STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 12-G-0005 - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material and Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas.

NOTICE OF PROPOSED CONSENSUS RULEMAKING

(Issued February 5, 2013)

NOTICE is hereby given that the Commission is proposing to amend the rules relating to pipeline facilities contained in 16 NYCRR Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Reference Material; and 16 NYCRR Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas. The proposed changes to Part 10 would bring Part 10 incorporated by reference materials up to date with standards incorporated by reference in the Federal Regulations contained in Title 49, Code of Federal Regulations, Part 192, Transportation of Natural Gas (49 CFR Part 192). The proposed changes to Part 255 would incorporate final rulemakings to 49 CFR Part 192 made through June 16, 2011.

Additionally, four minor clarification and technical edits to Part 255 are being proposed. First, the email address in the definition of “Department” is being updated to reflect the current and correct domain name. Second, in 1988, the Commission adopted a complete revision to Part 255 to align Part 255 numbering to that of 49 CFR Part 192 and to conform Part 255 to provisions of 49 CFR Part 192 not already incorporated. Recently, an omission of a reference found in 49 CFR Part 192.475(b)(2) was noted in paragraph 255.475(b)(2). Therefore, an amendment to paragraph 255.475(b)(2) is being proposed to

correct that omission and bring that paragraph into conformance with 49 CFR Part 192.475(b)(2).

The third minor clarification is to section 255.951 which requires reports necessary under to sections 255.901 through 255.951 to be submitted, but to whom is not indicated. Therefore, the phrase “to the Department” is being added to clarify to whom the reports should be submitted to.

The fourth minor clarification is the revision of the definition of excavation damage found in section 255.1003. While the definition, as adopted in Case 10-G-0228, is the same as the one found in Title 16 NYCRR Part 753 and is equivalent to the definition found 49 CFR Part 192, a late comment received in Case 10-G-0228 indicates that there is enough confusion between the two definitions that adopting the Federal language verbatim is necessary in order to assure Part 255 fully conforms 49 CFR Part 192.

Any person wishing to comment should submit them electronically to Secretary@dps.ny.gov. Anyone who cannot submit comments electronically may mail or deliver them to Hon. Jeffrey C. Cohen, Acting Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350, no later than April 8, 2013.

(SIGNED) JEFFREY C. COHEN
Acting Secretary

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

PROPOSED RESOLUTION BY THE COMMISSION

Statutory Authority
Public Service Law, Section 66

CASE 12-G-0005 - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material and Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas.

At a Session of the Public Service Commission held in the City of on , the Commission, by vote of its members present

RESOLVED:

1. That the provisions of Section 202(1) of the State Administrative Procedure Act and Section 101-a (2) of the Executive Law having been complied with, Title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, effective upon publication of a Notice of Adoption in the State Register, by revising Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material, Sections 10.2 and 10.3; and revising Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas; by amending Sections 255.3, 255.65, 255.125, 255.143, 255.145, 255.191, 255.283, 255.383, 255.465, 255.631, 255.711, 255.945, and 255.951 to read as follows (underscoring indicates new material, brackets indicate deletions):

SUBCHAPTER A, General

PART 10
REFERENCED MATERIAL

§10.2 Federal Regulations.

(4) 49 CFR Part 192, *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards* (Revised as of October 1, 20[09]11).

§10.3 Other Information.

(c) The standards referred to in this subdivision are published by and available from the American Petroleum Institute, 1220 L Street, Northwest, Washington, DC 20005. They are available for inspection and copying at the Public Service Commission's Office, Empire State Plaza, Building 3, Albany, NY 12223-1350. The standards referenced in this Title are:

[(1) API Specification 6D/ISO 14313, Specification for Pipeline Valves (23rd edition and errata 1, 2 and 3, [2009];

(2) API Specification 5L/ISO 3183, Specification for Line Pipe (44th edition, 2007), Includes Errata and Addendum (2009);

(3) API Standard 1104, Welding of Pipelines and Related Facilities; (20th edition, Errata/Addendum, [2007] and Errata 2 [2008];

(4) API Recommended Practice 5L1, Recommended Practice for Railroad Transportation of Line Pipe, (6th edition, 2002);

(5) API Recommended Practice 1162 Public Awareness Programs for Pipeline Operators, First edition (December 2003); and

(6) API Recommended Practice 1165, Recommended Practice for Pipeline SCADA Displays, (API RP 1165) (1st edition, January 2007).]

