changes need to await the completion of the DOT study and an appropriate time for Congress to consider enacting appropriate changes to the regulatory system for gathering lines. Absent that, IPAA believes any changes to PHMSA's regulatory program would be invalid as a matter of law.

IPAA welcomes the opportunity to work with PHMSA on these issues.

Very truly yours,

A handwritten signature in black ink that reads "Susan W. Ginsberg". The signature is written in a cursive style with a large, looping initial 'S'.

Susan W. Ginsberg

cc: Thomas E. Stewart
Gregory D. Russell, Esq.