

PI-83-0110

October 31, 1983

Mr. John B. McGowan, Jr.
Vice President, Utilities Material and Controls
Corporation
P.O. Box 991
Paoli, PA 19301

Dear Mr. McGowan:

This is in response to your letter of September 19, 1983, requesting our interpretation of §192.727 of 49 CFR Part 192 relative to the use of your company's expandable polymer plug process for permanent abandonment of a service line.

Our position remains the same as stated in the June 2, 1981, letter of Acting Associate Director Melvin A. Judah. The method would satisfy the requirements of §192.727(d)(2) whenever service to a customer is discontinued. However, use of a plug device without disconnecting the service from the source of gas would not meet the requirements of §192.727(b). We point out, also, that the industry Code ANSI/ASME B31.8 - 1982 and the ASME Guide for Gas Transmission and Distribution Piping Systems - 1983 both state that abandoned lines should be "physically disconnected" or "disconnected" from all sources of gas as the first item listed under "abandonment" or "abandoning" relative to this matter.

As we stated in our letter of July 15, 1981, if you or gas operators wish to request a rule change to permit use of the process for abandonment of gas services, the guidelines in 49 CFR §106.31 would be applicable.

I trust this information will be of assistance to you.

Sincerely,
Richard L. Beam
Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau

September 19, 1983

Mr. Melvin A. Judah
Chief, Technical Division
OPSR/MTB
Research & Special Programs Administration
Department of Transportation
Washington, DC 20590

Dear Mel:

Thank you so much for your time and that of your staff on Friday, September 2, 1983. The meeting was most informative and productive.

As you know, our company is currently developing a process whereby a heat expandable polymer plug will be inserted in a service line, positioned at the second threaded joint of the tee and expanded to permanently shut off gas flow on low pressure services. The pipe would then be internally cut three feet from the basement wall of the dwelling, the stub removed and the wall patched.

Our interpretation of 192.727 is that such a system satisfies the requirements for a permanent abandonment of a service line. You will recall some confusion about what this section provides for service abandonments - it seems to be ambiguous.

Please consider this a formal request for your departments interpretation of this section as it applies to our system for permanent abandonments. Enclosed for your perusal are two of my earlier correspondences with your department concerning this matter.

I anxiously await your response.

Sincerely,
John B. McGowan, Jr.
Vice President

Enclosure

December 30, 1980

Mr. Paul J. Cory
Material Transportation Bureau
Office of Pipeline Safety Operations
U.S. Department of Transportation
400 Seventh Street, SW
Washington, D.C. 20590

Dear Paul:

This letter follows-up our recent telephone conversation concerning accepted and approved methods of permanently abandoning or deactivating the service lines to customers of public gas distribution utilities. -More specifically: Section 192.727-"Abandonment or inactivation of facilities" of the Federal Code.

Our company is currently interested in marketing an internal, heat expandable polymer plug, which would be inserted from the dwelling end of the service, out and expanded into the tee connection at the main. This process would eliminate excavation, which is today one of the greatest costs in a utility maintenance budget.

It is our interpretation that this method would be acceptable under Section (d), Part (2) of 192.727. A number of our clients interpret the code to read that a physical disconnection, i.e.; cutting the service away from the main, is required. As I interpret this section, a physical disconnect is only one of the options which can be followed.

It would be helpful if you could send a written clarification on this question. Please include whether physical disconnection of the service line from the main supply is optional or mandatory [sic].

If you have any questions regarding our systems, please do not hesitate to contact our office.

Thanking you for your attention to this request, I am,

Sincerely,
John B. McGowan
President

Enclosure

June 2, 1981

Mr. John B. McGowan
President, Utilities Material
& Controls Corporation
P.O. Box 991
Paoli, Pennsylvania 19301

Dear Mr. McGowan:

This responds to your recent question regarding 49 CFR §192.727(d)(2).

The method you describe to prevent the flow of gas by the insertion of an expandable plastic device into a service line would satisfy the requirements of §192.727(d)(2). This device may be used whenever service to a customer is discontinued.

The first paragraph of your letter mentions permanently abandoning a service line. To avoid any misunderstanding about the application of the various paragraphs of §192.727, paragraph (b) deals with all pipelines which have been abandoned, and specifically requires a physical disconnect. The use of a plug device without a physical disconnect would not satisfy the requirements of §192.727(b).

Sincerely,
Melvin A. Judah
Acting Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau

June 5, 1981

Mr. Melvin A. Judah
Acting Associate Director
for Pipeline Safety Regulation
Materials Transportation Bureau
Department of Transportation
Washington, D.C. 20590

Dear Mr. Judah:

Regarding the receipt of your letter dated June 2, 1981, in reference to the interpretation of 49 CFR §192.727(d)(2).

