

ARKANSAS
PUBLIC SERVICE COMMISSION
P.O. Box C-400
Markham & Victory Streets
Little Rock 72201

March 8, 1982

Mr. Melvin Juda
Office of Pipeline Regulations DMT-30
Materials Transportation Bureau
400 Seventh Street, S.W.
Washington, DC 20590

RE: Notification of Grant of Waiver from Part 192.723 (b) (1) of the Arkansas Pipeline Code

Dear Mr. Juda:

Pursuant to Section 3 (a) (2) (d) of the United States Natural Gas Pipeline Safety Code of 1968, the Arkansas Public Service Commission hereby gives notice to the Secretary of Transportation that it has granted to Arkansas Louisiana Gas Company (Arkla) a waiver from the requirements of Part 192.723 (b) (1) of the Arkansas Pipeline Code. The regulation provides that each operator of a distribution system shall conduct a leakage survey in business districts at intervals not exceeding twelve calendar months. The requirements are identical to those found in the corresponding Part of the federal Code.

Arkla requested the waiver on the grounds that application of the requirement in the 117 business districts in its service area would work a hardship on the Company and requested permission to conduct the surveys during a fifteen month period.

The Commission staff, having investigated the matter, recommended that the waiver be granted. After notice and hearing, an order, a copy of which is attached, was entered granting the waiver as requested, effective May 12, 1982.

We are, pursuant to the Section of the U.S. Natural Gas Pipeline Code cited above, obligated to notify you of the grant of waiver sixty (60) days prior to its effective date. If we then receive no objection, it will go into effect as ordered.

Sincerely,

(signed)

Dana Daniels Nixon
Administrative Law judge

DDN:pn

cc: Mr. Robert Aubry

The order referenced in the letter was not attached (see 03/16/82 OPS letter under "Outgoing Text.")

ARKANSAS
PUBLIC SERVICE COMMISSION
P.O. Box C-400
Markham & Victory Streets
Little Rock 72203

April 20, 1982

Mr. Melvin A. Judah
Acting Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590

RE: IN THE MATTER OF OBTAINING A WAIVER)
FROM THE PSC FROM CERTAIN REQUIREMENTS)
OF PART 192 OF TITLE 49, CODE OF)
FEDERAL REGULATIONS, PARAGRAPH) DOCKET NO. 81-361-U
192.723 (b) OF THE NATURAL GAS PIPELINE)
SAFETY CODE)

Dear Mr. Judah:

The waiver granted Arkansas Louisiana Gas Company in the above-styled Docket at the Commission has been amended to be consistent with the request in your letter of April 1, 1982. Attached is a copy of the amending Order.

Please let me know if this does not meet your requirements. Otherwise, we will expect the waiver to go into effect as ordered on May 12, 1982.

Thank you for your consideration.

Sincerely,

(signed)

Dana Daniels Nixon
Administrative Law Judge

DDN/pn

No copy is available of the Arkansas Public Service Commission order (#3) referenced in Judge Nixon's letter of March 8, 1982.

Attached to April 20, 1982 letter from Judge Nixon:

ARKANSAS
PUBLIC SERVICE COMMISSION

IN THE MATTER OF OBTAINING A WAIVER)	
FROM THE PSC FROM CERTAIN REQUIREMENTS)	
OF PART 192 OF TITLE 49, CODE OF)	
FEDERAL REGULATIONS, PARAGRAPH)	DOCKET NO. 81-361-U
192.723 (b) OF THE NATURAL GAS PIPELINE)	ORDER NO. 4
SAFETY CODE)	

ORDER

On March 1, 1982, the Preliminary Order in the above-styled Docket granted Arkansas Louisiana Gas Company (Arkla) a waiver from Section 192.723 (b) of the Arkansas Pipeline Code, authorizing it to conduct leak testing surveys as otherwise required at such time as to complete consecutive surveys at intervals not to exceed fifteen months. This waiver was granted pursuant to the request of Arkla filed on December 2, 1981.

On March 8, 1982, a copy of the Order was forwarded to the United States Department of Transportation (DOT) pursuant to Sections 3 (a) (2) (d) of the United States Gas Pipeline Safety Code of 1968. That Code provides that a State Agency granting a waiver such as that given in the above-styled Docket must notify the Federal Agency of the grant of waiver sixty (60) days prior to its effective date; if the federal agency voices no objection, the waiver may go into effect as ordered.

