

STAFF'S PROPOSED CHANGES TO THE ARKANSAS GAS PIPELINE CODE

As the result of the need to adopt U.S. Department of Transportation changes to the Pipeline Safety Regulations, 49 CFR Parts 191 and 192, and the need to conform Arkansas regulations to federal law, Staff recommends the following amendments to Part 191 and 192 of the Arkansas Gas Pipeline Code (Code). These changes are listed in sequential order of the code citation with annotations for the origin of the change.

Part 191 – Reports: Incident and Annual

1. Section 191.7 is amended by adding Paragraphs (c), (d), (e), and (f).¹

(a) Each written report required by this part, with the exception of the "Safety-Related Condition Report", will be made to Pipeline Safety Office, Arkansas Public Service Commission, P. O. Box 400, Little Rock, Arkansas 72203-0400. These will be submitted in duplicate.

(b) The Safety-Related Condition Reports required by §§ 191.23 and 191.25 will be submitted directly to: Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U. S. Department of Transportation, the Information Resources Manager, PHP-10, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001. A copy of these reports must be submitted concurrently to the Pipeline Safety Office, Arkansas Public Service Commission.

(c) Except as provided in paragraph (d) of this section, an operator must submit each report required by this part electronically to the Pipeline and Hazardous Materials Safety Administration at <http://portal.phmsa.dot.gov/pipeline> unless an alternative reporting method is authorized in accordance with paragraph (f) of this section.

(d) *Exceptions.* An operator is not required to submit a safety-related condition report (§ 191.25) electronically.

(e) *Safety Related Conditions.* An operator must submit concurrently to the Arkansas Pipeline Safety Office and to PHMSA a safety-related condition report required by §191.23 for intrastate pipeline transportation.

(f) *Alternative Reporting Method.* If electronic reporting imposes an undue burden and hardship, an operator may submit a written request for an alternative reporting method to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, PHP-20, 1200 New Jersey Avenue, SE, Washington, DC 20590. The request must describe the undue burden and hardship. PHMSA will review the request and may authorize, in writing, an alternative reporting method. An authorization will state the period for which it is valid, which may be indefinite. An operator must contact PHMSA at 202-366-8075, or electronically to informationresourcesmanager@dot.gov or make arrangements

for submitting a report that is due after a request for alternative reporting is submitted but before an authorization or denial is received.

2. Section 191.11(b) is amended by consolidating (b)(1) and (b)(2) as follows:³

(b) The annual report required by this section need not be submitted with respect to petroleum gas systems or master meter systems which serve fewer than 100 customers from a single source.

3. Section 191.15 is revised as follows.¹

(a) *Transmission or Gathering.* Each operator of a transmission system or a gathering system subject to the jurisdiction of the Commission, shall submit Department of Transportation Form PHMSA F7100.2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under § 191.5 of this part.

(b) *LNG.* Each operator of a liquefied natural gas plant or facility must submit DOT Form PHMSA F7100.3 as soon as practicable but not more than 30 days after detection of an incident required to be reported under § 191.5 of this part.

(c) *Supplemental Report.* When additional relevant information is obtained after the report is submitted under paragraph (a) or (b) of this section, the operator shall make supplementary reports as soon as practicable and as deemed necessary with a clear reference by date and subject to the original report.

4. Section 191.21 is a new section to read as follows:¹

§ 191.21 OMB control number assigned to information collection.

This section displays the control number assigned by the Office of Management and Budget (OMB) to the information collection requirements in this part. The Paperwork Reduction Act requires agencies to display a current control number assigned by the Director of OMB for each agency information collection requirement.

OMB CONTROL NUMBER 2137-0522

Section of 49 CFR Part 191 where identified	Form No.
191.5	Telephonic.
191.9	PHMSA 7100.1, PHMSA 7100.3.
191.11	PHMSA 7100.1-1, PHMSA 7100.3-1.

191.15	PHMSA 7100.2.
191.17	PHMSA 7100.2-1.
191.22	PHMSA 1000.1.

5. Section 191.22 is a new section to read as follows:¹

§ 191.22 National Registry of Pipeline and LNG operators.

(a) *OPID Request.* Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, LNG plant or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Pipeline and LNG Operators in accordance with § 191.7.

(b) *OPID validation.* An operator who has already been assigned one or more OPID by January 1, 2011, must validate the information associated with each OPID through the National Registry of Pipeline and LNG Operators at <http://portal.phmsa.dot.gov/pipeline>, and correct that information as necessary, no later than June 30, 2012.

