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This public document was published at a cost of \$4.09 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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Executive Orders

EXECUTIVE ORDER NO. DCT 83-4

WHEREAS, the purpose of this Order is to implement a course of action dedicated to freeze the number of state employees in the Executive Branch of government at the current level and to freeze further expenditures for travel and equipment in every agency without severely reducing state services or creating hardships;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

1) Except as hereinafter authorized, no vacancy occurring after March 30, 1983 for any reason whatsoever shall be filled without express approval of the Governor. Additionally, no expenditures for travel and equipment shall be made without prior approval.

2) The following are exempt from the provisions of paragraph 1:

A. The Department of Corrections, the Department of Health and Human Resources and institutions of higher education, each only insofar as necessary to comply with court orders.

B. A position which must be filled following the occurrence of a vacancy in order to prevent emergencies or serious disruption of services. Agencies shall justify in writing such action to the Governor within 72 hours.

C. Transfers, promotions, or reallocations within a department and between departments which will not in any way increase the aggregate number of employees within the department.

D. The exceptions in paragraph B and C relate only to the necessity to fill vacancies when they occur. In no event are new positions to be created or filled without express approval of the Governor.

E. Expenditures for travel for audit and related personnel engaged in the revenue collection effort of the State.

F. Expenditures for athletic travel for institutions of higher education which have made prior contractual arrangements with other colleges and universities necessitating the travel.

G. Expenditures to replace equipment without which human life or safety would be endangered.

3) Each secretary shall file a report with the Governor on April 30, 1983 and a monthly report thereafter. The first report shall cover the period from March 30, 1983 through April 30, 1983. The reports shall reflect a full accounting of personnel changes within the agency for the period covered. They shall include employment figures at the beginning and end of each period and shall indicate how many vacancies have been filled and have not been filled pursuant to this order. The report shall also include a summary by category of transactions pursuant to the exceptions set forth in paragraphs 2 (A) (E) (F) and (G).

4) Written requests by the departments and agencies to fill vacancies or expend funds for travel and equipment shall be directed to the Governor and shall include justification for the action. To facilitate decisions on the written requests, the Chief Executive Assistant to the Governor is designated to act on behalf of the Governor.

5) Department and agency heads who do not report to secretaries but are in the Executive Branch of government are covered by the provisions of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 25th day of March, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-5

WHEREAS, due to the natural and incidental disasters which have resulted and will continue to result from the torrential rains, high water levels and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, persons and property in and near East Baton Rouge, East Feliciana, Livingston, Jefferson, Orleans, St. Helena, St. Landry, St. Tammany, Tangipahoa, West Baton Rouge, Pointe Coupee, Ascension, St. Charles, West Feliciana, St. Bernard, and Washington parishes are threatened by such disasters; and

WHEREAS, when such conditions exist it is necessary and appropriate, under the constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards and dangers will be decreased and hopefully eliminated; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency and disaster: and

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order and to curtail and reduce the injury and damage to persons and property resulting from catastrophe and disaster, I, DAVID C. TREEN, acting under the authority granted to me and the duties imposed upon me by Article 4, Section 5 (A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended (The Louisiana Disaster Act of 1974), do hereby, and for an indefinite period not to exceed 30 days from this date, order and proclaim that a state of emergency exists in the parishes of East Baton Rouge, East Feliciana, Livingston, Jefferson, Orleans, St. Helena, St. Landry, St. Tammany, Tangipahoa, West Baton Rouge, Pointe Coupee, Ascension, St. Charles, West Feliciana, St. Bernard, and Washington, and that the resources of all of the departments of the State of Louisiana to the extent necessary be utilized in assisting with this emergency.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 7th day of April, A.D., 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Agricultural Commodities Commission

In accordance with the emergency provisions of the Administrative Procedure Act (LSA 49:953 B), notice is hereby given that the Louisiana Agricultural Commodities Commission adopted the following assessments on an emergency basis at its meeting on March 29, 1983, pending adoption of final Rules governing the collection of assessments on agricultural commodities and farm products:

The following assessments shall be collected by licensed grain dealers when commodities are purchased from producers and by licensed warehouses when commodities and farm products are removed from storage:

Rough rice	\$.005 per hundredweight
Rice	\$.005 per hundredweight
Sugar	\$.005 per hundredweight
Corn	\$.003 per bushel
Soybeans	\$.003 per bushel
Oats	\$.003 per bushel
Milo or sorghum	\$.003 per bushel
Wheat	\$.003 per bushel
Cotton	\$.10 per bale, 1st 5,000 bales \$.05 per bale, all over 5,000 bales
Canned/frozen fruits/ juices/vegetables	\$.015 per case/carton
Molasses/syrup	\$.05 per 100 gallons
Oil	\$.10 per 100 gallons
Pecans	
Shelled	\$.01 per 30# carton
Unshelled	\$.20 per 130#
Peppers	
Barrels	\$.24 per barrel
Cisterns	\$.20 per cistern

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed New Rule LAC 11-6:30.37

Pari-mutuel wagering within the enclosure of a licensed association's facility during approved racing dates on horse races held at a race track in another state or country may be permitted by the Commission. The following conditions must be met upon written application by the licensed association to the Commission:

A. The horse race must be of outstanding nature and of interest to a great number of patrons,

B. The horse race must be televised regionally, nationally, or internationally, or by closed-circuit network, so that patrons at the association's facility may view the racing event,

C. The licensed association must submit a written agreement with the host track or association where the race is held.

D. The licensed association must submit written approval by the host racing commission or board,

E. The licensed association must submit written approval by the host track or jurisdiction's horsemen's association,

F. Application to the Commission must be made at least 30 days before the racing event is to be held,

G. Notwithstanding the provisions of paragraph B, failure to receive the live telecast transmission of the race shall not affect wagers made and payoffs thereon.

Upon approval by the Commission of an association's application for pari-mutuel wagering on a racing event fulfilling the above criteria, the association agrees to:

A. Schedule not more than two such other track wagering events per day,

B. Schedule not more than 12 wagering events per day.

C. Accept wagers not more than 36 hours prior to the racing event,

D. Publish in its program the names of the contestants, owners, trainers, jockeys, weights, breeding information, color of silks, and a morning line of odds,

E. Display monies wagered and approximate odds on its tote board; win, place, show, daily double and exacta wagering shall be permitted on such other track racing events. The mutuel pay-off shall be computed on the basis of monies wagered at the licensed association's track on such other track racing events.

W. Ray Vanderhider
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed New Rule LAC 11-6:30.38

A horse race at a licensed association's track may be televised out of state. Pari-mutuel wagering may be permitted on such a race at a race track or entity in another state or country. A written application concerning the details of such a race and its agreements and contracts shall be submitted to the Commission for its approval at least 30 days prior to the racing event. Agreements and contracts shall comply with all applicable laws of the United States (particularly 15 U.S.C. Section 3001 et seq - Interstate Horseracing Act), and the laws of this State.

W. Ray Vanderhider
Chairman

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security has exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953B to amend the policy regarding therapeutic leave days reimbursable under Medicaid for recipients in Intermediate Care Facilities for the Handicapped (ICFs/H) to incorporate provisions for new facilities.

The original Rule establishing this policy was published in the January 20, 1983 *Louisiana Register* (Volume 9, Number 1, page 14) and was amended by a Rule published in this issue of the *Louisiana Register*. This Emergency Rule is necessary as the original Rule did not provide for the establishment of allotment of leave days to new facilities. As the number of leave days is based on the number of certified recipients in the facility as of January 1st of the year, new facilities opening after January 1 would have to wait until the next January 1 to be allotted leave days without implementation of this Emergency Rule. This would imperil the health and welfare of the recipients in these new facilities as they would be deprived of their therapeutic leave days to which they should be entitled.

RULE

Effective April 1, 1983, the number of therapeutic leave days for new facilities which are reimbursable under Title XIX to an allotted number of leave days per facility based on the formula of

80 percent of the number of certified beds multiplied by 25 days for each bed to arrive at the facility's allotment of leave days for the initial year.

The facility's allotment shall be recomputed annually as of January 1 of each year based on the formula of 25 days per recipient multiplied by the number of certified recipients enrolled as of January 1 of each year.

If the number of certified recipients in an Intermediate Care Facility for the Handicapped (ICF/H) increases more than 15 percent in a quarter, an adjustment of the facility's allotment of therapeutic leave days may be requested.

A maximum limit of 50 therapeutic leave days per year for each individual recipient will be eligible for Title XIX reimbursement where permitted by the facility's use of their allotted number of leave days.

Roger P. Guissinger
Secretary

Rules

RULES

Commissioner of Agriculture Advisory Commission on Pesticides

The Commissioner of Agriculture, pursuant to Notice of Intent published in the *Louisiana Register* on March 20, 1983, and in accordance with the authority granted under LSA 3:3203, and upon the recommendations of the Advisory Commission on pesticides under the authority granted to the Commission under LSA 3:3213, has adopted the following Rules and Regulations for the implementation of LSA 3:3201-3280 following a public hearing held before the Commission beginning at 1:00 p.m. on Tuesday, April 5, 1983, at the State Capitol, Baton Rouge, Louisiana:

LOUISIANA DEPARTMENT OF AGRICULTURE
Advisory Commission on Pesticides

RULES AND REGULATIONS
For the Implementation of LSA 3:3201-3280

General Provisions

- 1.0 Authority
- 2.0 Definitions
- 3.0 Operation of the Commission

Registration of Pesticides

- 4.0 Registration of Pesticides
 - 4.1 General provisions
 - 4.2 Standard registrations
 - 4.3 Special registrations

Certification

- 5.0 Examinations of applicators, sales persons, and agricultural consultants
- 6.0 Certification of private applicators
- 7.0 Certification of commercial applicators
- 8.0 Certification of pesticide salespersons
- 9.0 Certification of agricultural consultants

Licensing of Firms

- 10.0 Licensing of Firms
 - 10.1 Owner-Operator
 - 10.2 Pesticide Dealers
 - 10.3 Agricultural Consultants

Pesticide Wastes

- 11.0 Pesticide wastes

Fees

- 12.0 Fees

Application of Pesticides

- 13.0 Application of Pesticides
 - 13.1 General restrictions on pesticides
 - 13.2 Aerial application of pesticides to rights-of-way to control woody vegetation
 - 13.3 Bulk storage of pesticides

Enforcement

- 14.0 Enforcement

1.0 Authority.

1.1 Under the authority of the Louisiana Pesticide Law, R.S. 3:3201, et seq., and in accordance with the provisions in R.S. 49:951, et seq., the commissioner of agriculture adopts the following regulations.

2.0 Definitions.

In addition to the definitions listed below and unless otherwise provided, the definitions in L.R.S. 3:3202 shall apply to these regulations.

- 2.1 "Bulk storage of pesticides" means the storage of any pesticide which is held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.
- 2.2 "Director" means the director of the pesticide commission or his duly authorized representatives acting at his direction.
- 2.3 "District office" means any office of the Department other than the Baton Rouge office.
- 2.4 "Herbicide" means any substance or mixture of substances intended for use in preventing or inhibiting the growth of, killing, or destroying plants and plant parts defined to be pests by the commissioner. The term "herbicide" shall for the purposes of these regulations include a substance or mixture of substances intended for use as a plant growth regulator, defoliant, or desiccant.
- 2.5 "Inorganic arsenicals" means any herbicide containing a compound formed by a reaction between arsenic and any substance which does not contain a carbon-hydrogen (organic) group (radical). Examples are arsenic trioxide, sodium arsenate, and arsenic acid.
- 2.6 "Insecticide" means any substance or mixture of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of; destroying; or repelling any member of the Class Insecta or other allied Classes in the Phylum Arthropoda that is defined as a pest by the commissioner.
- 2.7 "Phenoxy herbicides" means any herbicide as defined above that contains a phenoxy derivative of lower aliphatic acid as an ingredient thereof.
- 2.8 "Public utility" means a business or service which is engaged in regularly supplying the public with a service which is of public consequence and need, such as electricity, gas, water, transportation, or telephone or telegraph service.

3.0 Operation of the Commission.

- 3.1 Filings with the commission. All notices, petitions, documents, or other correspondence to the commission or the commissioner shall be addressed and mailed to:

Louisiana Department of Agriculture
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides
Baton Rouge, LA 70804

- 3.2 Chairman; Presiding Officer. The Chairman shall serve a term of one year or until a successor is elected. In the absence of the Chairman, the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman, the Chairman's duly appointed representative shall preside.
- 3.3 Expulsion. Each member being considered for expulsion and his sponsoring group, if any, shall be notified of the upcoming action at least 15 days before the commission meeting at which the action is to be considered. This notice shall be by certified mail. The commission may excuse an absence of a member.

4.0 Registration of Pesticides

- 4.1 General provisions. No pesticide shall be sold, offered for sale, or distributed in this state without being registered by the manufacturer annually with the Department. This registration shall expire on the last day of December of each year.
- 4.2 Standard Registrations.
- A. Application for registrations shall consist of two types, namely, initial registration and renewal registration. Initial registration application may be filed at any time of the year. Renewal registration application shall be filed by the first day of November each year. Failure to secure renewal of registration by January 1st of each registration year shall result in the assessment of a late fee. Application shall be made on forms prescribed by the commissioner.
- B. Any registration may be denied by the commissioner if he determines that:
- (1) The composition of the pesticide is not sufficient to support the claims made for the pesticide.
 - (2) The label on the pesticide does not comply with state and federal requirements.

- (3) Use of the pesticide may produce unreasonably adverse effects on the environment.
- C. Any pesticides registered in Louisiana must comply with the following:
- (1) Any pesticide sold or offered for sale or distribution must bear a label consistent with the label submitted in the registration application.
 - (2) Each shipping container must bear the lot or batch number of the pesticide.
- 4.3 Special registrations. The commissioner may issue the following registrations:
- A. State experimental use permits. (5f, FIFRA) If the E.P.A. authorizes the commissioner to issue state experimental use permits, the following terms and conditions shall apply:
- (1) Each person wishing to accumulate information necessary to register a pesticide for a special local need in this state shall file 5 copies of an application containing the following information:
 - (a) The manufacturer's name.
 - (b) The name, address and telephone number of the applicant.
 - (c) The proposed date of shipment or proposed shipping period not to exceed one year.
 - (d) The percentage of the active ingredients in the pesticide.
 - (e) The percentage of the inert ingredients of the pesticide.
 - (f) A statement of the approximate quantity to be tested.
 - (g) Available summary of test results on the acute toxicity of the pesticide.
 - (h) A statement of the scope of the proposed experimental program, including:
 - (i) The type of pests or organisms included in the study.
 - (ii) The crops, animals or commodities to be included in the study.

