



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety Administration**

**July 08, 2020**

Mr. Bryce Keener  
Director, Gas Pipeline Safety Division  
Tennessee Public Utility Commission  
Andrew Jackson State Office Building  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243

Dear Mr. Keener:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA), dated May 21, 2020, you requested an interpretation of 49 Code of Federal Regulations (CFR) Part 193. Specifically, the Tennessee Public Utilities Commission (TPUC) asked for an interpretation on whether 49 CFR § 193.2441(c) “is fulfilled when an LNG operator leaves the control center to perform assigned duties when an offsite SCADA control room is assigned and equipped only to monitor LNG alarms and is without an LNG trained operator.” TPUC requests this interpretation to resolve a disagreement with a liquefied natural gas (LNG) operator as to the correct application of § 193.2441(c) to the operator’s proposed one-man operator procedure.

The letter indicates that on May 17, 2020, an LNG operator implemented a one-man operation procedure that includes the requirement that when the control center is manned by only a single qualified operator, the operator is to contact an off-site Supervisory Control and Data Acquisition (SCADA) control room to monitor the alarms of the vacant LNG control center. This off-site SCADA control room has no ability to control any of the functions or operating components of the LNG facility; it can only monitor the alarm system. The off-site SCADA control room also only has Part 192 qualified gas operation personnel, with no Part 193 qualified LNG operators in attendance.

If the operator’s procedure is followed, you stated that TPUC believes that as soon as the LNG operator leaves the LNG control center, a violation of § 193.2441(c) will have occurred. You stated the operator disagrees because its LNG facility is equipped with automatic shutdown capability, and the off-site SCADA control room monitoring the LNG facility’s alarm systems will contact the LNG operator if an alarm goes off while the LNG control center is vacant. Based on these operational factors, the operator contends that its procedure meets the requirement of the regulation.

Section 193.2441(c) requires that “[e]ach control center must have personnel in continuous attendance while any of the components under its control are in operation, unless the control is being performed from another control center which has personnel in continuous attendance.”

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations are not generally applicable, do not create legally-enforceable rights or obligations, and are provided to help the specific requestor understand how to comply with the regulations.

The regulation requires that an LNG facility has at least one person in the control center at all times (i.e. uninterrupted) while any of the components under the control center's control are in operation. This does not necessarily preclude the LNG control center operator from taking short breaks in the area of the control center to attend to physiological needs. Furthermore, § 193.2441(c) states that the "continuous attendance" requirement at the LNG control center does not apply if the control of any components in operation is being performed from another control center which has personnel in continuous attendance. However, § 193.2441(c) specifically requires that this "[other] control center" be capable of controlling any of the components at the LNG facility while in operation. Therefore, a control center operator may perform duties outside the control center during his/her shift as long as another control center's operator has control of any operating components with uninterrupted attendance of the control center.

In this case, the operator would not meet these regulatory requirements by relying on a SCADA system to monitor alarms without controlling the facility. Therefore, to respond to your question, the requirement in § 193.2441(c) is not fulfilled any time the operator's offsite SCADA control room is assigned and equipped to monitor LNG alarms without being able to control any of the operating components at the LNG facility whenever the LNG operator leaves the LNG control center vacant to perform other assigned duties.

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,

John A. Gale  
Director, Office of Standards  
and Rulemaking

# TENNESSEE PUBLIC UTILITY COMMISSION

Bryce Keener, Director  
Gas Pipeline Safety Div.  
(615) 969-2042



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May 21, 2020

Sent via Electronic Mail to [Tewabe.Asebe@dot.gov](mailto:Tewabe.Asebe@dot.gov)

Mr. John A. Gale  
Director, Standards and Rulemaking  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
East Building, Second Floor  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Dear Mr. Gale,

The Gas Pipeline Safety Division of the Tennessee Public Utility Commission (TPUC) is seeking clarification on the requirement to fulfill and the definition of the phrase “continuous attendance” of an LNG control center as referenced in 49 CFR §193.2441 (c), full code referenced below:

§193.2441 (c) Each control center must have personnel in continuous attendance while any of the components under its control are in operation, unless the control is being performed from another control center which has personnel in continuous attendance.

This request is prompted, in part, by an interpretation issued in 2006 requested by the International Brotherhood of Electrical Workers, Local Union 1288 in Memphis, Tennessee, which is attached for reference. The TPUC believes the attached interpretation letter of 2006 remains valid. However, as explained below, there is a lack of consensus between TPUC and its operator as to the correct application of CFR §193.2441(c) for purposes of maintaining “continuous attendance” with one qualified person in the control center who is also required to perform duties outside the control center during his/her shift. And, further, under what circumstances are the requirements of CFR §193.2441(c) for maintaining control over the LNG facility met when an LNG control center is vacant.

The operator has proposed a one-man operation procedure that includes the requirement that when the control center is manned by only a single qualified operator, the operator is to contact an off-site SCADA (Supervisory Control and Data Acquisition) control room to monitor the alarms of the vacant LNG control center. The off-site SCADA control room has no ability to control any of the functions or operating components of the LNG facility – it can only monitor

the alarm system. The off-site SCADA control room only has qualified gas operation personnel as regulated by Part 192 regulations in the control room, with no qualified LNG (as required by Part 193) operators in attendance.

Following the operator's procedure, as soon as the LNG operator leaves the LNG control center, it is apparent that a violation of §193.2441(c) has occurred. The operator disputes that such a situation constitutes a violation of the regulation because its LNG facility is equipped with automatic shutdown capability and the off-site SCADA control room monitoring the LNG facility's alarm systems will contact the LNG operator if an alarm goes off while the LNG control center is vacant. Therefore, the operator contends that it meets the "continuous attendance" requirements of the regulation.

The proposed one-man operation of the LNG facility, despite the Commission's objection, was implemented on May 17, 2020. As such, the TPUC seeks an interpretation to:

- a) Determine whether CFR §193.2441(c) is fulfilled when an LNG operator leaves the control center to perform assigned duties when an offsite SCADA control room is assigned and equipped only to monitor LNG alarms and is without an LNG trained operator.

Thank you for your consideration in this matter and I look forward to hearing from you on the regulatory interpretation in question. Please contact me if you have any additional questions or would like to discuss this matter.

Sincerely,



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Tennessee Public Utility Commission  
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