(1) API Specification 5L/ISO 3183, “Specification for Line Pipe” (44th edition, 2007), Includes Errata (January 2009) and Addendum (February 2009);

(2) API Recommended Practice 5L1, “Recommended Practice for Railroad Transportation of Line Pipe,” (6th edition, 2002);

(3) API Recommended Practice 5LW, “Transportation of Line Pipe on Barges and Marine Vessels” (2nd edition, December 1996, effective March 1, 1997);

(4) API Specification 6D/ISO 14313, Specification for Pipeline Valves (23rd edition and errata 1, 2 and 3, [2009];

(5) Reserved;

(6) API Standard 1104, “Welding of Pipelines and Related Facilities” (20th edition, October 2005, errata/addendum, (July 2007) and errata 2 (2008))

(7) API Recommended Practice 1162 “Public Awareness Programs for Pipeline Operators,” (First edition (December 2003)); and

(8) API Recommended Practice 1165, Recommended Practice for Pipeline SCADA Displays, (API RP 1165) (1st edition, January 2007).

(k) The standards referred to in this subdivision are published by and available from the Plastics Pipe Institute, Inc. (PPI), 1825 Connecticut Avenue, NW, Suite 680, Washington, DC 20009. They are available for inspection and copying at the Public Service Commission's Office, Empire State Plaza, Building 3, Albany, NY 12223-1350. The regulations referenced in this Title are:

(1) PPI TR–3/200[0]8 *"Policies and Procedures for Developing Hydrostatic Design Bases (HDB), Pressure Design Bases (PDB), and Minimum Required Strength (MRS) Ratings for Thermoplastic Piping Materials"* Part E only, "Policy for Determining Long Term Strength (LTHS) by Temperature Interpolation)". ([2000]2008 edition)

SUBCHAPTER C, Safety

PART 255
TRANSMISSION AND DISTRIBUTION OF GAS

§255.3 Definitions.
(a) As used in this Part:
(44) Department. For this Part, Department shall mean the Department of Public Service, Office of Electric, Gas and Water, Safety Section, or its successor, 3 Empire State Plaza, Albany, New York 12223-1350, 518-474-5453, [Safety@dps.state.ny.us]Safety@dps.ny.gov.
(49) Active corrosion means continuing corrosion that, unless controlled, could result in a condition that is detrimental to public safety.
(50) Electrical survey means a series of closely spaced pipe-to-soil readings over pipelines which are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline.
(51) Pipeline environment includes soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote corrosive activity, and other known conditions that could affect the probability of active corrosion.

§255.65 Transportation of pipe.
(a) Railroad. In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by railroad unless the transportation is performed in accordance with API RP5Ll, (as described in section 10.3 of this Title).
(b) Ship or barge. In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by ship or barge on both inland and marine waterways unless the transportation is performed in accordance with API Recommended Practice 5LW, (as described in Section 10.3 of this Title).

§255.125 Design of copper pipe.
(a) Copper pipe used in mains must have a minimum wall thickness of 0.065 inches (1.65 millimeters) and must be hard drawn.
(c) Copper pipe used in mains and service lines may not be used at pressures in excess of 100 PSIG (689 kPa).

(d) Copper pipe that does not have an internal corrosion resistant lining may not be used to carry gas that has an average hydrogen sulfide content of more than 0.3 grains per 100 standard cubic feet (2.83 cubic meters) of gas.

§255.143 General requirements.

(a) Each component of a pipeline must be able to withstand operating pressures and other anticipated loadings without impairment of its serviceability with unit stresses equivalent to those allowed for comparable material in pipe in the same location and kind of service. However, if design based upon unit stresses is impractical for a particular component, design may be based upon a pressure rating established by the manufacturer by pressure testing that component or a prototype of the component.

(b) The design and installation of pipeline components and facilities must meet applicable requirements for corrosion control found in this Part.

§255.145 Valves.

(d) No valve having shell (body, bonnet, cover, and/or end flange) components[pressure containing parts] made of ductile iron may be used at pressures exceeding 80 percent of the pressure ratings for comparable steel valves at their listed temperature.

(e) No valve having shell (body, bonnet, cover, and/or end flange) components[pressure containing parts] made of cast iron, malleable iron, or ductile iron may be used in the gas pipe components of compressor stations.

255.191 - Design pressure of plastic fittings

(a) [Thermoplastic]Thermosetting fittings for plastic pipe must conform to ASTM D 251[3]7 (as described in Section 10.3 of this Title).

(b) [Thermosetting]Thermoplastic fittings for plastic pipe must conform to ASTM D251[7]3 (as described in Section 10.3 of this Title).

§255.283 Plastic pipe: Qualifying joining procedures.

(a) Heat fusion, solvent cement, and adhesive joints. Before any written procedure established under subdivision 255.273(b) is used for making plastic pipe joints by a heat fusion, solvent cement, or adhesive method, the procedure must be qualified

by subjecting specimen joints, made according to the procedure, to the following tests.

§255.383 Excess flow valve customer installation.

(c) Reporting. Each operator must[, on an annual basis, report the number of EFVs installed pursuant to section 255.383 as part of] report the EFV measures detailed in the annual report required by 49 CFR 191.11.

§255.465 External corrosion control: Monitoring.