- (iii) The areas of the state in which the study is to be conducted.
 - (iv) The results of any previous tests conducted by the applicant of the pesticide in this or any other state.
- (i) When the pesticide is to be used on food or feed, a temporary tolerance must be obtained from the E.P.A. or evidence that the proposed experiment will not result in injury to man or animals, or in illegal residues entering the food chain.
- (j) The proposed labeling which must bear:
- (i) The prominent statement "For Distribution and Experimental Use Only Within Louisiana" on each container label and any labeling that accompanies the pesticide.
 - (ii) An adequate caution or warning statement to protect those who may handle or be exposed to the pesticide.
 - (iii) The name and address of the manufacturer.
 - (iv) The point of destination of the pesticide.
 - (v) Directions for use.
 - (vi) A statement listing the name and percentage of each active ingredient and the total percentage of inert ingredients.
- (2) After an application has been received, the commissioner shall review it for completeness. If the commissioner determines that an application is not complete, the applicant shall be allowed to submit such subsequent data as required by the commissioner for review. If the commissioner determines that an application is complete, he shall assign the application to an ad hoc advisory committee consisting of:
- (a) Director, Pesticides and Environmental Programs, Louisiana Department of Agriculture, or his designee.
 - (b) Assistant Commissioner, Office of Agricultural and Environmental Sciences, Louisiana Department of Agriculture, or his designee.

- (c) Director, Louisiana Cooperative Extension Service, or his designee.
 - (d) Director, Louisiana Agricultural Experiment Station, or his designee.
 - (e) The member of the Commission who represents the Louisiana Wildlife Federation, or his designee.
- (3) The committee shall consider the application based on the following criteria:
- (a) The applicant's need for the permit in order to accumulate data to support a special local needs registration.
 - (b) That the labeling is complete and correct as required in (A) (1) of this sub-part.
 - (c) That use of the pesticide under the permit will not cause unreasonable adverse effects on the environment.
 - (d) That either the applicant has supplied evidence that a tolerance or exemption from the requirement of a tolerance has been established for residues of the pesticide on such food or feed under Section 408 of the Federal Food, Drug and Cosmetic Act; or that the applicant shall destroy all food or feed crops involved in the project.
- (4) After receiving the recommendations of the committee, the commissioner may: grant the request, in which event he shall prescribe the terms, conditions, and period of time of the permit; or deny the permit.
- (5) The commissioner may revoke a permit if he finds that:
- (a) The terms and conditions of the permit have been violated, or are inadequate to avoid unreasonable adverse effects on the environment.
 - (b) Any required tolerance under the Federal Food, Drug, and Cosmetic Act (12 U.S.C. 301, et seq.) has been revoked by E.P.A. or any exemption from the requirements for tolerance has been withdrawn by E.P.A.

- (c) The permittee or any cooperator has failed to comply with any other federal or state law or regulation concerning state experimental use permits.

B. Special local needs registration (24-C FIFRA)

- (1) Each person wishing to register a pesticide for a special local need in this state shall file five copies of an application containing the following:
 - (a) Name and address of the applicant and any other person whose name will appear on the labeling or in the directions for use.
 - (b) The name of the pesticide product, and, if the application is for an amendment to a federally registered product, the E.P.A. registration number of that product.
 - (c) A copy of proposed labeling, including all claims made for the product as well as directions for its use to meet the special local need, consisting of:
 - (i) For a new product, a copy of the complete proposed labeling; or,
 - (ii) For an additional use of a federally registered product, a copy of proposed supplemental labeling and a copy of the labeling for the federally registered product.
 - (d) The active ingredients of the product, if the application is for a new product registration.
 - (e) The appropriate application fee as required by Part 8.0 of these regulations.
- (2) The issuance or denial of a registration of a pesticide under this section shall be done in accordance with federal regulations. The commissioner may refer this application to an ad hoc committee composed of:
 - (a) Director, Advisory Commission on Pesticides, or his designee.
 - (b) Director, Louisiana Cooperative Extension Service, or his designee.
 - (c) Director, Louisiana Agricultural Experiment Station, or his designee.

- (d) One agricultural consultant.
 - (e) One farmer.
 - (f) Such other members appointed by the commissioner as the commissioner deems necessary.
- (3) The committee shall consider the application based on the following criteria:
- (a) That the labeling is complete and correct.
 - (b) That use of the pesticide under the permit will not cause unreasonable adverse effects on the environment.
 - (c) That there is no other pesticide product registered with E.P.A. for the same use.
 - (d) That no other pesticide product is registered with E.P.A. which would be as safe and as efficacious, under the conditions of use proposed for a special local need.
 - (e) That there is no E.P.A. registered product available.
 - (f) That there is an E.P.A. tolerance established for the product, if it is to be used on a food or a feed crop.
 - (g) That the special local needs application is based on a changed use pattern.
 - (h) That the product shows promise of efficacy for the condition under which it will be used.
 - (i) Such other considerations as the commissioner deems appropriate.
- (4) After receiving the recommendation of the committee, the commissioner may:
- (a) Grant the registration, in which event he may prescribe the terms and conditions of use.
 - (b) Deny the registration.
- (5) The commissioner may amend or revoke a registration if he finds that:
- (a) The terms and conditions of the registration have been violated, or are inadequate to avoid unreasonably adverse effects on the environment.

- (b) Any required tolerance under the Federal Food, Drug, and Cosmetic Act (12 U.S.C. 301, et seq.) has been revoked by E.P.A. or any exemption from the requirements for tolerance has been withdrawn by E.P.A.
- (c) The registrant has failed to comply with any other federal or state law or regulation concerning state experimental use permits.

C. Special Exemptions

- (1) Specific exemption applications shall be completed in accordance with federal requirements after receiving the recommendations of the Director of the Louisiana Cooperative Extension Service or his designee and the Director of the Louisiana Agricultural Experiment Station, or his designee.
- (2) Quarantine-public health exemption. The commissioner may apply to EPA for a quarantine and/or public health exemption to allow the application of a pesticide if the commissioner finds that a foreign pest or a pest not previously known to be established in Louisiana threatens to become established. This application will be completed in accordance with federal requirements.
- (3) Crisis exemption. The commissioner may issue a crisis exemption in accordance with federal regulations for the use of an unregistered pesticide if he finds that:
 - (a) A situation involving the unpredictable outbreak of pests in the state is occurring;
 - (b) There is no readily available pesticide registered for the particular use to eradicate or control the pest; and
 - (c) The time element with respect to the application of the pesticide is so critical that there is no time to request a registration under any other sub-part of this Part.

4.4 Supervision of use. The sale, use, storage, distribution, transportation, or disposal of pesticides registered under this Part shall be subject to the supervision by the Department of Agriculture.

5.0 Examinations of applicators, sales persons, and agricultural consultants.

5.1 The minimum score necessary for successful completion of examinations for certifications under these rules shall be 70 points.

- 5.2 The director, in cooperation with the director of the Cooperative Extension Service or his designee, shall be responsible for the preparation of all examinations.
- 5.3 The director shall be responsible for the administration and grading of all examinations.
- 5.4 Each applicant who fails to receive a passing score on any test in any category or subcategory shall wait a minimum of 10 days before being eligible for re-examination.
- 5.5 No person shall be allowed to take an examination in any category more than three times in a 12 month period.
- 5.6 Louisiana citizens who have failed any examinations under these standards shall not be permitted to receive certification under a reciprocal agreement with another state.
- 5.7 No examinations shall be administered to employees of local, state and federal governments in the district offices.

6.0 Certification of Private Applicators.

- 6.1 Certification for private applicators shall be issued only after the applicant has satisfactorily passed an examination or has satisfactorily completed a training course approved by the commissioner.
- 6.2 Examinations for certification for private applicators of pesticides will be given during office hours upon request of the applicant at Baton Rouge at the office of Pesticides and Environmental Programs; at any District Office of the Department of Agriculture; or at the office of the County Agent in any parish of the State. There shall be no fee for private applicator examinations or certifications.
- 6.3 Each person that has been certified as a private applicator and whose certification has not been revoked or suspended may renew that certification by attending a recertification meeting or passing an examination as designated by the commissioner.

7.0 Certification of Commercial Applicators.

- 7.1 The commissioner hereby establishes the following standards as qualifications required for certification:

- A. Standards applicable to all categories:

- (1) Must be at least 18 years of age or an emancipated minor.

- (2) Must be able to read and write the English language with sufficient proficiency to demonstrate comprehension of label and labeling content and instructions.
- (3) Must submit an application for certification in the form required by the commissioner.
- (4) Must be able to demonstrate knowledge of the principles and practices of pest control and the safe use of pesticides. Applicants must demonstrate these capabilities by successfully completing the general standards examinations.
- (5) Must be able to successfully complete an examination in the specific category in which certification is sought.
- (6) All prior certifications, if any, must be in good standing at the time that the application for any examination is filed.

B. An individual applying for certification in Category 7b or c must have had two years experience in the phase of work for which he is making application. This experience must be substantiated by a notarized statement from the person who was responsible for the activity of the applicant during the time this experience was gained.

7.2 Categories are established on the basis of the location where application of pesticides will be made and each applicant for certification is required to successfully complete an examination in the category in which the applicant desires certification.

A. Certification in a category authorizes the commercial applicator to make application of or supervise the application of restricted use pesticides in the areas listed for each category.

B. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

- (1) Agricultural Pest Control - This category includes commercial applicators using or supervising the use of restricted use pesticides on agricultural lands, grasslands and non-crop agricultural lands.

This category also includes commercial applicators using or supervising the use of restricted use pesticides on animals and to places on or in which animals are confined.

Doctors of Veterinary Medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large scale use of pesticides are included in this category.

- (2) Forest Pest Control - This category has been subdivided into the following three subcategories:

- (a) General Forestry. This subcategory includes commercial applicators using or supervising pesticides with restricted use to control pests in the regeneration, management, and production of forest stands.
 - (b) Forest Tree Seed Orchards and Nurseries. This subcategory includes commercial applicators using or supervising the use of restricted use pesticides to control pests and undesirable plants in the production of forest tree seed, seedlings, and cuttings.
 - (c) Wood Processing. This subcategory includes wood or fiber processing firms such as sawmills, veneer plants, plywood plants, wood preservation plants and pulping facilities which use restricted use pesticides in the manufacturing process of wood products.
- (3) Ornamental and Turf Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.
 - (4) Seed Treatment. This category includes commercial applicators using or supervising the use of restricted use pesticides on seeds.
 - (5) Aquatic Pest Control. This category includes commercial applicators using or supervising the use of any restricted use pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in category 8 below.
 - (6) Right-of-way Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way or other similar areas.
 - (7) Industrial, Institutional, Structural and Health Related Pest Control. This category includes commercial applicators and non-fee commercial applicators using or supervising the use of pesticides with restricted uses in, on or around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private; and for the protection of stored, processed or manufactured products.

This category has been subdivided into three subcategories:

- (a) Subcategory 7a is for pest control operators who are or will be certified and licensed by the Structural Pest Control Commission. The commissioner hereby delegates to the Structural Pest Control Commission the authority to examine and certify all persons in this subcategory. The commissioner hereby delegates to the Structural Pest Control Commission the authority to enforce all federal and state laws and regulations as they apply to persons certified under this subcategory.
 - (b) Subcategory 7b is for applicators who apply or supervise the application of restricted use pesticides on a non-fee basis in, on or around institutions, motels, apartment houses, hotels, schools, hospitals and like places as the owner or in the employ of the owner.
 - (c) Subcategory 7c is for applicators who apply or supervise the application of restricted use pesticides on a non-fee basis in, on or around commercial grain elevators and other grain handling establishments, feed mills, flour mills, food processing plants and other places where processed or unprocessed foods are stored, as the owner or in the employ of the owner.
- (8) Public Health Pest Control. This category is for State, Federal or other governmental employees using or supervising the use of pesticides with restricted uses in public health programs for the management and control of pests having medical and public health importance.

This category has been subdivided into three subcategories:

- (a) Mosquito Control. This subcategory is for government employees who are applicators in organized mosquito abatement districts.
- (b) Rodent Control. This subcategory is for government employees who are applicators in rodent control programs.
- (c) Community Public Health. This subcategory is for government employees who are applicators concerned with the control of all of the arthropods and rodents of public health importance.

(9) Regulatory Pest Control. This category includes State, Federal or other governmental employees using or supervising the use of pesticides with restricted uses in the control of regulated pests.

(10) Demonstration and Research Pest Control. This category includes:

(a) individuals who demonstrate to the public the proper use and techniques of application of pesticides with restricted uses or supervise such demonstrations and persons conducting field research with pesticides, and in doing so, use or supervise the use of pesticides with restricted uses.

(b) This category has been subdivided into eight subcategories.

(i) Agricultural Pest Control

(ii) Forest Pest Control

(iii) Ornamental and Turf Pest Control

(iv) Seed Treatment

(v) Aquatic Pest Control

(vi) Right-of-way Pest Control

(vii) Industrial, Institutional, Structural and Health Related Pest Control

(viii) Public Health Pest Control

7.3 In addition to a determination of competence in a specific category or subcategory, each commercial applicator shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides. In order to meet this requirement, each commercial applicator, at the time of initial certification in at least one or more categories, must take a general standards exam.

7.4 Examinations for certification for commercial applicators will be given upon request of the applicant at Baton Rouge at the Office of Pesticides and Environmental Programs or in any District Office of the Department of Agriculture during office hours. Request for exams in District Offices must be made seven days in advance.

7.5 Each person that has been certified in any category or subcategory as a commercial applicator, and whose certification has not been revoked or suspended, may renew

that certification by attending a recertification meeting or training course for that category as designated by the commissioner.

7.6 The commissioner shall issue a certification card to each commercial applicator showing the categories or subcategories in which the applicator is certified. This certification card shall expire on the 31st day of December of each year. Each person wishing to renew a certification card shall do so by submitting an application form prescribed by the commissioner and by submitting the proper fee.

7.7 Each person who is certified as a commercial applicator need not be certified as a private applicator or a pesticide salesperson to apply or supervise the application of any restricted use pesticide as a private applicator or sell or supervise the sale of restricted use pesticides.

8.0 Certification of Pesticide Salespersons.

8.1 Examinations for certification for pesticide salespersons will be given upon request of the applicant at Baton Rouge at the office of Pesticides and Environmental Programs, at any District Office of the Department of Agriculture or at the office of the County Agent in any parish of the State during office hours. Each person that has been certified as a pesticide salesperson and whose certification has not been revoked or suspended may renew that certification by attending a recertification meeting as designated by the commissioner. The commissioner shall issue a certification card to each pesticides salesperson. This card shall expire on the 31st day of December of each year. Each person wishing to renew a certification card shall do so by submitting an application form and the proper fee as prescribed by the commissioner.

8.2 No pesticide salesperson shall sell or distribute any restricted use pesticide to any person who does not hold a valid certification card.

9.0 Certification of Agricultural Consultants.

9.1 The agricultural consultant application experience requirements shall be substantiated by a notarized statement from the person who was responsible for the applicant during the time this experience was gained.

