

Jul 10 1990

Mr. James S. Stites
State of South Carolina
The Public Service Commission
P. O. Drawer 11649
Columbia, SC 29211

Dear Mr. Stites:

I am responding to your letter of June 4, 1990, concerning the proposed addition of a 600,000-gallon liquefied natural gas (LNG) storage tank to an existing LNG plant in operation since 1970. You asked whether the addition would subject the existing LNG facilities in that plant to the siting, design, installation, and construction standards of 49 CFR Part 193.

Rules governing the applicability of the siting, design, installation, and construction standards are set forth in § 193.2005. Under that section, the addition of a new LNG storage tank to an existing LNG plant would not subject any existing LNG facilities at the plant to the siting, design, installation, or construction standards of Part 193.

The additional LNG storage tank would, however, be subject to the applicable siting, design, installation, and construction requirements of Part 193 (i.e., Subparts B-D), unless it is to be constructed pursuant to an application for approval filed before March 1, 1978, as described in § 193.2005(a)(2). If the additional tank qualifies under the § 193.2005(a)(2) exception, the siting, design, installation, and construction of the tank must meet either (1) the applicable requirements of the 1972 edition of 49 CFR part 192 issued on or before March 1, 1978, or (2) the applicable requirements of Part 193. (See § 193.2005(c).)

In his letter of May 30, 1990, to the South Carolina Public Service Commission, Nick Cernautan of the Applied Engineering Company stated that the additional storage tank and dike are to be installed according to NFPA-59A standards (1990 edition). This statement is of concern to us because it indicates he may not be aware of the Part 193 requirements. Also, the 1990 edition of NFPA-59A has not been incorporated by reference in Part 193, although specific provisions of the 1979 edition are referenced in §§ 193.2073, 193.2141, and 193.2213, and, as indicated above, applicable requirements of the 1972 edition are referenced in § 193.2005(c). As a consequence, Mr. Cernautan should be cautioned that compliance with NFPA-59A (1990 edition) may not fulfill Part 193 requirements. In the event of conflicting provisions, the Part 193 requirements must be met, including those requirements that incorporate by reference provisions of the earlier editions of NFPA-59A.

I trust you will advise Mr. Cernautan and the operator of the applicability of Part 193 to the proposed storage tank.

Sincerely,

George W. Tenley, Jr.
Director
Office of Pipeline Safety

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