As you know, we have developed a new system for the abandonment and/or the disconnection of gas service lines without excavation at the main which, of course, is a major cost to the consumer and the utilities, as well as the general nuisance to the general public. In addition to the general plugging system we have a method to physically disconnect service lines by internally cutting the service, thus rendering it completely separated from the main.

Mr. Robert Langley, of your office, and myself had a lengthy phone conversation in regard to the paragraph §192.727(b), as to where the service line had to be disconnected.

We would very much like to invite you and your people involved in this area to visit our Frazer, Pennsylvania (suburban Philadelphia) laboratory, where we could demonstrate our present system so that your people could get first hand knowledge of how it works.

We feel that our system, which is a new state of art, could be considered for a rule change if the need exists.

We thank you for your letter and hope that you will accept our invitation to visit our facilities.

Best Regards,
John B. McGowan
President

July 15, 1981

Mr. John B. McGowan
President, Utilities Material and Controls
Corporation
P.O. Box 991
Paoli, PA 19301

Dear Mr. McGowan:

This responds to your letter of June 5, 1981, about your system for "abandonment and/or the disconnection of gas service lines" and your kind invitation to our staff to visit your laboratory in Frazer, Pennsylvania.

I am sure that we would find the demonstration of your new system most interesting. Regrettably, because of recent staff depletions and high workload priorities, we will not be able to accept your offer.

If you or the gas operators you supply wish to request a rule change to permit a system as you have described to be used for the abandonment of gas services, we list the following guidelines for proposing rule changes. Of particular importance are the technical facts supporting any change proposed for the safety regulations.

MTB's rulemaking procedures in 49 CFR §106.31, Petitions for rulemaking, state:

(a) Any interested person may petition the Director to establish, amend, or repeal a regulation.

(b) Each petition filed under this section must-

(1) Set forth the tests or substance of the regulation or amendment proposed, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(2) Explain the interest of the petitioner in the action requested; and

(3) Contain any information and arguments available to the petitioner to support the action sought.

By way of advice, the "information and arguments" of (b)(3) above should cover the following points:

- What is the safety problem relating to the action sought?
- Why is the existing rule, or lack of rule, inadequate? Include history or origin of existing safety situation with facts supporting need for change.
- How will the proposed action solve the problem? Why is it the best of alternative solutions to the problem in terms of costs, feasibility, etc.
- State any anticipated benefits (quantify if possible).
- What is the estimated cost, or the savings, of the proposal?

I trust the above information will be of assistance to you.

Sincerely,
Melvin A. Judah

Acting Associate Director
for Pipeline Safety Regulation
Materials Transportation Bureau

November 2, 1983

Mr. Richard L. Beam, Associate Director
Office of Pipeline Safety Regulations
Material Transportation Bureau
Department of Transportation
Washington, D.C. 20590

Dear Mr. Beam:

I recently received a copy of your memorandum dated September 14, 1983, to Robert L. Paullin regarding a request for clarification of Section 192.614(b)(4). I was shocked to learn that this memorandum completely contradicted a position your office took on this matter in June, 1983. This turnaround concerns me greatly because the credibility of the Office of Pipeline Safety Regulation has been seriously questioned by myself and many of my state pipeline safety colleagues. I would expect that any verbal communication of positions would carry the same weight or importance as any written position.

Being a strong supporter of the Federal/State partnership in pipeline safety, I believe we must all work together to accomplish the task of fulfilling our responsibilities under the appropriate Federal and State pipeline safety laws. I would encourage your office to establish procedures to inform interested persons of actions your office intends to take regarding inquiries from those interested people prior to circulating such material throughout the country. This should help ensure that the issue being addressed was completely understood.

I do not believe my June 17, 1983, letter to Mr. Edward Ondak regarding Section 192.614(b)(4) was properly characterized or addressed in your September 14, 1983, answer to Mr. Paullin's request for clarification. I am willing to discuss this matter with you or your staff and if additional information or further clarification is required, I will be pleased to work with you.

I would appreciate your consideration in the matter and will indicate that we are not attempting to weaken the intent of the regulations but are recognizing that damage prevention programs are different from state to state. The Michigan damage prevention legislation (1974 PA 53) and the one call communication system (MISS DIG) is the heart of the damage prevention program in Michigan. This program, together with the cooperation of excavators and various utilities, has operated in an effective and efficient manner and it is my desire to see that continue.

Very truly yours,
Michael J. Kidd, Supervisor
Office of Gas Operations