

Jul 14 1976

Mr. John M. Viehweg
Chief Engineer
Northwest Pipeline Corporation
P.O. Box 1526
Salt Lake City, UT 84110

Dear Mr. Viehweg:

This responds to your letter of April 28, 1976, informing us of your plans for additional LNG facilities and asking for clarifications regarding standards incorporated by reference in 49 CFR Part 192. As you are aware, Mr. Beheshti of your company discussed these issues with this Office earlier in April. At that time, a copy of the Federal "Regulations for the Transportation of Natural and Other Gas by Pipeline," 49 CFR Parts 191 and 192, and all subsequent amendments were forwarded to you.

Your first question asks if adoption of NFPA 59A-1975 is likely in the near future.

Answer: Amendment 192-22, "Incorporation by Reference," shows that the 1972 edition of NFPA 59A will become the referenced standard effective July 1, 1976. Because we are presently developing independent Federal regulations for LNG facilities, it is unlikely that the 1975 edition will be adopted. However, for planning your new facilities, you may wish to consider that the LNG regulations propose to include or exceed any more stringent requirements set forth by the NFPA 59A-1975 edition.

Your following Questions 2 through 5 cite specific examples where a standard which is incorporated by reference in Appendix A in turn incorporates other standards by reference. Because the criteria which you request in Question 5 also applies to your other questions, it is presented at this point as follows:

Criteria

Where conformance with applicable requirements of a referenced standard is set forth as a regulation under Part 192, only the specific edition cited in Appendix A has the standing of a Federal regulation.

Where standards are incorporated in turn through a chain of references originating from applicable requirements of the standard first referenced, the appropriate edition is determined as follows:

(a) If the standard is also referenced in Appendix A and is applicable for the same purposes as prescribed by Part 192, then the edition specified in Appendix A is the Federal regulation.

(b) If, however, the standard is not referenced in Appendix A, or is referenced in Appendix A but is applicable for purposes other than as prescribed by Part 192, then either the edition specified in the reference chain, or if not specified, the edition that would have been in effect on the effective date of the referential standard, is the appropriate referent standard.

Question 2 asks if either edition may be used when the specified edition of a referent standard incorporated through a chain of references differs from the edition referenced in Appendix A.

Answer: No, only one is applicable as determined by the foregoing criteria.

In Question 3 the circumstances are similar, except that the referent standard is not referenced in Appendix A, and you ask if a later edition than that which is specified may be used.

Answer: No, because the later standard has not been subject to necessary rule-making procedures. Criteria set forth in paragraph (b) above applies to this determination.

Question 4 is similar to Question 3, except that the edition of the referent standard incorporated through a chain of references is not specified by the referential standard but is referenced in Appendix A, and asks if a later edition than that which is specified in Appendix A may be used.

Answer: In accordance with the criteria, if the standard referenced in both Appendix A and a reference chain is applicable for the same purpose, then the edition referenced in Appendix A must be used, and the answer to your question is "no." If, however, a reference chain incorporates a standard for prescribing requirements which are not applicable to the regulations of Part 192, then the reference standard must be a particular edition, which may be either an earlier or later edition than that referenced in Appendix A, as determined by the criteria.

Question 5 asks when a standard referenced in Appendix A successively incorporates a standard which in turn incorporates another standard and referent standards are neither specified by edition nor referenced in Appendix A, what criteria should an operator use in determining the applicable edition?

Answer: The criteria requested is presented earlier. Determination of the appropriate edition of the referent standard is accordingly dependent on applicability and not necessarily on being referenced in Appendix A.

Question 6 asks if addenda or revisions to the applicable edition of a standard may be used.

Answer: Concordant with the answer to Question 3, such modifications may not be used unless specifically incorporated by reference.

We trust this satisfactorily answers your questions and thank you for your interest in pipeline safety.