9.2 Each application for an agricultural consultant's examination shall be reviewed by an ad hoc committee appointed by the chairman of the commission. The committee shall consider the application and make its recommendation to the commission.

9.3 Each application for an agricultural consultant's examination shall be approved by the commission before an examination is administered. Examinations for agricultural consultants shall only be administered in Baton Rouge at the office of Pesticides and Environmental Programs during office hours and shall be administered only after payment of the proper fee.

9.4 Certification of Agricultural Consultants.

A. Certification in a category authorizes the agricultural consultant to make recommendations in the areas listed for each category.

B. Applicants for certification as agricultural consultants shall elect to be examined in one or more of the following categories:

(1) Control of insects, mites, nematodes, or other invertebrates.

(a) Agricultural Entomology - making recommendations for the control of pests of agronomic crops, especially cotton, rice, soybeans, sugarcane, vegetables, pasture and forage, and grain crops.

(b) Forest Entomology - making recommendations for the control of forest plants.

(c) Household, Structural and Industrial Entomology - making recommendations for the control of household pests, structural and industrial pests (such as termites, in stores, warehouses and transportation facilities).

(d) Medical, Veterinary and Public Health Entomology - making recommendations for control of arthropods affecting man and animals.

(e) Orchard and Nut Tree Entomology - making recommendations for the control of orchard pests.

(f) Ornamental Entomology - making recommendations for the control of pests of ornamentals, lawns, turf and shade trees.

(2) Control of plant pathogens.

(a) Agricultural plant pathology - making recommendations for the control of diseases of agronomic crops, especially sugarcane, cotton, rice, soybeans and home garden plants.

(b) Turf, Ornamental, Shade-tree and Floral plant pathology - making recommendations for the control of diseases of turf, ornamentals, shade-trees and floral plants. Also includes greenhouse and nursery plant disease control.

- (c) Forest pathology - making recommendations for the control of diseases of trees in plantations, nurseries and managed or unmanaged forests wherein the principal value lies in the production of wood fiber.
 - (d) Orchard pathology - making recommendations for the control of diseases of wood vines and trees wherein the principal value lies in the production of fruits or nuts.
- (3) Control of weeds.
- (a) Agricultural weed control - making recommendations for the control of weeds and grasses in field crops, vegetable crops, pastures and rangeland.
 - (b) Turf, Ornamental and Shade-tree weed control - making recommendations for the control of weeds and grasses in ornamentals, turf areas, cemeteries and other similar areas.
 - (c) Forest weed control, Right-of-way and Industrial weed control - making recommendations for the control of weeds and grasses in forest lands and on rights-of-way and in industrial and commercial sites.
 - (d) Aquatic weed control - making recommendations for the control of weeds and grasses in and around the edges of lakes, ponds, streams and other bodies of water.
- (4) Soil management.

9.5 Each person that has been certified as an agricultural consultant and whose certification has not been revoked or suspended may renew that certification by attending a recertification meeting as designated by the commissioner.

9.6 The commissioner shall issue a certification card to each agricultural consultant showing the categories in which the consultant is certified. This certification card shall expire on the 31st day of December of each year. Each person wishing to renew a certification card shall do so by submitting an application form and the proper fee as designated by the commissioner.

9.7 Each person who is certified as an agricultural consultant, upon application to the commissioner, shall be certified as a: commercial applicator in the demonstration and research category; private applicator; or pesticide salesperson without further examination.

9.8 The persons exempted by L.R.S. 3:3246(I) are exempt from these regulations.

10.0 Licensing of Firms.

10.1 Owner-Operator

- A. Each applicant for an owner-operator license shall: submit an application form as prescribed by the commissioner; provide and maintain proof of financial responsibility as required by L.R.S. 3:3243C, or L.R.S. 3:3243D and paragraph B of this subpart; submit the appropriate license fee; and be certified as a commercial applicator, or employ a person certified as a commercial applicator. Owner-operator licenses shall expire on the 31st day of December of each year. License renewal applications shall be made in the same manner as initial license applications.
- B. If an owner-operator wishes to obtain liability insurance in lieu of the surety bond, the insurance shall be written by an insurance company approved by the commissioner. Each person who suffers damages caused by any action of an owner-operator in connection with any application of a pesticide may sue on the insurance policy in any court of competent jurisdiction to recover the damage. Such insurance shall not be cancelled without 30 days prior written notice to the commissioner.
- C. All mechanically powered equipment inspections must be requested and completed by the 31st day of May of each year or within 30 days after the equipment is used to apply any pesticide. All decals shall expire on the 31st day of December of each year.
 - (1) The commissioner shall determine that the following systems or controls are operating properly before issuing a decal for each aircraft operated by an owner-operator:
 - (a) The hopper shall be free of leaks.
 - (b) The valves shall provide positive shut off.
 - (c) The emergency dump, if present on aircraft, shall provide positive shut off.
 - (d) The booms, nozzles, and hose fittings shall be free of leaks.
 - (e) The distance between the outermost nozzles on the boom of a fixed wing aircraft shall not be more than 90% of the wing span of the aircraft. The boom on a rotary-winged aircraft may not exceed the rotor diameter unless distance on a specific aircraft does not constitute a safety hazard.
 - (f) There shall be a main fluid filter between main tank and boom system.

- (g) All equipment shall be equipped with a properly functioning pressure gauge.
- (2) The commissioner shall determine that the following systems or controls are operating properly before issuing a decal for each mechanically powered ground pesticide application equipment operated by an owner-operator.
 - (a) The hopper shall be free of leaks.
 - (b) All valves shall provide positive shut off.
 - (c) The booms, nozzles, and hose fittings shall be free of leaks.
- D. No decals shall be issued to any owner-operator who does not hold a valid owner-operator license.
- E. In addition to the record keeping requirements of L.R.S. 3:3243F, each owner-operator must comply with the following requirements:
 - (1) Separate records must be maintained, on an individual basis, for each certified applicator employed by the owner-operator.
 - (2) Listings of pesticides applied by each certified applicator must indicate the crops to which each pesticide is applied.
 - (3) All records must include the name of the person for whom each application of pesticides is made.
 - (4) All records must be maintained for a period of two years.

10.2 Pesticide Dealers

All pesticide dealer licenses shall expire on the 31st day of December of each year. The application for pesticide dealer license shall consist of a form prescribed by the commissioner and the proper fee. No dealer shall sell or distribute or allow the sale or distribution of any restricted use pesticide to any person unless that person holds a valid certification card.

10.3 Agricultural Consultants.

- A. Each applicant for an agricultural consultants license shall: apply to the commissioner on a form prescribed by the commissioner; be certified as an agricultural consultant or employ an agricultural consultant; and submit the appropriate license fee. Agricultural consultant licenses shall expire on the 31st day of December of each year. License renewal applications shall be made in the same manner as initial license applications.

11.0 Pesticide Wastes

11.1 Filing of Notification and Application.

- A. Any covered person who generates pesticide wastes must file a notification and permit application with the Division of Pesticide Waste Control in Baton Rouge by June 30, 1983.
- B. Each covered person must complete the notification/permit application form provided by the Division. Each applicant must submit the completed notification/permit application form, in triplicate, to the Division in Baton Rouge by June 30, 1983.
- C. Any person who submitted a notification/permit application may withdraw said form upon providing adequate proof to the Division that said person is not a covered person or that said covered person's business does not involve pesticide waste generation.

12.0 Fees

12.1 The fees for items covered by these regulations shall be as follows:

- A. Registration of pesticides-----\$15.00
- B. Late charge for registration of pesticides----\$50.00
- C. License Fee-----\$25.00
- D. Equipment Inspection Fee (Each Item)-----\$10.00
- E. Field Scout Registration Fee-----\$ 5.00
- F. Certification Fee-----\$ 5.00
- G. Examination Fee (In the Baton Rouge Office)---\$ 5.00
- H. Examination Fee (In the District Offices)-----\$15.00
- I. Certification Card Renewal Fee-----\$ 5.00

13.0 Application of Pesticides

13.1 General Restrictions on Pesticides.

- A. Pesticides that are not registered with the Louisiana Department of Agriculture shall not be applied within this state.

- B. Ester compounds of phenoxy herbicides containing an aliphatic alcohol radical with less than six carbon atoms shall not be applied in this state.
- C. The applicaiton of the following herbicides shall be restricted as set out in paragraphs D and E of this sub-part.

CHEMICAL NAME	COMMON NAME
4-amino-3,5,6-trichloro-picolinic acid	picloram
arsenic trioxide	
3-chlorophenoxy-alpha-propionamide	3-CPA
4-chlorophenoxy acetic acid	4-CPA
2,5-dichloro-3-nitrobenzoic acid	dinoben
2,4-dichlorophenoxy acetic acid	2,4-D
4-(2,4-dichlorophenoxy) butyric	2,4-DB
2,3,6-trichlorophenylacetic acid in combination with the dimethylamine salt of 2,4-dichlorophenoxy acetic acid	fenac plus
2, methoxy-3,6-dichlorobenzoic acid	dicamba
2-methyl-4-chlorophenoxy acetic acid	MCPA
4-(2 methyl-4-chlorophenoxy) butyric acid	
2-(2 methyl-4-chlorophenoxy)	2-MCPP
arsenic acid	Arsenic
sodium arsenite	
sodium 2,4-dichlorophenoxy ethyl sulfate	
(2,4,5-trichlorophenoxy) acetic acid	2,4,5-T
2-(2,4,5-trichlorophenoxy) ethyl 2,2-dechlorophropionate	
2-(2,4,5-trichlorophenoxy) propionic	silvex
tris (2,4-dichlorophenoxy ethyl) phosphite	

a mixture of tri-, tetra- and polychlorobenzoic acid

- D. Unless greater restrictions are placed by a product's label, the herbicides in paragraph C of this sub-part shall not be applied at less than the minimum distance set out in this section in the areas listed in paragraph E:

WIND SPEED	MINIMUM DISTANCE FROM CENTER OF SWATH TO SUSCEPTIBLE CROPS	
	<u>Aerial Equipment</u>	<u>Ground Equipment</u>
0-3 mph	1/2 mile downwind 1/2 mile crosswind 50 feet upwind	1/8 mile downwind 1/8 mile crosswind 20 feet upwind
3-6 mph	1 mile downwind 1/2 mile crosswind 50 feet upwind	1/4 mile downwind 1/8 mile crosswind 5 feet upwind
6-10 mph	2 miles downwind 1/2 mile crosswind 50 feet upwind	1/2 mile downwind 1/4 mile crosswind 5 feet upwind
Over 10 mph	Application Prohibited	Application Prohibited

Crosswind shall mean 90 degrees (+ or - 10 degrees) from the flight path or the direction of the application.

- E. The herbicides set out in paragraph D shall not be applied by commercial applicators or owner-operators between March 15 and September 15 of each year in the following parishes without prior written authorization from the commissioner. The parishes of restriction are Avoyelles, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, Ward 7 of DeSoto, East Carroll, Franklin, Grant, LaSalle, Madison, Morehouse, Natchitoches, Ouachita, Ward 2 of Pointe Coupee, Rapides, Red River, Richland, Tensas, Union, Webster, West Carroll, and Ward 7 of Winn.

The herbicides set out in Paragraph C shall not be applied by commercial applicators or owner-operators between March 1 and June 15 in the area of St. John the Baptist and St. James parishes lying between U. S. Highway 61 and the Mississippi River without prior written authorization from the commissioner of agriculture.

Each applicant requesting written authorization from the commissioner must contact the commissioner providing the time, date, chemical, site, location of the proposed application and the name of the person for whom the application is being requested 24 hours prior to proposed date of application.

13.2 Aerial application of pesticides to rights-of-way to control woody vegetation.

- A. This sub-part shall apply only in each parish whose governing authority appears in public hearing before the commission and secures the approval of the commissioner.
- B. Each applicator intending to apply pesticides aerially on any public utility right-of-way to control woody vegetation must notify the office of Pesticides and Environmental Programs, in writing, at least fifteen (15) days prior to the anticipated date of the application. That notice shall contain:

- (1) anticipated dates of application;
- (2) description of the area(s) to be aerially applied;
- (3) a telephone number and address of the applicator's office to which people can alert the applicator to sensitive areas;
- (4) the pesticides to be used in the projects.

- C. Within five (5) days after receipt of notice from an applicator, the Department shall:

- (1) notify the governing authority of any parish which elects to be governed by this regulation.
- (2) make a news release to the media of said parishes.

This notice and news release shall contain all of the information of the scheduled application of pesticides required by paragraph B above and the procedure to be followed in lodging a complaint with the Department.

- D. The governing authority may make other publications of the notice by whatever means considered appropriate by the governing authority. The governing authority shall notify the office of Pesticides and Environmental Programs of the media utilized for notice to the public of the intended application of pesticides.
- E. Applicator shall not make an aerial application of pesticides to control woody vegetation to a utility right-of-way inconsistent with the label of the pesticide being applied.
- F. Before pesticides are applied to rights-of-way to control woody vegetation, the applicator shall fly a reconnaissance flight over the right-of-way to be sprayed.

13.3 Bulk storage of pesticides.

- A. Each person who wishes to install facilities or operate existing facilities engaged in bulk distribution of restricted use pesticides to owner-operators or private applicators in this state shall notify the commissioner of that activity on a form prescribed by the commissioner.
- B. Owner-operators, commercial applicators or private applicators who store pesticides in bulk shall abide by the following condition.
 - (1) Each container for bulk handling shall be labeled with an approved E.P.A. label.
 - (2) Each container shall be provided with suitable sample points to permit withdrawal of official samples by personnel of the Louisiana Department of Agriculture.
 - (3) When containers are charged or recharged, the filling inlet shall be secured or locked in such manner as to prevent tampering with the contents.
 - (4) Official samples drawn from such containers shall be accepted without reservation as being representative of the material delivered to such containers and identified by markings on the container.
 - (5) Adequate provision shall be made in such handling to prevent damage or harm to persons, livestock and crops.
 - (6) Only products registered with the Louisiana Department of Agriculture shall be so handled.
 - (7) Each container shall be thoroughly cleaned out and relabeled before changing the material handled.
 - (8) Except for immediate use, no deliveries shall be made from bulk facilities.

14.0 Enforcement

14.1 Inspections.

- A. When the commissioner believes that a violation of the provisions of these regulations has occurred, the commissioner may apply to the district court for the district in which the alleged violation occurred for a warrant to search the premises in which the alleged violation occurred and to obtain, at no cost to the state, samples of any pesticides or other materials involved in the alleged violation.