April 13, 1982, the Commission received a letter from Melvin A Judah, Acting Associate Director for Pipeline Safety Regulation in the Material Transportation Bureau of DOT indicating that Order No. 3 had been reviewed. Mr. Judah stated that his agency did have an objection to the waiver and that, in accordance with 49 U.S.C. 1672 (d), it was stayed. He noted that, although there is no question that the required 12-month interval can cause a scheduling problem, the department would soon propose a rule change to relieve the restriction. Meanwhile similar problems have been resolved by changing 12-month inspection intervals to "at least once each calendar year but with intervals not exceeding 15 months"; noting that the wording provides added flexibility in scheduling inspections while preserving the requirement to inspect annually, Mr. Judah requested that Order No. 3 be amended to be consistent with this approach and stated that, should the amendment be adopted, the waiver could go into effect.

The request of United States Department of Transportation is, upon due consideration, a reasonable one and shall be adopted.

IT IS, THEREFORE, ORDERED THAT:

The ordering paragraph of Order No. 3 in the above-styled Docket should be, and is hereby, amended to provide:

Arkansas Louisiana Gas Company should be, and is hereby, granted a waiver from Section 192.723 (b) (1) of the Arkansas Pipeline Code and is authorized to conduct the testing surveys as otherwise required at such times as to complete consecutive surveys at least once each calendar year but with intervals not exceeding fifteen months. The effective date of this waiver shall be May 12, 1982.

BY ORDER OF THE ADMINISTRATIVE LAW JUDGE PURSUANT TO DELEGATION

This 20th day of April, 1982.

(signed)
Dana Daniels Nixon
Administrative Law Judge

(signed)
Cheryl Dyke
Secretary of the Commission

March 16, 1982

Dana Daniels Nixon
Administrative Law Judge
Arkansas Public Service Commission
P.O. Box C-400
Little Rock, AR 72203

Dear Judge Nixon:

We received your letter of Notification of Grant of Waiver from Part 192.723 (b) (1) of the Arkansas Pipeline Code dated March 8, 1982. In your letter you stated that you attached a copy of an order granting the waiver as requested, effective May 12, 1982. However, we did not find that order attached. If you will send us a copy of the order, we will process the waiver.

Sincerely,

(signed)

Melvin A. Judah
Acting Associate Director
for Pipeline Safety Regulation
Materials Transportation Bureau

cc:
DMT-30
BRF

DMT-30/BAS:x62392:3-16-82
FILE: Arkansas State Waiver File

No copy is available of the April 1, 1982 letter from Mr. Judah referenced in Judge Nixon's letter of April 20, 1982.

April 13, 1982

Dana Daniels Nixon
Administrative Law Judge
Arkansas Public Service Commission
P.O. Box C-400
Little Rock, AR 72203

Dear Judge Nixon:

We have reviewed the Commission's Order No. 3 granting the Arkansas Louisiana Gas Company a waiver from the requirements of 49 CFR 192.723 (b) (1) so as to permit it to conduct leakage surveys on distribution lines in business districts at intervals not exceeding 15 months. We have an objection to the waiver, and in accordance with 49 U.S.C. 1672 (d), it is stayed.

There is no question the 12-month inspection interval prescribed by 192.723 (b) (1) can cause operators a scheduling problem and we will soon propose a rule change to relieve this restriction and others like it. Similar problems with other standards in Part 192 have been resolved by changing 12-month inspection intervals to at least once each calendar year but with intervals not exceeding 15 months. (E.g., paragraph 192.465 (a)) This wording preserves the requirement to inspect annually, but permits more flexibility in scheduling inspections. To be consistent with this approach, we request that Order No. 3 be amended accordingly. If this amendment is adopted, the waiver may go into effect.

Sincerely,

(signed)

Melvin A. Judah
Acting Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau

cc: DMT-30, 31 (2),
DCC-1, DMT-13, B.R. File
File: 192.723
LMFurrow/tr/x62392: 3/31/82
Rewrite: Furrow/tr: 4/6/82
Control #OPSR-20