

“(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and

“(2) with respect to gas transmission pipeline facilities, whether applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

“(b) FACTORS.—In conducting the evaluation under subsection (a), the Secretary shall consider, at a minimum, the following:

“(1) The continuing priority to enhance protections for public safety.

“(2) The continuing importance of reducing risk in high-consequence areas.

“(3) The incremental costs of applying integrity management standards to pipelines outside of high-consequence areas where operators are already conducting assessments beyond what is required under chapter 601 of title 49, United States Code.

“(4) The need to undertake integrity management assessments and repairs in a manner that is achievable and sustainable, and that does not disrupt pipeline service.

“(5) The options for phasing in the extension of integrity management requirements beyond high-consequence areas, including the most effective and efficient options for decreasing risks to an increasing number of people living or working in proximity to pipeline facilities.

“(6) The appropriateness of applying repair criteria, such as pressure reductions and special requirements for scheduling remediation, to areas that are not high-consequence areas.

“(c) REPORT.—Not later than 2 years after the date of enactment of this Act [Jan. 3, 2012], 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, based on the evaluation conducted under subsection (a), containing the Secretary’s analysis and findings regarding—

“(1) expansion of integrity management requirements, or elements thereof, beyond high-consequence areas; and

“(2) with respect to gas transmission pipeline facilities, whether applying the integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

“(d) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a).

“(e) TECHNICAL CORRECTION.—[Amended this section.]

“(f) RULEMAKING REQUIREMENTS.—

“(1) REVIEW PERIOD DEFINED.—In this subsection, the term ‘review period’ means the period beginning on the date of enactment of this Act [Jan. 3, 2012] and ending on the earlier of—

“(A) the date that is 1 year after the date of completion of the report under subsection (c); or

“(B) the date that is 3 years after the date of enactment of this Act.

“(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (c) and implement appropriate recommendations, the Secretary shall not, during the review period, issue final regulations described in paragraph (3)(B).

“(3) STANDARDS.—

“(A) FINDINGS.—As soon as practicable following the review period, the Secretary shall issue final regulations described in subparagraph (B), if the Secretary finds, in the report required under subsection (c), that—

“(i) integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and

“(ii) with respect to gas transmission pipeline facilities, applying integrity management pro-

gram requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

“(B) REGULATIONS.—Regulations issued by the Secretary under subparagraph (A), if any, shall—

“(i) expand integrity management system requirements, or elements thereof, beyond high-consequence areas; and

“(ii) remove redundant class location requirements for gas transmission pipeline facilities that are regulated under an integrity management program adopted and implemented under section 60109(c)(2) of title 49, United States Code.

“(4) SAVINGS CLAUSE.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may issue final regulations described in paragraph (3)(B), if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard.

“(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term ‘imminent hazard’ means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

“(g) REPORT TO CONGRESS ON RISK-BASED PIPELINE REASSESSMENT INTERVALS.—Not later than 2 years after the date of enactment of this Act [Jan. 3, 2012], the Comptroller General of the United States shall evaluate—

“(1) whether risk-based reassessment intervals are a more effective alternative for managing risks to pipelines in high-consequence areas once baseline assessments are complete when compared to the reassessment interval specified in section 60109(c)(3)(B) of title 49, United States Code;

“(2) the number of anomalies found in baseline assessments required under section 60109(c)(3)(A) of title 49, United States Code, as compared to the number of anomalies found in reassessments required under section 60109(c)(3)(B) of such title; and

“(3) the progress made in implementing the recommendations in GAO Report 06–945 and the current relevance of those recommendations that have not been implemented.”

[Terms used in section 5 of Pub. L. 112–90, set out above, have the meaning given those terms in this chapter, see section 1(c)(1) of Pub. L. 112–90, set out as a note under section 60101 of this title. For definition of “high-consequence area” as used in section 5 of Pub. L. 112–90, see section 1(c)(2) of Pub. L. 112–90, set out as a note under section 60101 of this title.]

SEISMICITY

Pub. L. 112–90, §29, Jan. 3, 2012, 125 Stat. 1921, provided that: “In identifying and evaluating all potential threats to each pipeline segment pursuant to parts 192 and 195 of title 49, Code of Federal Regulations, an operator of a pipeline facility shall consider the seismicity of the area.”

[Terms used in section 29 of Pub. L. 112–90, set out above, have the meaning given those terms in this chapter, see section 1(c)(1) of Pub. L. 112–90, set out as a note under section 60101 of this title.]

STUDY OF REASSESSMENT INTERVALS

Pub. L. 107–355, §14(d), Dec. 17, 2002, 116 Stat. 3005, required the Comptroller General to study the 7-year reassessment interval required by section 60109(c)(3)(B) of title 49 and to transmit to Congress a report on the study not later than 4 years after Dec. 17, 2002.