B. The commissioner shall have access to any premises where there is reason to believe that pesticides are sold, offered for sale, or held for distribution or application. The commissioner may examine any pesticide and may open any package and take a sample for analysis, at no cost to the state. If requested, the commissioner shall split the sample with the inspected person. Samples shall be taken in accordance with procedures established by the commissioner and shall be submitted to the state chemist for analysis. On completion of the analysis, the report shall be submitted to the manufacturer and the purchaser. If either person questions the validity of the analysis, that person may request in writing that another analysis be performed by a chemist approved by the commissioner. The person requesting the second analysis shall pay the costs of the second analysis.

Bob Odom
Commissioner

RULES
Department of Agriculture
Seed Commission

The Louisiana Department of Agriculture, Seed Commission, pursuant to the authority granted under LSA 3:1433 and in accordance with Notice of Intent published on March 20, 1983, adopted the following amendments to the Louisiana Seed Certification Standards and Louisiana Seed Law Regulations at a public hearing beginning at 10:00 a.m. on Wednesday, April 6, 1983, at the State Capitol, Baton Rouge, Louisiana:

Rules 5.2, 5.3, and 5.5, relative to "Application deadlines", were amended to read as follows:

- 5.2 Onion bulbs and seed, and shallots - March 1
- 5.3 Clover (crimson, red, white), rescue grass, harding grass, vetch, and Irish potatoes - April 1
- 5.5 Okra, watermelon, sweet pototes and sweet potato plants - May 1

Rule 7.0, entitled "Lot of Seed", was amended to read as follows:

7.0 Lot of Seed

- 7.1 The applicant shall assign a specific, unique number or other mark when the seed is conditioned and bagged.
- 7.2 Each container in a given lot of seed shall be marked with the number or other mark assigned to that lot.
- 7.3 Seed lots may be blended if the variety and class are the same.
- 7.4 All seed must be bagged in new bags, unless other types of containers are approved by the Department of Agriculture prior to bagging.

A new Rule 8.6, reading as follows, was added:

8.0 Seed Sampling

* * * * *

8.6 Re-sampling policy

- A. Except in special instances, as described below, only one sample shall be obtained from each certified seed lot:
 - 1. When a certified seed lot fails certification requirements due to physical or mechanical purity factors, such as excess inert matter or weed seed, the seed may be recondi-

tioned if the contaminants are separable. A complete purity analysis and germination test will be required on the reconditioned lot of seed.

2. Should a seed lot fail certified seed germination standards on the first laboratory test, a re-sample for germination test only for that seed lot will be permitted. Only one re-sample per seed lot will be permitted.
 3. Whenever a certified seed lot is divided into sub-lots, both a purity and a germination test will be required for all sub-lots.
 4. The last and most recent laboratory test report for a seed lot shall be the final analysis used to establish the eligibility for certification and will determine the information to be placed on the tag.
- B. A fee of \$10.00 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

The prior Rule 9.0, entitled "Interagency Certification (Out-of-State Seed)", was re-numbered as Rule 14.0, without any change in the Rule title or the substantive content of the Rule, and a new Rule 9.0, entitled "Listing of Certified Seed Conditioning Plants" and reading as follows, was adopted:

9.0 Listing of Certified Seed Conditioning Plants

- 9.1 Seed conditioning plants desiring to be listed in the Department of Agriculture's roster of seed conditioning plants must make a written application for inclusion on the list.
- 9.2 The Department of Agriculture will issue certificates to all seed conditioning plants making application for inclusion on the listing, on an annual basis, each such certificate to expire on June 30th following date of issue.

A new Rule 10.6, reading as follows, was added:

10.0 Tagging

* * * * *

- 10.6 Pretagging - In order to permit seedsmen to bag and label seed in advance of final laboratory reports, certification tags may be issued in advance. Such labels can be pre-issued upon receipt of completed field inspection reports showing that field production standards have been met. The state may grant a waiver on the movement of seed if an acceptable preliminary test is made on the seed lot. If pretagged lots fail laboratory analysis standards, all tags shall be destroyed or returned to the Louisiana Department of Agriculture. Failure to comply with this regulation will result in suspension of future pretag privileges.

Items 28 and 29 of Rule 12.0, entitled "Noxious Weeds", were amended to read as follows:

- 28. Morning Glory (Ipomoea spp.) 18 per lb.
- 29. Wild Poinsettia (Euphorbia heterophylla,
E. dentata) 18 per lb.

The following items were deleted from Rule 12.0:

- 31. Wild Radish (Raphanus raphanistrum) 300 per lb.
- 32. Wild Carrot (Daucus carota) 300 per lb.
- 36. Red Root Pigweed (Amaranthus retroflexus) 300 per lb.

Beginning with Item 30 of Rule 12.0, the remaining items were re-numbered to read as follows:

- 30. Wild Mustard and Wild Turnips (Brassica spp.) 300 per lb.
- 31. Hemp Sesbania (Sesbania exaltata) 300 per lb.
- 32. Teaweed (Sida rhombifolia) 300 per lb.
- 33. Curly Indigo (Aeschynomene virginica) 300 per lb.
- 34. Mexican Weed (Caperonia castaneaefolia) 300 per lb.

Prior Rules 14.0, entitled "Violations", and 15.0, entitled "Penalties; adjudicatory hearing required", were re-numbered as Rules 15.0 and 16.0, respectively, without change in either of the Rule titles or in the substantive content of either of the Rules.

Prior Rules 16.0 through 45.0, containing specific standards for separate crops, were re-numbered as Rules 20.0 through 49.0, respectively, the new numbers being assigned to various crops in the same numerical sequence as in the previous rules, without change in the Rule titles or in the substantive content of the Rules, unless amended post in this document.

A new Rule 21.3, reading as follows, was added:

21.0 Bermuda and Zoysia Grass Seed Certification Standards

21.3 Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure Seed	None	98.0%	98.0%	98.0%
Inert Matter	None	2.0%	2.0%	2.0%
Other Crops	None	.01%	.01%	.25%
Noxious Weeds	None	None	None	None
Other Weeds	None	.01%	.01%	.05%
Germination	None	85.0%	85.0%	85.0%

Rule 22.0 was amended to read as follows:

22.0 Crimson Clover Seed Certification Standards

22.1 Field Standards

Factor	Breeder	Foundation	Registered	Certified
Land requirement	5 yrs.	5 yrs.	3 yrs.	2 yrs.
Isolation	1,000 ft.	1,000 ft.	1,000 ft.	600 ft.
Other varieties	None	None	0.2%	0.5%
Noxious weeds	None	None	None	None

22.2 Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	98.0%	98.0%	98.0%	98.0%
Inert matter	2.0%	2.0%	2.0%	2.0%
Other crops	None	None	45 seed/lb.	90 seed/lb.
Noxious weeds	None	None	None	None
Other weeds	25 seed/lb.	50 seed/lb.	180 seed/lb.	360 seed/lb.
Germination	None	85.0%	85.0%	85.0%

Rule 23.0 was amended to read as follows:

23.0 Louisiana White, Louisiana White S 1, Ladino and Other White Clover Seed Certification Standards

23.1 Field Standards

Factor	Breeder	Foundation	Registered	Certified
Land requirement	5 yrs. ¹	5 yrs. ¹	3 yrs. ¹	2 yrs. ²
Isolation	1,320 ft.	1,320 ft.	660 ft.	330 ft.
Other varieties and/or species that can be dif- ferentiated from the variety be- ing certified	None	None	None	None
Other crops (inseparable)	10 plants per acre	10 plants per acre	50 plants per acre	100 plants per acre

¹ A Foundation and/or Registered field may produce only two successive seed crops following seeding except that each may be reclassified to the next lower class after being harvested for seed for two years. A stand will not be eligible to produce any class of seed after four successive seed crops.

² A certified field on which a stand of perennial plants is maintained may produce a maximum of four successive seed crops following seeding.

23.2 Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	99.0%	98.0%	98.0%	98.0%
Inert matter	1.0%	2.0%	2.0%	2.0%
Other crops	None	None	45 seed/lb.	100 seed/lb.
Other varieties	None	None	None	10 seed/lb.
Other kinds	None	None	45 seed/lb.	90 seed/lb.
Sweet clover	None	None	45 seed/lb.	80 seed/lb.
Other clovers	None	None	None	None
Noxious weeds:				
Bracted plantain				
Buckhorn plantain	None	None	None	None
Other weeds	0.04%	0.04%	0.07%	0.14%
Wild carrot	None	None	None	None
Germination	None	85.0%	85.0%	85.0%

Rule 24.2, relative to Red Clover Seed, was amended to read as follows:

24.2 Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	99.0%	99.0%	99.0%	99.0%
Inert matter	1.0%	1.0%	1.0%	1.0%
Other crops	None	18 seed/lb.	90 seed/lb.	180 seed/lb.
Noxious weeds:				
Dock, Cheat, Darnel, Johnsongrass, Wild Mustard	None	45 seed/lb.	90 seed/lb.	100 seed/lb.
Dodder	None	None	None	None
Other weeds	0.05%	0.15%	0.15%	0.25%
Germination	None	85.0%	85.0%	85.0%

Rules 25.1 and 25.3, relative to Cottonseed, were amended to read as follows:

25.1 Field Standards

Factor	Breeder	Foundation	Registered	Certified
*Isolation		100 ft.	100 ft.	50 ft.
Other varieties & off-type plants	None	None	1 plant per acre	5 plants per acre
Noxious weeds:				
Cocklebur	None	5 plants per acre	8 plants per acre	10 plants per acre
*Fields entered for certification must be isolated at least 600 feet from Sea Island cotton, red leaf cotton, or other cottons which vary greatly in plant characteristics from the variety entered for certification, and at least one-half mile from <u>G. barbadense</u> and inter-specific hybrids involving <u>G. barbadense</u> .				

25.3 Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	99.0%	99.0%	99.0%	99.0%
Inert matter	1.0%	1.0%	1.0%	1.0%
Other crops	None	None	3 seed/lb.	5 seed/lb.
Noxious weeds:				
Cocklebur	None	None	1 seed/2 lbs.	1 seed/2 lbs.
Germination	None	70.0%	70.0%	70.0%

37.1 Conditions governing shipment or movement of Seed Irish Potatoes into Louisiana shall conform to the following:

- A. Seed Irish Potatoes must have passed field and storage seed certification requirements of the proper certifying agency. The tolerances for insects and diseases shall be the same as those set forth in the Louisiana Certified Seed Regulation for Seed Irish Potatoes (Rule 36.0).
- B. Each container of seed moved into, offered for sale, or sold in Louisiana shall have attached thereto an official foundation, registered, or certified seed tag issued by the proper certifying agency in the state of origin.

Rules 38.3, 38.5, and Paragraph B of Rule 38.6, all relative to Seed Sweet Potatoes and Sweet Potato Plants, were amended to read as follows:

38.3 Field Standards

Factor	Foundation	Registered	Certified
Land requirement	2 yr.	2 yr.	1 yr.
*Isolation	20 ft.	20 ft.	20 ft.
Other varieties	None	None	10 plants per acre
Mutations (current season)	5 plants per acre	5 plants per acre	10 plants per acre
Harmful insects:			
Sweet potato weevil (<u>Cylas formicarius</u> Fab. var. <u>ele-ganthus</u> Summers)	None	None	None
Harmful diseases:			
Stem Rot (<u>Fusarium hyperoxsporum</u> f. <u>batatas</u>)	None	None	5 plants per acre
Soil Rot (<u>Actinomyces ipomoea</u>)	70 plants per acre	70 plants per acre	140 plants per acre
Other harmful diseases	None	None	None

*In sweet potato plant certification, the unit of certification shall be a seed bed or seed row, and such unit cannot be divided for the purpose of certification.

38.5 Tuber Standards

Factor	Foundation	Registered	Certified
Off-type (mutations)	0.2%	0.2%	0.5%
Harmful insects:			
Sweet potato weevil (<u>Cylas formicarius</u> Fab. var. <u>ele-ganthus</u> Summers)	None	None	None
Harmful diseases:			
Soil Rot (<u>Actinomyces ipomoea</u>)	2.5%	2.5%	5.0%
Black Rot (<u>Ceratostamella fimbriata</u>)	None	None	None

Scurf (Monilochaetes)



There shall not be more than 10% of sweet potatoes of poor quality and/or poor condition, brought about by internal breakdown, lack of latex, excessive bruising, chilling, or any other factor, and not more than a total of 15% of the foregoing factors that would cause the sweet potatoes to be of poor quality and/or condition.

38.6 Tagging and Certificate Tape

* * * * *

B. Each tag shall contain the following:

1. Kind and variety
2. Year in which grown
3. Grower's name and address

Rule 40.0 was amended to read as follows:

40.0 Small Grain (Oats, Wheat, Rye) Seed Certification Standards

40.1 Field Standards

Factor	Breeder	Foundation	Registered	Certified
Land requirement	1 yr.	1 yr.	1 yr.	1 yr.
Isolation	None	10 ft.	10 ft.	10 ft.
Other crops	None	None	10 plants per acre	30 plants per acre
Other varieties	None	None	10 plants per acre	30 plants per acre
Diseases:				
Loose Smut	None	1.0%	1.0%	1.0%

40.2 Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	98.0%	98.0%	98.0%	97.0%
Inert matter	2.0%	2.0%	2.0%	3.0%
Other crops	None	5 seed/lb.	5 seed/lb.	10 seed/lb.
Other varieties	None	1 seed/lb.	5 seed/lb.	10 seed/lb.
Noxious weeds:				
Johnsongrass	None	None	None	None
Cheat & Darnel	None	6 seed/lb.	6 seed/lb.	12 seed/lb.
Other weeds	None	.01%	.02%	.03%
Germination	None	85.0%	85.0%	85.0%

Rule 44.0 was amended to read as follows:

44.0 Soybean Seed Certification Standards

44.1 Field Standards

Factor	Breeder	Foundation	Registered	Certified
*Land requirement	1 yr.	1 yr.	1 yr.	1 yr.
Isolation		10 ft.	10 ft.	10 ft.
Other varieties	None	None	3 plants per acre	10 plants per acre

44.0 Soybean Seed Certification Standards - Continued

44.1 Field Standards - Continued

Factor	Breeder	Foundation	Registered	Certified
Noxious weeds: Purple Moonflower (<i>Ipomoea turbinata</i>) & Balloon Vine (<i>Cardiospermum halicacabum</i>)	None	None	5 plants per acre	10 plants per acre

*Land requirement will be waived if the previous crop was grown from certified seed of the same variety, or of a variety having different plant pubescence or hilum color from the variety to be certified.

