

February 5, 1993

Mr. Chris Bourne
The Commonwealth of Massachusetts
Department of Public Utilities
Leverett Saltonstall Building
Government Center
100 Cambridge Street
Boston, MA 02202

Dear Mr. Bourne:

This responds to your letter of January 22, 1993. As we discussed over the phone on January 12, 1993, if a state waiver regarding an LNG mobile facility is granted, it should be granted to the operator using the LNG mobile facility. The waiver should identify the distribution systems where the LNG mobile facilities will be used; state conditions that may be placed on the use of these LNG mobile facilities; and indicate why the waiver will not compromise pipeline safety.

A waiver request by an interstate pipeline would have to be made to our office, and, if we are disposed to granting the waiver, we would publish the waiver request in the Federal Register and request and evaluate comments before granting the waiver. This process takes a few months.

As we discussed, by the Natural Gas Pipeline Safety Act allows this office 60 days to object to a state agency waiver, but we intend to act expeditiously and plan to make a decision on the waiver within three days. Accordingly, the state agency waiver should be made effective in 60 days unless approved at an earlier time.

The following respond specifically to your questions in the order enumerated in your letter:

1. Yes, if the LNG mobile pipeline unit is connected to piping owned by an intrastate operator, the unit is under the jurisdiction of the State agency. If it is connected to piping owned by an interstate operator, it is under the jurisdiction of RSPA.
2. Yes, a State agency may grant waivers that are not a site or unit specific, but must identify the operator.
3. A state agency may grant a waiver for an unlimited period, if appropriate conditions are placed on the use of the LNG facility.

4. The state agency should place appropriate conditions, such as fire protection, security, personnel qualification, site requirements, etc., on the use of these LNG mobile facilities.
5. Yes, while RSPA has 60 days to approve or deny a waiver, RSPA will approve or deny a waiver regarding LNG mobile facilities within 3 days.

In the meantime, a State agency should exercise judgment in enforcing the regulations when a mobile LNG facility is being used in an emergency to provide gas service.

Sincerely,

Cesar DeLeon
Directory Regulatory Programs
Office of Pipeline Safety