§ 60110. Excess flow valves

(a) APPLICATION.—This section applies only to—

(1) a natural gas distribution system installed after the effective date of regulations prescribed under this section; and

(2) any other natural gas distribution system when repair to the system requires replacing a part to accommodate installing excess flow valves.

(b) **INSTALLATION REQUIREMENTS AND CONSIDERATIONS.**—Not later than April 24, 1994, the Secretary of Transportation shall prescribe standards on the circumstances, if any, under which an operator of a natural gas distribution system must install excess flow valves in the system. The Secretary shall consider—

- (1) the system design pressure;
- (2) the system operating pressure;
- (3) the types of customers to which the distribution system supplies gas, including hospitals, schools, and commercial enterprises;
- (4) the technical feasibility and cost of installing, operating, and maintaining the valve;
- (5) the public safety benefits of installing the valve;
- (6) the location of customer meters; and
- (7) other factors the Secretary considers relevant.

(c) **NOTIFICATION OF AVAILABILITY.**—(1) Not later than October 24, 1994, the Secretary shall prescribe standards requiring an operator of a natural gas distribution system to notify in writing its customers having lines in which excess flow valves are not required by law but can be installed according to the standards prescribed under subsection (e) of this section, of—

- (A) the availability of excess flow valves for installation in the system;
- (B) safety benefits to be derived from installation; and
- (C) costs associated with installation, maintenance, and replacement.

(2) The standards shall provide that, except when installation is required under subsection (b) of this section, excess flow valves shall be installed at the request of the customer if the customer will pay all costs associated with installation.

(d) **REPORT.**—If the Secretary decides under subsection (b) of this section that there are no circumstances under which an operator must install excess flow valves, the Secretary shall submit to Congress a report on the reasons for the decision not later than 30 days after the decision is made.

(e) **PERFORMANCE STANDARDS.**—Not later than April 24, 1994, the Secretary shall develop standards for the performance of excess flow valves used to protect lines in a natural gas distribution system. The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence. The standards shall be incorporated into regulations the Secretary prescribes under this section. All excess flow valves shall be installed according to the standards.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1316; Pub. L. 104-304, §§8, 20(j), Oct. 12, 1996, 110 Stat. 3800, 3805; Pub. L. 107-355, §21(1), Dec. 17, 2002, 116 Stat. 3010.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60110(a)	49 App.:1672(j)(5).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(j); added Oct. 24, 1992, Pub. L. 102-508, §104, 106 Stat. 3291.
60110(b)	49 App.:1672(j)(1).	
60110(c)	49 App.:1672(j)(2).	
60110(d)	49 App.:1672(j)(3).	
60110(e)	49 App.:1672(j)(4).	

In subsection (a)(2), the words “in a manner” are omitted as surplus.

In subsection (b), before clause (1), the words “on when” are substituted for “prescribing the circumstances, if any, under which” to eliminate unnecessary words.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-355 substituted “circumstances, if any, under which an operator” for “circumstances under which an operator” in introductory provisions.

1996—Subsec. (b). Pub. L. 104-304, §20(j), substituted “standards” for “regulations” in introductory provisions.

Subsec. (b)(1). Pub. L. 104-304, §8(1), which directed the insertion of “, if any,” after “circumstances” in the first sentence of subsection (b)(1), could not be executed because the word “circumstances” did not appear in subsec. (b)(1).

Subsec. (b)(4). Pub. L. 104-304, §8(2), inserted “, operating, and maintaining” after “cost of installing”.

Subsec. (c)(1). Pub. L. 104-304, §20(j), substituted “standards” for “regulations” after “prescribe” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 104-304, §8(3), inserted “, maintenance, and replacement” after “installation”.

Subsec. (c)(2). Pub. L. 104-304, §20(j), substituted “standards” for “regulations”.

Subsec. (e). Pub. L. 104-304, §8(4), inserted after first sentence “The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.”

§ 60111. Financial responsibility for liquefied natural gas facilities

(a) **NOTICE.**—When the Secretary of Transportation believes that an operator of a liquefied natural gas facility does not have adequate financial responsibility for the facility, the Secretary may issue a notice to the operator about the inadequacy and the amount of financial responsibility the Secretary considers adequate.

(b) **HEARINGS.**—An operator receiving a notice under subsection (a) of this section may have a hearing on the record not later than 30 days after receiving the notice. The operator may show why the Secretary should not issue an order requiring the operator to demonstrate and maintain financial responsibility in at least the amount the Secretary considers adequate.

(c) **ORDERS.**—After an opportunity for a hearing on the record, the Secretary may issue the order if the Secretary decides it is justified in the public interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1317.)