44.2 Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	98.0%	98.0%	98.0%	98.0%
Inert seed	2.0%	2.0%	2.0%	2.0%
Other crops	None	2 seed/lb.	2 seed/lb.	5 seed/lb.
Other varieties	None	2 seed/lb.	2 seed/lb.	5 seed/lb.
Noxious weeds	None	None	None	None
Other weeds	0.05%	10 seed/lb.	10 seed/lb.	10 seed/lb.
Germination	None	80.0%	80.0%	80.0%

Rule 45.0 was amended to read as follows:

45.0 Southern Field Pea (Cowpea) Seed Certification Standards

45.1 Field Standards

Factor	Breeder	Foundation	Registered	Certified
Land requirement	1 yr.	1 yr.	1 yr.	1 yr.
Isolation	None	10 ft.	10 ft.	10 ft.
Other varieties & off-type plants	None	3 plants per acre	3 plants per acre	3 plants per acre

45.3 Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	99.0%	98.0%	98.0%	98.0%
Inert matter	1.0%	2.0%	2.0%	2.0%
Other crops	None	None	None	1 seed/lb.
Other varieties	None	None	None	1 seed/lb.
Noxious weeds	None	None	None	None
Other weeds	None	None	None	1 seed/lb.
Germination	80.0%	80.0%	80.0%	80.0%

A new Rule 50.0, reading as follows, was added:

50.0 Turf Grass Certification Standards

50.1 Field Standards

Factor	Foundation	Registered	Certified
*Land requirement	5 yrs.	1 yr.	1 yr.
Isolation	6 ft.	6 ft.	6 ft.

50.0 Turf Grass Certification Standards - Continued

50.1 Field Standards - Continued

Factor	Foundation	Registered	Certified
Other varieties	None	1 plant per 1000 sq.ft.	3 plants per 1000 sq. ft.
Noxious weeds	None	None	None

*A field entered for certification shall be subject to at least three inspections per year, one during dormancy and two during the active growing period prior to harvest. Harvested sprigs shall be inspected before final certification and issuance of tags on bags or certificate in case of bulk shipments.

50.2 Planting Stock Standards

Factor	Foundation	Registered	Certified
Pure live sprigs containing roots (minimum by count)	90.0%	90.0%	90.0%
Other live plants (maximum by count)	2.0%	2.0%	2.0%
Noxious weeds	None	None	None

A new Rule 51.0, reading as follows, was added:

51.0 Vetch Seed Certification Standards

51.1 Classes of Vetch Seed

A. Non-reseeding varieties

Recognized certified seed classes shall be breeder, foundation, registered, and certified vetch seed.

B. Hard-seeded varieties

Whenever a field of hard-seeded vetch has been established to produce either breeder, foundation, registered, or certified seed, the same certified seed class can be produced from that field as long as it remains in production and meets minimum seed certification standards.

51.2 Field Inspection

Field inspection shall be made at flowering time or before harvest when off-types and varietal mixtures can best be identified.

51.3 Field Standards

Factor	Foundation	Registered	Certified
Land requirement	5 yrs.	3 yrs.	2 yrs.
Isolation			
Self-pollinating varieties	10 ft.	10 ft.	10 ft.
Cross-pollinating varieties	400 ft.	400 ft.	400 ft.
Other varieties & off-types	1 per 1,000	1 per 400	1 per 100
Other crops	1 per 4,000	1 per 2,000	1 per 400
Noxious weeds (inseparable)	None	None	None

51.4 Seed Standards

Factor	Foundation	Registered	Certified
Pure seed	98.0%	98.0%	98.0%
Inert matter	2.0%	2.0%	2.0%
Total other crops	.35%	.75%	1.5%
Noxious weeds	None	None	None
Other weeds	.10%	.25%	.25%
Germination	80.0%	80.0%	80.0%

Rule 46.0, entitled "Repeal of Prior Rules and Regulations of the Seed Commission", was re-numbered as Rule 60.0, without change in the Rule title or the substantive content of the Rule.

The Seed Commission also amended Rule VI of the Louisiana Seed Law Regulations, entitled "List and Limitations of Noxious Weed Seeds", to bring Rule VI of the Louisiana Seed Law Regulations into conformity, in its entirety, with the listing and limitations on noxious weeds contained in Rule 12.0 of the Louisiana Seed Certification Standards as herein amended.

Copies of the complete Louisiana Seed Certification Standards, as herein amended, may be obtained by written, telephone, or personal request from Mr. John Armstrong, State Seed Analyst, Louisiana Department of Agriculture, P. O. Box 18190-B, University Station, Baton Rouge, Louisiana 70893, phone 504/342-5809.

Bob Odom
Commissioner

RULES

Department of Agriculture Structural Pest Control Commission

The Department of Agriculture, Structural Pest Control Commission, in accordance with the authority granted under LSA 40:1261, et seq., and pursuant to Notice of Intent published on March 20, 1983, adopted the following amendments to the Rules and Regulations for Administration of the Structural Pest Control Law (LSA 40:1261-1274) at a public hearing beginning at 1 p.m. on April 7, 1983, at the State Capitol, Baton Rouge, LA:

Rule 3.4, relative to fees for place of business permits, was amended to read as follows:

3.4 The fee for issuance of a permit for operation shall be \$100 for firms which employ two or less employees and \$150 for firms which employ three or more employees.

Rule 3.5, relative to fees for renewal of such permits, was amended to read as follows:

3.5 The fee for renewal of a permit for operation shall be \$100 for firms which employ two or less employees and \$150 for firms which employ three or more employees.

Rule 5.3, relative to examination fees, was amended to read as follows:

5.3 Each applicant for examination shall pay a fee of \$50 at the time of submission of the application, which fee shall be nonrefundable.

Rule 8.0, entitled "Contracts for Termite Control Work", was amended by adding thereto a new Rule 8.6 reading as follows:

8.6 No fee shall be due to the Commission for the first ten termite contracts performed in each fiscal year by a structural pest control operator. The operator must, however, report the performance of the first ten contracts for termite control work in the report required under Rule 8.4 above. The fee established in R.S. 40:1272 is applicable to the eleventh and all subsequent contracts for termite control work in each fiscal year.

Bob Odom
Commissioner

RULES

Department of Commerce Board of Certified Public Accountants

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana pursuant to the authority vested in Section 75 of the Louisiana Revised Statutes, Title 37, Chapter 2, has adopted effective April 1, 1983 the following Rules:

1. LAC 11-9:4 R.S. 37:75 Amends Rule 4.3
2. LAC 11-9:5 R.S. 37:75 Amends Rule 5.5.4
Adopts Rule 5.5.5
Amends by renumbering
former Rules 5.5.5, 5.5.6,
5.5.7 and 5.5.8 to 5.5.6,
5.5.7, 5.5.8, 5.5.9.
3. LAC 11-9:6 R.S. 37:75 Amends Rule 6.1.4 and 6.1.5
4. LAC 11-9:9 R.S. 37:78 Amends Rule 9.1.1
5. LAC 11-9:10 R.S. 37:78 Amends Rule 10.2.1,
10.2.2, 10.2.3
6. LAC 11-9:11 R.S. 37:79 Amends Rule 11.1,
11.2, 11.4, 11.5
Adopts Rule 11.6

7. LAC 11-9:12 R.S. 37:80 Amends Rule 12.4.
Adopts Rule 12.7
8. LAC 11-9:13 R.S. 37:80 Amends Rule 13.1*
9. LAC 11-9:15 R.S. 37:82 Adopts Rule 15.2.1 B,
15.2.2 B, adopts Rule
15.2.6, Amends by
renumbering former Rules
15.2.6, and 15.2.7 to 15.2.7
and 15.2.8

REVISED RULES

4.3 Any meeting may be called by the President or by joint call of at least two of its members, to be held at the principal office of the Board, or at such other place as may be fixed by the Board. Regularly scheduled Board meetings are usually held on the last working day of January, March, July and September.

5.5.4 Solicitation. A licensee shall not by any direct uninvited personal communication solicit an engagement to perform professional services:

A. If the communication would violate Rule 5.5.3 above if it were a public communication; or

B. By the use of coercion, duress, compulsion intimidation, threats, overreaching, or vexatious or harassing conduct; or

C. Where the solicitation is done in-person or by telephone by the licensee or an employee or agent of the licensee.

Any written solicitation shall be subject to the provisions of Rule 5.5.5.

5.5.5 Written Advertisements, Solicitations, and Other Public Communications. A Licensee shall have the right to mail or deliver advertisements, solicitations and other public communications, subject to the following provisions:

A. A licensee shall not mail or deliver any advertisement, solicitation or other public communication if such advertisement, solicitation or other public communication would violate Rule 5.5.3 or Rule 5.5.4 above.

For purposes of these Rules, a public communication shall be deemed to include newsletters, brochures, magazines, books, announcements, notices, reports, notes, journals, letters, cards, inquiries, tapes, recordings and all other written, printed or recorded materials mailed or delivered to one or more addresses who are not clients of the licensee at the time of such mailing or delivery. Materials disseminated only to clients of the licensee shall not be deemed to be a public communication.

5.5.6 Form of Practice. A licensee may practice public accountancy only in a proprietorship, a partnership, or a professional corporation organized in accordance with the Louisiana Professional Accounting Corporations Law or similar law of another state.

5.5.7 Firm name. The name under which a licensee practices public accounting must indicate clearly whether he is an individual practicing in his own name or a named member of a partnership or professional accounting corporation. The words "and Associates" or "and Company" or similar words shall be used only to denote unnamed partner(s) of a partnership or shareholder(s) of a professional accounting corporation. However, names of one or more past partners or shareholders may be included in the firm name of a successor partnership or corporation. Also, a partner or shareholder surviving the death or withdrawal of all other partners or shareholders may continue to practice under the partnership or corporate name for up to two years after becoming a sole practitioner or sole shareholder. No licensee shall allow a person who is not a licensee and who is not in partnership with him or in his employ on a salary, to practice in his name. If a firm is incorporated, words so indicating must appear in or with the firm name each time it is used.

5.5.8 Communications. A CPA shall, when requested, respond to communications from the Board within 30 days of the mailing of such communications by registered or certified mail.

5.5.9 Applicability. All of the Rules of Professional Conduct shall apply to and be observed by licensees. Notwithstanding anything herein to the contrary, they shall also apply to and be observed by CPAs not in public practice, where applicable.

6.1.4 A certified public accountant who wishes to reenter practice after having allowed his license to lapse must present proof, documented in a form satisfactory to the Board, that he has satisfied the requirements for continuing professional education for the preceding period as specified by Rule 6.1.1.

6.1.5 For good cause shown, the Board may at its sole discretion issue a temporary license to an applicant and provide a specified period of time within which to satisfy the required continuing professional education.

9.1.1 Examinations are ordinarily held in May and November of each year. Candidates for these examinations shall file complete application forms. A complete application is one that is properly filled out, including payment of the required examination fee and, if a first-time application, accompanied by all required official transcripts.

Applications for the May examination must be received in the Board's office no later than March 1. Applications for the November examination must be received in the Board's office no later than September 1.

First-time or transfer-of-grades candidates who have not taken their accounting courses in Louisiana must include a copy of the course description(s) of all accounting courses not clearly identified by titles listed in Rule 9.2.2B.

10.2 By Reciprocity

10.2.1 An applicant who has been certified as a public accountant by any state, as defined by R.S. 37:71F, shall be eligible for certification by the Board, provided that:

- A. The applicant possesses a baccalaureate degree;
- B. The applicant has successfully passed the Uniform Certified Public Accountant Examination prepared and graded by the American Institute of Certified Public Accountants;
- C. The application for certification by the Board is made through the state that issued the applicant's original certification;
- D. At the time of the application and consideration thereof by the Board, the certificate issued to the applicant by the state of original certification is in good standing; and
- E. The state that issued the applicant's original certification grants reciprocity certification to public accountants certified by the Board.

10.2.2 The provisions of the above Rule notwithstanding, if an applicant for a reciprocal certificate holds a certificate issued by the state of original certification prior to September 1, 1975 or has been in practice as a certified public accountant for four years in the ten years immediately prior to the date of submitting the application, he will not be required to possess a baccalaureate degree.

10.2.3 Applicants for reciprocal certificates shall not be required to reside or have a place for the regular transaction of business in Louisiana, but shall be required to take the CPA oath.

Complete applications for reciprocal certificates must be received in the Board's office 30 days prior to a regular Board meeting (Rule 4.3).

11.1 Eligibility for Licensing; Experience Requirement. To be eligible for initial licensing, other than upon renewal pursuant to R.S. 37:82, or for reinstatement of licensure which has expired by virtue of nonrenewal, a certified public accountant shall present proof, documented in a form satisfactory to the Board, that he has obtained such professional accounting experience as is prescribed by Rule 11.2 and 11.3 begun and completed within the six years

immediately preceding the date of application for licensing.

11.2 Qualifying Accounting Experience; Nature of Practice.

11.2.1 The professional experience requisite to licensing may be obtained:

A. By full-time employment for a period of two years, as a staff accountant, by a licensed, practicing certified public accountant or by a firm of certified public accountants who are licensed to practice public accounting under the laws of any state;

B. By employment for a period equivalent in the opinion of the Board to employment under 11.2.1A. in the accounting field in industry, business, government, or college teaching, or any combination of such types of employment, provided that such experience is obtained under proper supervision and is of sufficient depth and quality, as defined by Rule 11.4; or

C. By any combination of the types of employment specified in the preceding subparagraphs A and B of this Rule.

11.3 This qualifying accounting experience shall be in public accounting or such other accounting experience as, in the opinion of the Board, is equivalent to the foregoing.

11.4 Equivalent Experience.

11.4.1 In addition to the requirements of Rule 11.2 and 11.3, the professional accounting experience requisite to licensing, if obtained in whole or in part in industry, business, government, or college teaching, must meet the following criteria:

A. The experience must be obtained under proper supervision, which may be evidenced by:

1. Supervision in the application of generally accepted accounting principles by a certified public accountant holding a managerial level one or more positions above the applicant's level.

2. Employment by a firm or organization having its financial statements examined on a periodic basis by independent certified public accountants during the term of the applicant's employment. The applicant must have been responsible for providing information, explaining systems and procedures and/or preparing schedules and analyses.

3. Employment by a governmental agency recognized by the Board as having responsibility and organizational structure for performing auditing and accounting functions.

4. Employment as a full-time teacher of subjects primarily in the accounting discipline, with the rank of assistant professor or above (or comparable positions), for an accredited college or university.

5. Such other forms of supervision as the Board considers adequate.

B. The experience must be of sufficient depth and quality, meeting the following criteria:

1. A level of responsibility shall have been attained which requires the applicant to exercise professional judgment on significant financial accounting and reporting matters.

2. The applicant shall have experience in the areas of financial accounting and reporting which follows generally accepted accounting principles. Additionally, the applicant may have had experience in other technical areas of the accounting profession, such as financial analysis, budget, management information systems, management accounting techniques (cost accounting, financial appraisal of capital expenditures, etc.) or internal auditing.

3. If the applicant's experience is in college teaching, he shall have taught courses for academic credit in at least three different areas of accounting above the introductory or elementary level. Examples of these areas are intermediate accounting, cost or managerial accounting, auditing, accounting systems, advanced problems, and accounting theory.