(e) After the initial evaluation required by sections 255.455(b)-(c) and 255.457(b) of this Part, each operator [shall]must, not less than every 3 years at intervals not exceeding [3 years]39 months, reevaluate its unprotected pipelines and cathodically protect them in accordance with this Part in areas in which active corrosion is found. The operator must determine the areas of active corrosion by electrical survey. However, on distribution lines and where an electrical survey is impractical on transmission lines, areas of active corrosion may be determined by other means that include review and analysis of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, and the pipeline environment. [In this section:

(1) action corrosion means continuing corrosion which, unless controlled, could result in a condition that is detrimental to public safety;

(2) electrical survey means a series of closely spaced pipe-to-soil readings over a pipeline that are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline; and

(3) pipeline environment means soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote corrosive activity, and other known conditions that could affect the probability of active corrosion.]

§255.475 - Internal corrosion control: General

(b)

(2) Replacement must be made to the extent required by the applicable requirements of sections 255.485, 255.487 or 255.489.

§255.631 Control room management.

(a) General.

(2) The procedures required by this section must be integrated, as appropriate, with operating and emergency procedures required by sections 255.605 and 255.615. An operator must develop the procedures no later than August 1, 2011 and must implement the procedures [no later than February 1, 2012]according to the following schedule. The procedures required by paragraphs (b), (c)(5), (d)(2) and (d)(3), (f) and (g) of this section must be implemented no later than October 1, 2011. The procedures required by paragraphs (c)(1) through (4), (d)(1), (d)(4), and (e) of this section must be implemented no later than August 1, 2012. The training procedures required by paragraph (h) of the this section must be implemented no later than August 1, 2012, except that any training required by another paragraph of this section must be implemented no later than the deadline for that paragraph.

§255.711 Transmission lines: General requirements for repair procedures.

(a) Temporary repairs. Each operator [shall]must take immediate temporary measures to protect the public whenever:

(1) a leak, imperfection, or damage that impairs its serviceability is found in a segment of steel transmission line, or distribution main operating at 125 PSIG (862 kPa) or more in a Class 3 or 4 location; and

(2) it is not feasible to make a permanent repair at the time of discovery.

(b) [As soon as feasible, the operator shall make permanent repairs.] Permanent repairs. An operator must make permanent repairs on its pipeline system according to the following:

(1) Non integrity management repairs: The operator must make permanent repairs as soon as feasible.

(2) Integrity management repairs: When an operator discovers a condition on a pipeline covered under Subpart O-Gas Transmission Pipeline Integrity Management, the operator must remediate the condition as prescribed by paragraph 255.933(d).

(c) Welded patch. Except a provided in paragraph 255.717(b)(3), no operator may use a welded patch as a means of repair.

TRANSMISSION PIPELINE INTEGRITY MANAGEMENT

§255.901 Scope

§255.945 Measuring program effectiveness.

(a) General. An operator must include in its integrity management program methods to measure[, on a semi-annual basis,] whether the program is effective in assessing and evaluating the integrity of each covered pipeline segment and in protecting the high consequence areas. These measures must include the four overall performance measures specified in ASME/ANSI B31.8S (as described in section 10.3 of this Title), section 9.4, and the specific measures for each identified threat specified in ASME/ANSI B31.8S, Appendix A. An operator must submit the four overall performance measures[, by electronic or other means, on a semi-annual frequency to the Department and OPS in accordance with section 255.951 of this Part. The performance measures must be complete through June 30 and December 31 of each year and must be submitted within 2 months after those dates.] as part of the annual report required by 49 CFR Section 191.17.

§255.951 Reporting requirements.

An operator must submit any [performance] report required by sections 255.901 through 255.951 of this Part to the Department. Such reports must also be submitted to the U.S. Department of Transportation in accordance with 49 CFR section 192.951.

§255.1001 Definitions that apply to sections 255.1003 through 255.1015.

(a) Excavation Damage means any impact that results in the need to repair or replace an underground facility due to a weakening, or the partial or complete destruction, of the facility, including, but not limited to, the protective coating, lateral support, cathodic protection or the housing for the line device or facility.

[(1) Excavation means any operation for the purpose of movement or removal of earth, rock, pavement or other materials in or on the ground by use of mechanized equipment or by blasting, including but not limited to, digging, auguring, backfilling, boring, drilling, grading, plowing in, pulling in, fence post or pile driving, tree root removal, sawcutting, jackhammering,

trenching and tunneling; provided, however, that the following shall not be deemed excavation: the movement of earth by tools manipulated only by human or animal power; the tilling of soil for agricultural purposes; vacuum excavation; and sawcutting and jackhammering in connection with pavement restoration of a previous excavation where only the pavement is involved.

(2) Damage means any destruction or severance of any underground facility or its protective coating, housing or other protective device or any displacement of or removal of support from any underground facility which would necessitate repair of such facility.]