(c) *Changes.* Each operator of a gas pipeline, gas pipeline facility, LNG plant or LNG facility must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at <http://portal.phmsa.dot.gov/pipeline> of certain events.

(1) An operator must notify PHMSA of any of the following events not later than 60 days before the event occurs:

(i) Construction or any planned rehabilitation, replacement, modification, upgrade, update, or update of a facility, other than a section of line pipe, that costs \$10 million or more. If 60 day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable;

(ii) Construction of 10 or more miles of a new pipeline; or

(iii) Construction of a new LNG plant or LNG facility.

(2) An operator must notify PHMSA of any of the following events not later than 60 days after the event occurs:

(i) A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this part covering pipeline facilities operated under multiple OPIDs.

(ii) A change in the name of the operator;

(iii) A change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, pipeline facility, or LNG facility;

(iv) The acquisition or divestiture of 50 or more miles of a pipeline or pipeline system subject to Part 192 of this subchapter; or

(v) The acquisition or divestiture of an existing LNG plant or LNG facility subject to Part 193 of this subchapter.

(d) *Reporting.* An operator must use the OPID issued by PHMSA for all reporting requirements covered under this subchapter and for submissions to the National Pipeline Mapping System.

6. Section 191.27 is a new section to read as follows:²

§ 191.27 Status of Leaks.

(a) Each natural gas distribution operator shall submit to the Commission's Pipeline Safety Office twice annually, no later than January 15th and July 15th, of each calendar year, a leak report.

(b) The report shall include a caption identifying the report as "Leak Report" along with the name of the operator filing the report.

(c) Each natural gas distribution operator shall provide on the leak report, the status of all known leaks within its system classified by type of leak, as Class I, II or III.

(d) Each report shall identify and describe the status of each leaks as follows:

- (1) Identification Number for the leak; and
- (2) All known leaks as of the beginning of each six month period; and
- (3) Those reported/found during the six month period; and
- (4) Date leak discovered; and
- (5) The location of each leak, i.e. main, service, riser, meter, regulator station; and
- (6) Those repaired during the six month period with date of repair; and
- (7) Those reported and awaiting repair at the end of the six month period; and
- (8) Pipe type, i.e. coated or bare steel, plastic, cast iron; and
- (9) Leak cause, if known; and

(10) Method of how the utility became aware of the leak, i.e. leak survey, customer notification, operator employee.

(e) The report shall include the signature, full name and title of the utility employee who prepared the report.

(f) The above reporting requirement does not apply to master meter operators.

Part 192 – Minimum Safety Standards - Revised

1. Section 192.3 is a new definition of private line system to read as follows:²

Private Line System means a natural gas pipeline or pipeline system that is not a master meter system; is not owned by, nor the responsibility of a public or municipal utility; is used to transport gas from a public or municipal utility meter to consumers who may or may not be metered; and the gas is not consumed solely by the owner/operator.

2. Section 192.724 is a new section to read as follows:²

§ 192.724 Hazardous Facilities.

(a) If at any time the supplier to a master meter system or private line system becomes aware that the receiving system is experiencing a lost and unaccounted for gas percentage of ten percent (10%) or more, as calculated on a rolling average over the prior year, the supplier may terminate service to the receiving system without delay.

(b) If at any time the supplier to a master meter system or private line system becomes aware that the receiving system has an operating condition which causes it to deliver gas service in an unsafe manner and endanger life or property, the supplier shall terminate service to the receiving system without delay.

(c) Following the termination of service pursuant to (a) or (b) above, the supplier to a master meter system or private line system shall make contact with PSO personnel by telephone or electronic mail within one hour of termination and provide a detailed justification for such termination.

(d) Prior to reconnection of service to a master meter system or private line system that has been terminated pursuant to (a) or (b) above, the supplier shall comply with its reconnection policy.

3. Section 192.951 is revised as follows:¹

An operator must file any report required by this subpart to the Information Resources Manager through the online reporting system provided by PHMSA for electronic reporting in accordance with § 191.7.

Sources of changes to the Arkansas Gas Pipeline Code

1. 49 CFR Parts 191 and 192 Amendment, Nos. 191-21, 192-115 [See U.S. DOT PHMSA Docket Number PHMSA-2008-0291] 75 FR 72905-06, November 26, 2010.
2. Arkansas Public Service Commission, Pipeline Safety Office requested change.
3. Administrative Changes.