4. Such other experience of quality and depth as the Board considers adequate.

11.5 Advanced Degree Experience Equivalency. A Master's degree, or a more advanced degree, with a concentration in accounting shall be considered equivalent to one year of experience obtained on the staff of a certified public accountant or firm of certified public accountants. As used herein, concentration in accounting shall mean at least 15 credit hours in accounting courses (auditing, theory, practice, managerial, tax) the contents of which are at a level higher than the contents of the advanced accounting, basic cost accounting, basic income tax accounting, and basic auditing provided for the undergraduate level in Rule 9.2.2B, with at least three of the required 15 credit hours in accounting theory and practice and at least three credit hours in auditing.

11.6 In satisfaction of the experience requirement, the applicant must submit such substantiating written statements and documentation in such form as the Board shall require, from employers or others who have actual knowledge of such facts.

Complete applications must be received in the Board's office 30 days prior to a regular meeting (Rule 4.3.). Written statements confirming an applicant's experience must be submitted with the application. An application received without proper support, or support received without the application, is not acceptable.

12.4 The Board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form and received in the Board's office by the appropriate due date.

12.7 In the event that examination papers are lost, any claim candidates may have against the State Board of Certified Public Accountants of Louisiana, its agents and employees will be limited to the examination fee paid.

Amend Rule 13.1 to substitute for (*)

*Candidates having passed the examination and meeting all other requirements for licensure must submit a complete application on forms prescribed by the Board and accompanied by all required supporting documentation within 30 days after the official release date of examination grades to avoid payment of additional fees. Applications that are incomplete or late are subject to the original license fee.

15.2 Annual Notice of Form of Practice

15.2.1

A. Every certified public accountant who is registered with the Board and who is engaged in the practice of his profession on his behalf shall file annually with the Board a certification that he is practicing as an individual and that there are no partners or associates practicing with him.

B. Firms which do not have offices in Louisiana but which do have Louisiana licensees as partners/shareholders must register the firm in Louisiana.

15.2.2

A. Each firm of certified public accountants which has one or more offices located in Louisiana shall designate a resident licensee to actively supervise each office. One licensee may be so designated for more than one office. If such supervising licensee is not a partner or shareholder, the firm must have at least one partner or shareholder who is a licensee.

B. Each firm of certified public accountants with one or more Louisiana licensees as partners or shareholders which does not have an office located in Louisiana shall designate a licensee to register that firm in Louisiana. The designated licensee shall file those forms, lists, and documents required of a firm maintaining offices in Louisiana as set forth in Rule 15.2.3.

15.2.6 The statement referred to in Rules 15.2.1 and 15.2.2 above shall be accompanied by one legible copy of a compilation, review and audit report issued by the certified public accountant or firm of certified public accountants within the pre-

ceding twelve months of the Annual Notice of Form of Practice. The name of the clients for whom such reports were prepared may be obscured on or deleted from the copies submitted to the Board. The Board may request a copy of the registrant's current Peer Review Report.

15.2.7 An annual filing fee to be set by the Board, based on the total number of partners and/or shareholders in the firm who are not licensed to practice in Louisiana but not to exceed \$15 per partner/shareholder with a maximum of \$2,500 per firm, shall be paid by each firm that files in accordance with the provisions of Rule 15.2.3 above.

15.2.8 A filing fee, calculated in the same manner as the most recent annual filing fee provided in Rule 15.2.7 and prorated for the number of complete months remaining in the year, shall be paid by each firm that files in accordance with the provisions of Rule 15.2.4 above and that did not pay an annual filing fee for the immediately preceding filing period.

R. Wendel Foushee
Secretary

RULE

Department of Commerce Racing Commission LAC 11-6:25.27

The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and extensions thereof. The maximum number of starters shall further be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders, can be afforded a fair and equal start.

An owner of a horse in a stakes race when denied the opportunity of starting because 1) the number of entries exceeds the capacity of the stall gate starting machine and extensions thereof, and 2) when the stewards limit the maximum number of starters, will be entitled to a refund of nomination and/or entry box fee.

In handicap stakes and allowance stakes preference will be given to high weights according to the conditions of the particular race.

W. Ray Vanderhider
Chairman

RULES

Board of Elementary and Secondary Education

Rule 6.00.12.b

The Board adopted a change in Policy #6.00.12.b of the Policy and Procedure Manual regarding employment after age 65 to agree with state and federal statutes as follows:

"It shall be the policy of the Board of Elementary and Secondary Education that any employee of said Board who has attained the age of 70 years shall be separated from service at the beginning of the year succeeding the year in which said employee attained the age of 70.

In any case in which the appointing authority certifies that the continuance in service of the employee who has attained the age of 70 or over would be advantageous to the system by reason of his expert knowledge and qualifications, such employee may be continued in public service by the appointing authority beyond the age of 70 for periods of one year."

James V. Soileau
Executive Director

RULE

Office of the Governor Division of Administration Office of Purchasing

The Office of the Governor, Division of Administration, does hereby adopt the following Rule for Conduct of Hearing to be effective April 20, 1983.

CONDUCT OF HEARING In accordance with the LOUISIANA PROCUREMENT CODE (Revised Statutes: Title 39)

DEFINITIONS

1. **Hearing Officer:** The hearing officer shall be the chief procurement officer or his designee who shall exercise such authority as is granted for the conduct of protests in accordance with the provisions of the Louisiana Procurement Code. (Title 39:1551, et seq., Section 1671B)

2. **Commissioner:** The commissioner is the Commissioner of the Division of Administration.

3. **Aggrieved person:** An aggrieved person is a person who files a written protest in connection with the solicitation or award or the issuance of a written notice of intent to award a contract under the Louisiana Procurement Code and has or may have a pecuniary or other property interest in the award of the contract.

4. **Interested person:** An interested person is any person who has submitted a bid in response to an invitation for bids, a request for proposals, or other solicitation issued under the Louisiana Procurement Code who has or may have a pecuniary or other property interest which may be affected by a determination made in a protest hearing.

5. **Candidate for suspension or debarment:** A candidate for suspension or debarment is a person, who in the opinion of the chief procurement officer has committed an action giving cause for suspension or debarment pursuant to R.S. 39:1672(c).

6. **Contractor:** A contractor is a person who has been awarded a contract.

7. **Party:** A party as used herein, unless the context clearly indicates otherwise, is either a "contractor" or a "candidate for suspension or debarment" or both.

APPLICATION

The following Rules shall apply to all hearings held in accordance with Sections 1601, 1671, 1672, and 1673 of Title 39 of the Louisiana Revised Statutes.

INITIATION OF HEARING

1. **Responsibility of bidders and offerors:** A hearing held to consider the disqualification of a bidder or offeror shall be commenced with the giving of written notice issued by the chief procurement officer, the commissioner or head of a governmental body.

2. **Protest of aggrieved person in connection with the solicitation, award, or issuance of written notice of intent to award:** Any person who is aggrieved in connection with the solicitation, award, or issuance of written notice of intent to award may protest to the chief procurement officer. Protests with respect to a solicitation shall be submitted in writing prior to the opening of bids. Protests with respect to the award of a contract or the issuance of written notice of intent to award a contract shall be submitted in writing within sixty days after bid opening or fourteen days after contract award, whichever is later.

The written protest must state the issue(s) protested. The protest hearing is limited to the issues contained in the written protest unless there is a showing that an issue not mentioned ought

to be examined in order to properly dispose of the matter, or, in the public interest, there is other good ground for consideration of other issues and evidence.

Upon receipt of a written protest in conformity with the preceding paragraph, the chief procurement officer shall cause to issue a written notice to the aggrieved person and shall also, issue a written notice to all interested persons.

3. **Suspensions and debarments:** A hearing for a candidate for suspension or debarment for cause from consideration for award of contracts or a suspension from such consideration during an investigation where there is probable cause for such debarment shall be initiated by issuance of written notice thereof.

4. **Contract and breach of contract controversies:** Hearings on controversies between the state and a contractor based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission shall commence with issuance of written notice by the chief procurement officer on his motion for reasons set forth in the notice or at the request of the contractor communicated in writing to the chief procurement officer and the head of the governmental body of the state utilizing the supplies, services, or major repairs under the contract.

NOTICE

The written notice required to be sent in order to commence a hearing within the foregoing section of these Rules for the adjudicatory hearings provided for to parties, aggrieved persons, or interested persons who do not waive their rights shall include:

A statement of the time, place, and nature of the hearing;

A statement of the legal authority and jurisdiction under which the hearing is to be held;

A reference to the particular sections of the statutes and Rules involved;

A short and plain statement of the matters asserted.

If the chief procurement officer is unable to state the matters in detail at the time notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, the chief procurement officer shall issue a more detailed notice prior to the date set for the hearing.

In addition to the requirements of the notice set forth above, the notice may contain a statement advising all parties, aggrieved persons, or interested persons as applicable that failure to participate in the noticed hearing shall serve to waive any and all further administrative remedies.

Whenever practical, the notice shall be served by return receipt certified mail. Where time or other factors render mail service impractical, the chief procurement officer may effect service by any other means reasonably calculated to communicate the written notice.

HEARING; RECORD

1. **Hearing:** An opportunity shall be afforded all parties, aggrieved persons, or interested persons to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

The hearing officer may, in his discretion, request written views from a governmental body which will be directly affected by the outcome of the adjudicatory hearing and give such weight to the submission as the facts and the law require. A copy of such written submission shall be provided to all parties, aggrieved persons, or interested persons participating in the adjudicatory proceeding.

Informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default.

2. **Record:** The record shall contain:

All pleadings, motions, intermediate rulings;

Evidence received or considered or a resume thereof if not transcribed;

A statement of matters officially noticed except matters so obvious that statement of them would serve no useful purpose;
Offers of proof, objections, and rulings thereon;
Proposed findings and exceptions;
Any decision, opinion, or report by the officer presiding at the hearing.

The hearing officer shall have all proceedings before him recorded electronically and may in his discretion, or shall upon written request of any party, aggrieved person, or interested person, cause to be made a full transcript of said proceedings.

The cost of a transcript shall be paid by the Division of Administration when the hearing officer elects upon his motion to transcribe the proceedings. In such event, any party, aggrieved person, or interested person requesting a copy shall be given a copy upon first paying the actual cost thereof or upon payment of the cost of a portion of the transcript if the request is for a particular portion of the transcript.

The cost of a transcript shall be paid by the party, aggrieved person, or interested person when a transcript is made at their request. Copies requested shall be paid for by the party, aggrieved person, interested person, or the hearing officer as the case may be.

Findings of fact made by the hearing officer shall be based exclusively on the evidence and on matters officially noticed.

RULES OF EVIDENCE; OFFICIAL NOTICE; OATHS AND AFFIRMATIONS; SUBPOENAS; DEPOSITIONS AND DISCOVERY; AND CONFIDENTIAL PRIVILEGED INFORMATION

1. **Rules of evidence:** The hearing officer (a) may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable prudent persons in the conduct of their affairs. He shall give effect to the Rules of privilege recognized by law. He may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties, aggrieved person, or interested persons will not be prejudiced substantially, any part of the evidence may be received in written form. (b) All evidence, including records and documents in the possession of the governmental agency of which the hearing officer desires to avail himself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.

2. **Official notice:** Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within a governmental agency's specialized knowledge. Parties, aggrieved persons, or interested persons shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. A governmental agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

3. **Oaths and affirmations:** The hearing officer shall have the power to administer oaths and affirmations, regulate the course of the hearings, set the time and place for continued hearings, fix the time for filing of briefs and other documents, and direct the parties to appear and confer to consider the simplification of the issues. The hearing officer shall also have authority to raise issues not otherwise raised by persons party to a hearing

where such an issue is pertinent to a proper disposition of the matter.

4. **Subpoenas:** The hearing officer shall have power to sign and issue subpoenas requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence. No subpoena shall be issued until the party, aggrieved person, interested person, or governmental agency who wishes to subpoena the witness first deposits a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party, aggrieved person, interested person, or governmental agency who wishes to subpoena such witness as may be fixed by the hearing officer with reference to the value of the time employed and the degree of learning or skill required. Whenever any person summoned neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the hearing officer may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt.

5. **Depositions and discovery:** The hearing officer, governmental agency, or any party, aggrieved person, or interested person may take the depositions of witnesses, within or without the state, in the same manner as provided by law for the taking of depositions in civil actions in courts of record. Depositions so taken shall be admissible in the record of the hearing. The admission of such depositions may be objected to at the time of hearing and may be received in evidence or excluded from the evidence by hearing officer in accordance with the rules of evidence provided in these Rules.

6. **Confidential and privileged information:** Records and documents, in the possession of a governmental body, the hearing officer, or any officer or employee, including conclusions drawn therefrom which are deemed confidential and privileged shall not be made available for adjudication proceedings and shall not be subject to subpoena by any person or other state or federal agency.

Such records or documents shall only include any private contracts, geological and geophysical information and data, trade secrets and commercial or financial data, which are obtained by an agency through a voluntary agreement between the agency and any person, which said records and documents are designated as confidential and privileged by the parties when obtained, or records and documents which are specifically exempt from disclosure by statute.

DECISIONS AND ORDERS OF THE HEARING OFFICER

If the subject matter of the hearing is not resolved, the hearing officer shall, within fourteen days of the conclusion of a protest hearing, or within a reasonable time of the conclusion of a hearing to determine responsibility, suspension or debarment, or a controversy between the state and a contractor, issue a written decision stating the reasons for the action taken and informing the party, aggrieved person, or interested person of the right to administrative review and thereafter judicial review where applicable.

A copy of the decision or order shall be mailed or otherwise furnished the party, aggrieved person, or interested person immediately.

The decision of the hearing officer shall become final and conclusive unless the decision is fraudulent or the party, aggrieved person, or interested person adversely affected by the decision or order has timely appealed administratively to the commissioner.

The final decision of the hearing officer shall not be subject to the review of the commissioner when the decision is rendered in a proceeding to determine responsibility of a bidder or offeror. Notice of the right to judicial review of the final decision shall accompany service of the final decision.

A bidder or offeror who is disqualified shall have the right to request a rehearing before the hearing officer. This right must be exercised within ten days of the date of receipt of the decision of disqualification. The grounds for rehearing shall be limited to the following:

The decision or order is clearly contrary to the law and the evidence;

The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;

There is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter; or

There is other good ground for further consideration of the issues and the evidence in the public interest.

The request for rehearing on behalf of a bidder or offeror disqualified after hearing on his responsibility shall be in writing and shall set forth the grounds which justify a rehearing. In the event a rehearing is granted by the hearing officer, it shall be confined to the grounds upon which the rehearing was granted.

ADMINISTRATIVE APPEAL TO THE COMMISSIONER

The commissioner shall have authority to review and determine any appeal by a party, aggrieved person or interested person who has intervened in a hearing before the hearing officer from a determination by the hearing officer from an adjudication on a protest of a solicitation, award, or intent to award, a suspension or debarment, or a controversy between the state and a contractor.

