

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 18 2005

Mr. Clark Conklin
Chief of Pipeline Safety Nebraska State Fire
Marshal 246 South 14th Street
Lincoln, NE 68508-1804

Dear Mr. Conklin:

The Pipeline and Hazardous Materials Safety Administration's Office of Pipeline Safety (OPS) has considered your letter of April 5, notifying us that the Nebraska State Fire Marshal has granted Aquila Inc., a waiver from the plastic pipe joining requirements of 49 CFR 192.285(a)(2) and (c).

Under § 192.285(a)(2), no person may make a plastic pipe joint using an applicable procedure until that person qualifies by making a specimen joint according to the procedure that passes an inspection and test. Under § 192.285(c), a person must requalify, if during any 12-month period that person does not join under the procedure, or has 3 joints or 3 percent of the joints made, whichever is greater, found unacceptable by pressure testing under § 192.513.

The waiver allows Aquila to requalify personnel once a year, but at intervals of not more than 15 months. In the case of mechanical and electrofusion joints, the waiver allows persons to requalify by reviewing the proper joining procedures during the time period specified in Aquila's Operations and Maintenance Manual and Operator Qualifications Plan, and taking all steps leading up to joint production without completing the joint. The waiver also requires a person or crew to requalify whenever one joint made under the qualified joining procedure is found unacceptable by testing under § 192.513.

OPS concurs with the conclusion of the Nebraska State Fire Marshal and has no objection to the waiver.

Sincerely,
Theodore L. Willke
Deputy Associate Administrator for Pipeline Safety

April 5, 2005

Mr. James Reynolds
U.S. Department of Transportation
RSPA/ Office of Pipeline Safety
400 Seventh Street, SW- Room 7128
Washington, DC 20590

RE: Request for Waiver to Modify the Requirements of 49 C.F.R. Part 192.285(a)(2) and 192.285(c)

Dear Mr. Reynolds:

The Nebraska State Fire Marshal hereby gives notice to the Secretary of Transportation that it has granted Aquila Inc. a waiver from the requirements of 49 C.F.R. §192.285(a)(2) and §192.285(c) as adopted by Nebraska Administrative Code Title 155, Chapter 1 §001, with the following conditions:

- (1) The waiver would allow Aquila to qualify personnel for joining plastic pipe once each calendar year but at intervals not to exceed 15 months. It would also allow personnel to be requalified for mechanical and electrofusion connections by reviewing the procedures and not completing the process of making a specimen joint; and
- (2) A person who has been qualified shall requalify whenever that person has made one unacceptable joint under a qualified procedure.

Attached is Aquila's request.

Pursuant to 49 U.S.C. 60118, if the Nebraska State Fire Marshal's Office receives no objection from your office regarding this waiver, it will go into effect 60 days after your receipt of this notice.

Sincerely yours,
Clark Conklin
Chief of Pipeline Safety

Aquila
1815 Capitol Avenue
Omaha, NE 68102

Mr. Clark Conklin
Chief Deputy Fire Marshal State of Nebraska
246 South 14^m Street
Lincoln, Nebraska 68508-1804

Re: Gas Pipeline Safety Waiver for Plastic Pipe Joining Re-Qualification

Dear Mr. Conklin:

Aquila requests a waiver in accordance with the Research and Special Programs Administration, Department of Transportation (Office of Pipeline Safety).

So long as certain specified alternative regulations are met from a portion of the gas safety rules as set out in the Code of Federal Regulations title 49 - Pipeline Safety, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards. This waiver will be not be inconsistent with other pipeline safety regulations noted in part 192.

Aquila specifically seeks a waiver from §§ 192.285(a)(2) and 192.285(c). § 192.285(a)(2) requires each person to make mechanical and electrofusion joints each time they re-qualify. § 192.285(c) requires a re-qualification every twelve (12) months if that procedure has not been used or after three (3) joints or three percent (3%) of the joints fail under § 192.513.

This text currently reads:

§192.285 Plastic pipe; qualifying persons to make joints.

(a) No person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure by:

(2) Making rA. specimen joint from pipe sections joined according to the procedure that passes the inspection and test set forth in paragraph (b) of this section.

(b) The specimen joint must be:

(1) Visually examined during and after assembly or joining and found to have the same appearance as a joint or photographs of a joint that is acceptable under the procedure; and

(2) In the case of a heat fusion, solvent cement, or adhesive joint; (1) Tested under any one of the test methods listed under §192.283(a) applicable to the type of joint and material being tested;

(ii) Examined by ultrasonic inspection and found not to contain flaws that would cause failure; or

(iii) Cut into at least three longitudinal straps, each of which is:

(A) Visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and

(B) Deformed by bending, torque, or impact, and if failure occurs, it must not initiate in the joint area.

(c) A person must be re-qualified under an applicable procedure, if during any 12-month period that person:

(1) Does not make any joints under that procedure; or

(2) Has 3 joints or 3 percent of the joints made, whichever is greater, under that procedure that are found unacceptable by testing under §192.513.

Aquila request that a waiver would allow for an alternative means of ensuring qualification for peoples making joints. The alternative would be:

A person must be re-qualified under applicable procedure at least once each calendar year, but at

intervals not exceeding 15 months. Following the Initial qualification for electrofusion and mechanical joining procedures, for re-qualification a person must participate in a review on the proper joining procedure during such time period as required in Aquila Operations and Maintenance manual and Operator Qualification Plan.

In addition, if a joiner or crew has 1 joint made under that procedure that is found unacceptable by testing under §192.513, that person or persons must re-qualify under that procedure as an initial qualification.

The first part of this proposed waiver language would allow for scheduling training to avoid scheduling conflicts and require all joiners to be re-qualified annually not exceeding 15 months regardless of if they have not had any failures or have not made joints under that procedure.

The second part of this proposed waiver language would require joiners to initially qualify on the mechanical fittings by assembling fitting that is visually examined during and after assembly or joining and found to have the same appearance as a joint or photographs of a joint that is acceptable under the procedure. These individuals that have qualified initially would still be required to review these procedures for re-qualification, completing all steps will be taken to complete the join, but would not have to expend the fitting in re-qualification. Training fittings will be used when available.

This request for waiver would also apply to electrofusion fittings. The joiners would initially qualify by completing the electrofusion procedure and those joints would be examined by ultrasonic inspection and found not to contain flaws or cut into at least three longitudinal straps, each of which is: visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and deformed by bending, torque, or impact, and if failure occurs, it must not initiate in the joint area. These individuals that have qualified initially would still be required to review and perform these procedures up to the point of "pushing the button" for re-qualification, but would not have to expend the fitting in re-qualification. Joiners would be required to re-qualify annually not exceeding 15 months.

Sincerely,
Edwin M. Hatter, PE

Reynolds, James <PHMSA>

From: Huntoon, Ivan <PHMSA>
Sent: Monday, April 11, 2005 1:45 PM
To: Reynolds, James <PHMSA>
Cc: Huntoon, Ivan <PHMSA>
Subject: Nebraska Waiver - Aquila

I have received copy of Nebraska Fire Marshal's Office letter, dated April 5, 2005, concerning waiver request from Aquila.

Aquila requested waiver from 192.285(a)(2) and 192.285(c) related to re-qualification of persons to make joints in plastic pipe.

Central Region staff have reviewed this document. i have no objection to the Nebraska waiver.