Sincerely,

Cesar DeLeon
Acting Director
Office of Pipeline
Safety Operations

April 28, 1976

Mr. Cesar DeLeon, Acting Director
Office of Pipeline Safety Operations
Material Transportation Bureau
Department of Transportation
Washington, D.C. 20590

Dear Mr. DeLeon:

Northwest Pipeline Corporation is preparing plans for the installation of additional LNG facilities at its plant near Plymouth, Washington. Bid proposals for major items of equipment are being drafted at the present time. The new facilities are scheduled to be placed in service in the last quarter of 1978.

We have questions concerning the appropriate editions of standards for design and construction of the facilities. These questions arise when trying to coordinate the standards incorporated by reference in the various applicable documents.

Although the comments issued with Amendment 10 to Part 192 do furnish insight, we need further clarification of the requirements. These clarifications might permit the use of the latest available materials and technology while providing assurance of compliance to the fullest possible extent. Consultants, contractors, and fabricators usually use the latest published editions of standards. The clarification we request below will establish a firm basis for our dealing with them.

The following case illustrations and requests for interpretations are respectfully submitted for satisfying those purposes:

1. Citation: Amendment 192-22 amends Appendix A to Part 192 by incorporating the 1972 edition of NFPA 59A. NFPA 59A has been published in a later edition (1975).

 Question: Is there any likelihood of an amendment incorporating the 1975 edition of NFPA 59A in the near future?

2. Citation: Appendix A to Part 192 (Amendment 192-22) incorporates by reference Sections VIII and IX of the ASME Boiler and Pressure Vessel Code (1974 edition). The 1972 edition of NFPA 59A lists the ASME Boiler and Pressure Vessel Code (1971 edition) under heading of "Definitions" (Section 12).

Question: When a standard incorporated by reference in Appendix A to Part 192 in turn incorporates another standards document by a specific edition, and that document is also incorporated in Appendix A to Part 192 but by a different edition, may an operator use either edition of the standard for the design and construction of LNG facilities?

3. Citation: NFPA 59A (1972 edition) references the 1966 edition of ANSI B31.3 in the text of the document (Paragraph 600). ANSI B31.3 is not incorporated by reference in Appendix A to Part 192. ANSI B31.3 has been published in a later edition (1973).

Question: When a standard incorporated by reference in Appendix A to Part 192 in turn incorporates another standards document by a specific edition, and that document is not incorporated by reference in Appendix A to Part 192, may an operator use an edition that is later than the specified edition for the design and construction of LNG facilities?

4. Citation: NFPA 58 (1972 edition) and NFPA 59 (1968 edition) are incorporated by reference in Appendix A to Part 192. NFPA 59A (1972 edition) also incorporates both documents, but does not specify the edition. Both documents have been published in a later edition (1974).

Question: When a standard incorporated by reference in Appendix A to Part 192 in turn incorporates another standards document but does not specify the edition, and that document is incorporated in Appendix A to Part 192, may an operator use an edition later than the edition specified in Appendix A to Part 192 for the design and construction of LNG facilities?

5. Citation: Eleven NFPA standards are incorporated in NFPA 59A (1972 edition) without reference to an edition. The edition of API Standard 620 incorporated by reference in NFPA 59A (1972 edition) is not specified. ANSI B96.1 is incorporated by reference in Supplement No. 1 to the fifth edition of API Standard 620, but the edition is not specified. With the exception of three of the NFPA standards, none of the referenced documents are incorporated in Appendix A to Part 192.

Question: When a standard incorporated by reference in Appendix A to Part 192 in turn incorporates another standards document, and, in some

cases, that document in turn incorporates another standard document, but in neither case are the applicable editions specified nor are the documents incorporated in Appendix A to Part 192, what criteria should an operator use in determining the applicable edition for the design and construction of LNG facilities?

6. Citation: Addenda to the 1974 edition of the ASME Code have been published. Appendix A to Part 192 does not reference the addenda.

Question: May an operator use addenda or interim revisions to the applicable edition of a standard for the design and construction of LNG facilities?

Thank your for consideration of our questions.

Sincerely,

John M. Viehweg
Chief Engineer