1. Scope of appellate review by the commissioner: An appeal to the commissioner authorized by R.S. 39:1681 and the foregoing provision shall be limited to a review of the record of the proceedings before the hearing officer and written briefs submitted by or on behalf of persons who have appealed.

A person seeking review by the commissioner of a decision by the hearing officer may, within the time limitations fixed hereinbelow for appeals, raise by separate written documents: (a) the existence and discovery since hearing of new evidence important to the issues which he could not have with due diligence obtained before or during trial; or (b) the existence of issues not previously considered which ought to be examined in order to properly dispose of the matter. Upon receipt of such separate written document, the commissioner, should he deem the assertions well founded, may either remand the matter to the hearing officer or grant a hearing to consider the assertions himself. In either event, whether the assertions are heard by the hearing officer or the commissioner, the evidence or submissions of said hearing shall be incorporated into the record and considered in the administrative appeal.

2. Appeal of protest hearing: An aggrieved person or an interested person who has participated in the proceedings before the hearing officer appealed from shall file an appeal to the commissioner within seven days of receipt of the decision of the hearing officer. The commissioner shall decide within fourteen days whether the solicitation or award or intent thereof was in accordance with the constitution, statutes, regulations, and the terms and conditions of the solicitation. A copy of the decision of the commissioner on the appeal shall be mailed or otherwise furnished immediately to the aggrieved person or interested person who has appealed or otherwise participated in the appeal from the decision of the hearing officer. The decision of the commission-

er on the appeal shall be final and conclusive unless: (a) the decision is fraudulent; or (b) the person adversely affected by the decision of the commissioner has timely appealed to the court in accordance with R.S. 39:1691(A).

3. Appeal of suspension or debarment hearing: A party shall file his appeal with the commissioner from a suspension or debarment hearing within fourteen days of the receipt of the decision of suspension or debarment from the hearing officer. The commissioner shall decide within fourteen days whether, or the extent to which, the debarment or suspension was in accordance with the constitution, statute, regulations, and the best interests of the state and was fair. A copy of the decision shall be mailed or otherwise furnished immediately to the debarred or suspended person or any other party interviewing. The decision of the commissioner on the appeal shall be final and conclusive unless: (a) the decision is fraudulent; or (b) the debarred or suspended party has timely appealed to the court in accordance with R.S. 39:1691(B). The filing of a petition in the Nineteenth Judicial District Court shall not stay the decision of the Commissioner except as is provided under the section entitled "Procedure Upon Judicial Review" of this Rule.

4. Appeal of contractor controversy: A party shall file his appeal with the commissioner within fourteen days of the receipt of the determination under R.S. 39:1673(C). The commissioner shall decide within fourteen days the contractor or breach of contract controversy. A copy of the decision shall be mailed or otherwise furnished immediately to the contractor. The decision of the commissioner on appeal shall be final and conclusive unless: (a) the decision is fraudulent; or (b) the contractor has timely appealed to the court in accordance with R.S. 39:1691(C). The filing of a petition in the Nineteenth Judicial District Court shall not stay the decision of the Commissioner except as is provided under the section entitled "Procedure Upon Judicial Review" of this Rule.

JUDICIAL APPEAL FROM ADMINISTRATIVE DECISIONS

1. Solicitation and award of contracts: The Nineteenth Judicial District Court shall have exclusive venue over an action between the state and a bidder, offeror, or contractor, prospective or actual, to determine whether a solicitation or award of a contract is in accordance with the constitution, statutes, regulations, and the terms and conditions of the solicitation. Such actions shall extend to all kinds of actions, whether for monetary damages or for declaratory, injunctive, or other equitable relief. Any action under R.S. 39:161(A) shall be commenced within fourteen days after receipt of the decision of the commissioner under R.S. 39:1683(C).

2. Debarment or suspension: The Nineteenth Judicial District Court shall have exclusive venue over an action between the state and a person who is subject to a suspension or debarment proceeding, to determine whether the debarment or suspension is in accordance with the constitution, statute, and regulations. Such actions shall extend to actions for declaratory, injunctive, or other equitable relief. Any action under R.S. 39:1691(B) shall be commenced within six months after receipt of the decision of the commissioner under R.S. 39:1684(C).

3. Actions under contracts or for breach of contract: The Nineteenth Judicial District Court shall have exclusive venue over an action between the state and a contractor who contracts with the state, for any cause of action which arises under or by virtue of the contract, whether the action is on the contract or for a breach of the contract or whether the action is for declaratory, injunctive, or other equitable relief. Any action under R.S. 39:1691(C) shall be commenced within six months after receipt of the decision of the commissioner under R.S. 39:1685(C).

4. Disqualification of bidders or offerors: A bidder or offeror disqualified after a hearing conducted pursuant to R.S.

39:1601 shall have a right of appeal to the Nineteenth Judicial District Court. Any action for review of a hearing conducted pursuant to R.S. 39:1601 shall be commenced within thirty days after receipt of the hearing officer or within thirty days of the receipt of a decision on an application for rehearing.

PROCEDURE UPON JUDICIAL REVIEW

An appeal to the Nineteenth Judicial District Court for review of a decision of the commissioner shall be instituted within the time delays established in the preceding section entitled "Judicial Appeal from Administrative Decisions" by the filing of a petition. An appeal to the decision of a hearing officer in a hearing involving the responsibility of a bidder or offeror shall likewise be filed within the delay provided in the preceding section and shall be instituted by the filing of a petition.

The filing of the petition does not stay enforcement of a decision in proceedings involving responsibility of a bidder or offeror, suspension or debarment, or controversies between the state and a contractor. The commissioner may grant, or the Nineteenth Judicial District Court may order, a stay upon appropriate terms.

The filing of a petition shall stay progress of a solicitation or award of a contract unless the chief procurement officer makes a written determination that the awarding of the contract is necessary without delay to protect the substantial interests of the state. Upon such determination, no court shall enjoin progress under the award except after notice and hearing.

1. **Review:** The review shall be conducted by the Nineteenth Judicial District Court without a jury and shall be confined to the record. In case of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs. There shall be no right of review by a trial de novo.

2. **Judgment on Review:** The court may affirm the decision of the commissioner or chief procurement officer, as the case may be, or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

In violation of constitutional or statutory provisions;

In excess of the statutory authority of the agency;

Made upon lawful procedure;

Affected by other error of law;

Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or

Manifestly erroneous in view of the reliable, probative, and substantial evidence on the whole record. In the application of the Rule, where the agency has the opportunity to judge of the credibility of witnesses by first hand observation of demeanor on the witness stand and the reviewing court does not, due regard shall be given to the agency's determination of credibility issues.

APPEALS
Review of a final judgment of the district court to the Court of Appeal for the First Circuit shall be taken as in other civil cases.

Linda E. Alwood
Assistant Commissioner

RULE

Department of Health and Human Resources Board of Veterinary Medicine

The Louisiana Board of Veterinary Medicine submits herewith a Rule which was adopted pursuant to the authority granted under R.S. 37:1518 (9) and in accordance with the Notice of Intent

published on September 20, 1982, and in accordance with hearings held on October 7, 1982, and February 10, 1983:

Rules adopted pursuant to La. R.S. 37:1518 (9):

The following are hereby declared to be accepted livestock management practices as provided by La. R.S. 37:1514 (3):

(a) The practice of artificial insemination (A.I.) and the impregnation (with frozen embryo) of farm animals to include that performed for a customer service fee or that performed on individually owned animals.

(b) The procedure involving the collection, processing, and freezing of semen from privately owned animals as is commonly carried out by NAAB - CSS approved artificial insemination business organizations.

(c) The carrying out of schools and short courses, teaching A.I. techniques and pregnancy diagnosis to cattlemen, prospective A.I. technicians and university agricultural students by qualified university faculty, cooperative extension service specialists and qualified employees of NAAB - CSS approved A.I. organizations.

Allan C. Allbritton, D.V.M.
President

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security shall adopt a Rule to amend the standard deduction allowed Title XIX recipients of long term care or Home and Community Based Services who have earned income. The proposed standard deduction tracks that currently allowed AFDC recipients under Title IV-A.

RULE

The Medical Assistance Program shall adopt the standard deduction amount specified below for Title XIX recipients of Home and Community Based Services and long term care services (except Intermediate Care Facility for the Handicapped), who have earned income. The appropriate standard deduction amount shall be deducted from the individual's earned income in determining the amount of countable income to be applied towards the recipient's liability income for Title XIX services received.

The standard deduction amounts are:

Number of Hours of Employment	Deductible Amount
1-27	\$12.50
28-55	25.00
56-82	37.50
83-109	50.00
110-136	62.50
137 or more	75.00

The above standard deductions are applicable for all Home and Community Based Services recipients and all long term care recipients except those in Intermediate Care Facilities for the Handicapped (ICF/H). ICF/H recipients shall continue to utilize the earned income disregard effective December 1, 1982 published in the November 20, 1982 *Louisiana Register* (Volume 8, Number 11, page 598).

Roger P. Guissinger
Secretary

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security shall adopt effective May 1, 1983, the following Rule in the Medical Assistance Program on determining countable value of burial spaces and funds set aside for burial.

RULE

Burial spaces for the applicant/recipient, his or her spouse and members of the immediate family shall be excluded in determining eligibility for Medicaid.

An exclusion of \$1,500 shall be applicable to funds set aside for burial of an applicant/recipient and an additional \$1,500 exclusion shall be applicable to funds set aside for burial of the spouse of an applicant/recipient. This \$1,500 excludable amount for each individual shall be reduced by the value of funds held in an irrevocable burial trust arrangement. The \$1,500 excludable amount shall be further reduced by the face value of insurance on the individual's life which has been excluded in determining resource eligibility.

Interest earned on the funds set aside for burial shall not be considered income in determining Medicaid eligibility for vendor payment for long term care services.

This action is being taken in order to comply with Federal Regulations published in the December 8, 1982, *Federal Register* (Vol. 47, No. 236, pages 55212-55214).

Roger P. Guissing
Secretary

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, shall amend the Rule adopted effective February 1, 1983 (January 20, 1983 *Louisiana Register*, Volume 9, Number 1, page 14) on therapeutic leave days for Intermediate Care Facilities for the Handicapped (ICF-H) recipients reimbursable under Title XIX. The amendment imposes limits for the number of days reimbursable under Title XIX for certain types of absences which are exempt from consideration as therapeutic leave days. These absences include trial discharge, summer camp, and elopement days.

RULE

The Medical Assistance Program shall impose the following limitations for the number of days reimbursable under Title XIX for ICF-H recipients who are absent for the specified purposes:

- Summer camp - 15 days per year
- Trial discharge leave - 15 days per occurrence
- Elopement days - 3 days per occurrence

When absences for the above purposes exceed the limit, additional days may only be reimbursed under Title XIX if included in the total number of therapeutic leave days claimed for the ICF-H recipient, within the recipient's and facility's allotment of leave days.

This action is necessary to contain costs in the Medical Assistance Program and also to prevent Title XIX payment for long term care services beyond a reasonable absence period.

Roger P. Guissing
Secretary

RULE

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

Effective April 20, 1983, and in accordance with Section 6.6 of the "Regulations Controlling Sewage Disposal for Individual Rural Homes" promulgated by the Office of Health Services and Environmental Quality, the list of mechanical sewage treatment plants which are acceptable for use for individual homes is as follows:

Manufacturer	Plant Designation	Rated Capacity
Delta Process Equipment, Incorporated P.O. Box 1011 Denham Springs, LA 70726	Model HU-0.5	500 GPD
Jet, Incorporated 750 Alpha Drive Cleveland, OH 44143	Model J-150 (Including filter)	500 GPD
Multi-Flo Incorporated 1450 Dixie Highway Covington, KY 41011	Model FTB-0.5 Model FTB-1.0 Model FTB-1.5	500 GPD 1000 GPD 1500 GPD
Norwalk Wastewater Equipment Company P.O. Box 410 Norwalk, OH 44857	SINGULAIR Model 820 (Including filter, back wash chamber, back wash pump, and appurtenant piping)	500 GPD
Oldham, Incorporated P.O. Box 197 Sidney, OH 45365	Model WOM-50 (Including filter) Model WOM-100 (Including filter)	500 GPD 1000 GPD
Owens Manufacturing & Specialty Company P.O. Box 2443 Lafayette, LA 70502	Kleen Tank Model 650 (Including filter)	500 GPD

Roger P. Guissing
Secretary

RULE

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources is adopting the following amended guidelines for the Programs for Victims of Family Violence Fund.

A. DEFINITION OF PROGRAMS FOR VICTIMS OF FAMILY VIOLENCE FUND

The Programs for Victims of Family Violence Fund was established by Act 60 and 61 of the First Extraordinary Session, 1983 Louisiana Legislature, for the purpose of providing funding for Family Violence Programs. Act 60 defines "family violence" as any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. A "family or household member" is defined as a spouse or former spouse and his or her minor, unmarried children. Family Violence Programs provide services which include lodging, food, transportation, counseling, client advocacy, educational programs, and information and referral to victims. State funds shall not be used to urge any elector to vote for or

against any candidate or proposition on an election ballot, or to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority. The Women's Advocacy Bureau is authorized to allocate monies out of the Programs for Victims of Family Violence Fund to local Family Violence Programs.

B. ELIGIBLE ORGANIZATIONS

In order to be eligible to apply for funds under the Programs for Victims of Family Violence Fund, the applicant organization must, at a minimum, meet the following criteria:

1. Must have the primary purpose of providing assistance to victims of family violence;
2. Must be locally administered by a public or private nonprofit organization;
3. Must provide services that include, but are not limited to, the following:
 - a. Counseling for victims or their spouses
 - b. Around-the-clock shelter which provides safe refuge and temporary lodging for victims of family violence and their minor, unmarried children, or referral to such a shelter
 - c. Support programs that assist victims of family violence in obtaining needed medical, legal or other services and information
 - d. Educational programs relating to family violence in order to increase community awareness.

C. ALLOWABLE COSTS

The costs incurred for the provision of services to victims of family violence would include the following categories:

1. The payment of salaries and fringe for personnel working in the programs;
2. The payment of travel expenses for personnel to conduct program business;
3. The payment of rent, utilities, food, supplies, and other general operating expenses of the program;
4. The purchase of equipment and essential furniture for the program;
5. The payment of indirect costs for administration of the family violence grant and for professional consultation services.

Line item changes may be made only with prior approval from the Women's Advocacy Bureau. The Women's Advocacy Bureau will retain five percent of the amount appropriated from the fund for administrative costs.

D. APPLICATION PROCESS

1. Notification of the availability of funds for Family Violence Programs will be given through the Women's Advocacy Bureau.

