

**DEPARTMENT OF
TRANSPORTATION**

Office of Pipeline Safety Operations

[Docket No. 77-8W; Notice 1]

TENNESSEE GAS PIPELINE CO.

**Grant of Waiver from Federal Gas
Pipeline Safety Standards**

On February 15, 1977, the Tennessee Gas Pipeline Company telephonically requested a waiver from compliance with the preinstallation strength test requirements of 49 CFR 192.505(e) for certain fabricated piping assemblies. The assemblies were to be installed at each end of a 500-foot gas pipeline being constructed near Katy, Texas, between Tennessee Gas's No. 100-3 pipeline and the Dow Gas Company's "Bronco pipeline." Section 192.505(e) reads as follows:

For fabricated units and short sections of pipe, for which a postinstallation test is impractical a preinstallation strength test must be conducted by maintaining the pressure at or above the test pressure for at least 4 hours.

In addition, §192.503(a) provides, in part:

No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated or replaced until:

(1) It has been tested in accordance with this subpart to substantiate the proposed maximum allowable operating pressure * * *.

Tennessee Gas stated in its telephone call and in a subsequent telegram that:

1. The assemblies include 8", 10", and 12" pipe pretested for at least 8 hours to 2,042 psig and 30" pipe pretested to 1,750 psig for at least 8 hours. The assemblies also include standard regularly manufactured pipe fittings.

2. The design maximum allowable operating pressure of the entire facility is 780 psig, however, the operating pressure is not expected to exceed approximately 680 psig.

3. The facility is to be installed in a Class 1 location but is to be built under Class 3 requirements as defined in 49 CFR 192.5.

4. All welds in the assemblies are to be 100 percent nondestructively tested.

Tennessee Gas further stated that the waiver is necessary to save at least 36 hours in installation time during the nationwide gas shortage, and thus speed the delivery of between 150,000 MCF and 300,000 MCF of natural gas to customers.

In consideration of (1) the high degree of safety afforded by the proposed construction in the absence of the strength test required by §192.505; (2) the President's declaration of a National Gas Emergency (42 CFR 6789); and (3) the urgent need for immediate additional supplies of natural gas, it was determined that the requested waiver would not be inconsistent with gas pipeline safety and that it would be in the public interest. Therefore, effective February 16, 1977, Tennessee Gas was orally granted a waiver from §192.505(e), thereby enabling it to operate the prefabricated piping assemblies consistent with the requirements of §192.503(a). This notice establishes a record of that waiver. Regarding §192.503(a), it should be noted that if, in the future, the piping assemblies are relocated or replaced, the waiver does not permit them to be returned to service without compliance with the applicable strength test requirements of §192.505.

Tennessee Gas also requested that the waiver be assignable to the Columbia Gas Transmission Company to whom Tennessee Gas intends to transfer its interest in the piping assemblies. MTB does not believe that the granting of a waiver confers any assignable right or property interest on the grantee. Rather, a waiver establishes a particular rule for an operator based on specific circumstances. Although there is little precedent [sic] on this issue, it seems that once such a rule is established regarding a pipeline facility, it should continue in effect according to its terms for succeeding operators of the facility as long as the transfer does not alter the bases of the waiver. Since it is not conceivable that a transfer to Columbia Gas of the piping assemblies to which this waiver applies would change the bases of the waiver, if such a transfer is made, MTB would consider the waiver granted to Tennessee Gas to apply to Columbia Gas.

Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672(e)) authorizes the Secretary of

Transportation to grant waivers from compliance with the Federal gas pipeline safety standards. Section 3(e) of the Act further provides that subchapter II of Chapter 5 of Title 5 of the United States Code shall apply to all orders "waiving compliance with any standard established under this Act." Therefore, in accordance with 5 USC 553(b), in view of the National Gas Emergency, the need for a waiver, and the shortness of time involved, notice and public procedure on the granting of this waiver would have been contrary to the public interest.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, 49 USC 1672; 40 FR 43901, 49 FR 1.53.)

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CESAR DELEON,
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