2. Application packets will be sent to all existing Family Violence Program providers and all persons/organizations who have made past inquiries regarding funding. Interested/potential applicants may request application packets from the:

Department of Health and Human Resources

Women's Advocacy Bureau

Box 1943

Baton Rouge, LA 70821

3. The application packet will be mailed or delivered within five working days of receipt of request.

4. The applications must be received by the Women's Advocacy Bureau by May 20, 1983.

5. All applications will be evaluated and prioritized according to the stated criteria for evaluation. During the evaluation process, applicants may be contacted by the Women's Advocacy Bureau to review and negotiate the application and proposed budget.

6. Proposed allocations will be submitted to the Office of the Secretary of the Department of Health and Human Resources for final approval.

7. Applicants will be notified by the Women's Advocacy Bureau as to the final decision within sixty days of receipt of the application.

8. The contracts will be signed and distribution of funds will begin within 45 days of final approval of the contract.

E. CRITERIA FOR EVALUATING APPLICATIONS

The Women's Advocacy Bureau will be responsible for the evaluation and prioritization of applications/proposals. The following criteria will be utilized in evaluating applications:

1. The experience of the applicant with similar programs and populations;
2. The need for the program for the clientele/geographical area;
3. The adequacy of programmatic components and services to be offered;
4. The degree of coordination between the proposed program and the necessary support services;
5. The soundness, justifiability, and practicability of the applicant's budget request;
6. Review of proposed program site by the Women's Advocacy Bureau;
7. Review of proposed shelter program site by the Office of Licensing and Regulation to assure that it is or can be brought into compliance with licensing and certification standards.

F. THE ANNUAL STATEMENT

The Women's Advocacy Bureau will report annually to the House Committee on Health and Welfare and Senate Committee on Health and Welfare on the administration of the fund.

Roger P. Guissinger

Secretary

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary has adopted a departmentwide uniform rate setting system for the rates of payment for the following types of residential (24 hour) care:

1. Office of Human Development (OHD), Office of Mental Retardation (OMR), and Office of Mental Health and Substance Abuse (OMHSA) operated foster homes, both regular and specialized

2. OHD, OMR and OMHSA funded group homes

3. OHD, OMR and OMHSA funded apartment living

4. Intermediate Care Facilities for the Handicapped, public and private, funded by Office of Family Security (OFS) and OMR

5. OHD funded private child caring facilities and emergency shelter facilities

6. OMHSA funded halfway houses and residential facilities

7. Other facilities as determined by the Rate Setting Policy Committee

Specifically excluded from the scope of this rate setting policy are Intermediate Care Facilities I & II and Skilled Nursing Care Facilities, hospitals and quasi-hospital facilities.

The rate setting structure for providers of residential care is three-tiered, with parallel components for Foster Homes and Other Residential Facilities. It is described in a system manual "Rate Setting for Residential Care" and is outlined as follows:

Basic Rate Setting Structure

Foster Homes		Other Residential Facilities
Reimbursement For Special Client Needs As Authorized	Tier 3	Reimbursement For Special Client Needs As Authorized
Special Home Board Subsidies	Tier 2	Programmatic Component
Basic Room and Board	Tier 1	Basic Support Component

Tier 1 and Tier 2 rates are established annually and usually take effect on July 1 of each year. The rate is an established rate per client care day. Home subsidies are a separate monthly amount.

The sum of the rates determined for the Tier 1 and Tier 2 components is paid to the provider on a regular monthly basis.

The Tier 3 component is a reimbursement of allowable expenses based upon receipt of acceptable evidence of expenditures. Expenditures approved for Tier 3 reimbursement are generally non-routine or non-recurring in nature.

At the recommendation of the Joint Legislative Subcommittee on Oversight, the following changes are made to the system manual:

1. Page 1.8-1 and 2 paragraph B and subsequent paragraphs are changed to state that appeals will be heard by the Department of Health and Human Resources Appeals Section with final decision by the Secretary of the Department of Health and Human Resources.

2. Page 3.3-4 is changed to state that provider groupings may be changed by the Rate Setting Policy Committee with concurrence from the Joint Legislative Subcommittee on Oversight.

In order to have fiscal year 1983-84 rates set according to this policy, providers will have to comply with its requirements effective April 20, 1983.

This departmentwide rate setting system amends the rate setting procedures previously published by Office of Human Development on page 277 of the June 20, 1981 issue of the *Louisiana Register* and on page 633 of the December 20, 1982 issue of the *Louisiana Register* and by Office of Family Security as contained in the Title XIX State Plan, Attachment 4.19 D, pages 155 through 156. It replaces any rate setting procedures currently used by Office of Mental Health and Substance Abuse and by Office of Mental Retardation.

These changes are in accordance with La. R.S. 15:1081-1086, 42CFR: 447.252 through 42CFR: 447.274. (46 FR 47971 of 9-30-81; 46 FR 54743 of 11-4-81).

Due to bulk of manual, it is not being published in its entirety.

Roger P. Guissinger
Secretary

RULE

**Department of Labor
Office of Employment Security**

The Department of Labor, Office of Employment Security, adopts proposed Rules concerning types of employment and proof of unemployment by a principal officer or controlling stock-

holder, or relative thereof, of a corporation, partnership or proprietorship effective April 4, 1983.

Regulation

Regulation 37. Types of Employment

For the purposes of R.S. 23:1601(1):

“Regular Employment” is employment of an individual on a regular basis with a reasonable expectation of continuance in that employment.

“Full-Time Employment” is employment which requires the individual’s presence for the major portion of the normal work-day, week, or month. Full-time employment is that employment which normally provides an individual with the major portion of his earnings.

“Interim Employment” is employment performed by individuals who are on temporary lay-off or are otherwise separated from their full-time regular employment and expect to return to their full-time regular employment within a reasonable time, not to exceed 90 days.

“Part-Time Employment” is employment which requires an individual’s presence less than the normal work-day, week, or month and is normally used to supplement income from full-time work.

Ulysses Williams
Secretary

RULE

**Department of Labor
Office of Employment Security**

The Department of Labor, Office of Employment Security, adopts proposed Rules concerning types of employment and proof of unemployment by a principal officer or controlling stockholder, or relative thereof, of a corporation, partnership or proprietorship effective April 4, 1983.

Regulation

Regulation 38. Proof of unemployment by a principal officer or controlling stockholder, or relative thereof, of a corporation, partnership or proprietorship.

For the purposes of R.S. 23:1472(19) an individual who was the principal officer or controlling stockholder of a corporation, partnership or proprietorship or related to him in any degree as set forth in paragraph (a) thereof, shall be deemed to be “unemployed” if: (1) the corporation, partnership or proprietorship does not appear as an employer in the individual’s base period and, (2) he otherwise meets the definition of “unemployed”.

If the corporation, partnership or proprietorship does appear in the individual’s base period as an employer, he shall be deemed to be unemployed if (1) the employing unit is no longer in business or acts beyond the control of the controlling stockholder or principal officer occurred to such an extent to fully justify the individual’s inability to perform services judged on the same basis as any employer under similar conditions and, (2) the individual otherwise meets the definition of “unemployed”.

Principal officer means the President, Vice President, Secretary or Treasurer so designated by the corporation.

Ulysses Williams
Secretary

RULE
Department of Natural Resources
Office of Conservation

Regulation 9

Governing Pipeline Safety Pursuant to the Provisions of
Section 557(G) of the Natural Resources and Energy Act of 1973
Chapter 7 of Title 30 of Revised Statutes of 1950

Part I - General Provisions

SUBPART A - General

101 Applicability

101.1 This regulation shall apply to all persons engaged in the transportation of natural gas by pipeline within the State of Louisiana, including the transportation of gas within the coastal zone limits as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

101.2 This regulation does not apply to -

(a) Offshore gathering of gas up-stream from the outlet flange of each facility in the coastal zone area where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; and

(b) Onshore gathering of gas outside the following areas:

(1) an area within the limits of any incorporated or unincorporated city, town, or village;

(2) any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

101.3 (a) Notwithstanding the criteria in 101.1 and 101.2 above, this regulation shall apply only to those persons identified in the certification or agreement in effect, pursuant to Section 5 of the Natural Gas Pipeline Safety Act of 1968, as amended (Federal Act), duly executed by the Commissioner of Conservation and the United States Secretary of Transportation.

(b) As to gas odorization, this regulation shall apply to all persons engaged in the business of handling, storing, selling, or distributing natural and other toxic or combustible odorless gases, except as hereinafter provided.

102 Purpose

102.1 The purpose of these Rules is to establish minimum requirements for the design, construction, quality of materials, location, testing, operation and maintenance of facilities used in the gathering, transmission and distribution of gas, to safeguard life or limb, health, property and public welfare and to provide that adequate service will be maintained by gas utilities operating under the jurisdiction of the Commissioner of Conservation.

103 Incorporation by Reference

103.1 Any documents or parts thereof incorporated by reference in this regulation shall become a part of this regulation as though set out in full.

103.2 To the extent consistent with this regulation, all persons shall be governed by the provisions of Parts 191 and 192 of Part 49 of the Code of Federal Regulations, sometimes hereinafter referred to as the "Federal Code", including all standards or specifications referenced therein, insofar as same are applicable and in effect on the date of this regulation, and by any deletions, additions, revisions, or amendments thereof, made after said date.

104 Deviations From The Regulations

104.1 There shall be no deviation from Regulation 9 except after authorization by the Commissioner. If hardship results from application of any provisions, Rules, standards, and specifications herein prescribed because of special facts, application may be made to the Commissioner to waive compliance with such regula-

tion in accordance with Section 3(e) of the Natural Gas Pipeline Safety Act of 1968. Each request for such waiver shall be accompanied by a full and complete justification.

105 Recommendation For Revision of Regulations

105.1 For the purpose of keeping the provisions, Rules, standards, and specifications of this regulation effective, any persons subject to this regulation, either individually or collectively, shall file an application setting forth such recommended changes in Rules, standards, or specifications as they deem necessary to keep this regulation effective in keeping with the purpose, scope, and intent thereof. However, nothing herein shall preclude other interested parties from initiating appropriate formal proceedings to have the Commissioner of Conservation consider any changes they deem appropriate, or the Commissioner of Conservation from acting upon his own motion.

106 Rules of Regulatory Construction

106.1 As used in this regulation -

"Includes" means including but not limited to.

"May" means "is permitted to" or "is authorized to".

"May not" means "is not permitted to" or "is not authorized to".

"Shall" is used in the mandatory and imperative sense.

106.2 In this Part -

(1) Words importing the singular include the plural;

(2) Words importing the plural include the singular; and

(3) Words importing the masculine gender include the feminine.

SUBPART B - Definitions

120.0 As used in this regulation -

120.1 "Business district" means -

(b) Any commercial area such as a business center or shopping center;

(c) Any other area so designated by the Commissioner.

120.2 "Commissioner" means the Commissioner of Conservation or any person to whom he has delegated authority in the matter concerned.

120.3 "Distribution line" means a pipeline other than a gathering or transmission line.

120.4 "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

120.5 "Gathering line" means a pipeline that transports gas from a current production facility to a transmission line or main.

120.6 "High pressure distribution system" means a distribution system in which the gas pressure in the main is higher than the pressure provided to the customer.

120.7 "Listed specification" means a specification listed in Section I of Appendix B of this part.

120.8 "Low-pressure distribution system" means a distribution system in which the gas pressure in the main is substantially the same as the pressure provided to the customer.

120.9 "Main" means a distribution line that serves as a common source of supply for at least one service line.

120.10 "Maximum actual operating pressure" means the maximum pressure that occurs during normal operations over a period of one year.

120.11 "Maximum allowable operating pressure" means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this part.

120.12 "Municipality" means a city, parish, or any other political subdivision of Louisiana.

120.13 "Non Rural Area" means -

(a) An area within the limits of any incorporated city, town, or village;

(b) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development;

(c) Any class 3 or 4 location as defined in Part II or this regulation; or

(d) Any other area so designated by the Commissioner.

120.14 "Offshore" means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

120.15 "Operator" means a person who engages in the transportation of gas.

120.16 "Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

120.17 "Pipe" means any pipe or tubing used in the transportation of gas, including pipe-type holders.

120.18 "Pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

120.19 "Pipeline facility" means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

120.20 "Secretary" means the Secretary of Transportation of the United States of America or any person to whom he has delegated authority in the matter concerned.

120.21 "Service line" means a distribution line that transports gas from a common source of supply to -

(a) a customer meter or the connection to a customer's piping, whichever is farther down stream; or

(b) the connection to a customer's piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

120.22 "SMYS" means specified minimum yield strength is -

(a) For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in the specification; or

(b) For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with Section 192.107(b).

120.23 "State" means the State of Louisiana.

120.24 "System" means all pipeline facilities used by a particular operator in the transportation of gas, including but not limited to, line pipe, valves and other appurtenances connected to line pipe, compressor units, fabricated assemblies associated with compressor units, metering (including customers' meters) and delivery stations, and fabricated assemblies in metering and delivery stations.

120.25 "Test failure" means a break or rupture that occurs during strength-proof testing of transmission or gathering lines that is of such magnitude as to require repair before continuation of the test.

120.26 "Transmission line" means a pipeline, other than a gathering line, that -

(a) Transports gas from a gathering line or storage facility to a distribution center or storage facility;

(b) Operates at a hoop stress of 20 percent or more of SMYS; or

(c) Transports gas within a storage field.

120.27 "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or the storage of gas.

SUBPART C - Records

140.0 All persons subject to this regulation shall maintain

records, such as plans, programs, specifications, maps and permits, necessary to establish compliance with this regulation. Such records shall be available for inspection at all times by the Commissioner.

140.1 Every person who engages in the sale or transportation of gas subject to the jurisdiction of the Commissioner shall file with the Commissioner a list including the names, addresses and telephone numbers of responsible officials or such persons who may be contacted in the event of an emergency. Such a list shall be kept current.

140.2 Notices, reports and plans pertinent to facilities covered by Section 101 of this regulation and which are submitted to the United States Department of Transportation pursuant to the provisions of the Federal Code shall be forwarded simultaneously to the Commissioner. These filings shall be deemed in full compliance with all obligations imposed for submitting such notices and reports, and when accomplished, shall release and relieve the person making same from further responsibility therefor.

140.3 Where a person is required to prepare and submit a report of an accident or incident pertinent to facilities covered by Section 101 of this regulation to a Federal agency in compliance with the outstanding order of such agency, a copy of such report shall be submitted to the Commissioner in lieu of filing a similar report which may be required by the State.

140.4 To accomplish the purpose of Section 557(G) of the Act the Commissioner may request the filing of additional information and reports upon such forms and in such manner as prescribed by him.

140.5 An updated and comprehensive system map(s) containing location and component description information on all facilities (excluding individual service lines), must be maintained by the operator and made available to the Commissioner of Conservation upon demand. An updated and comprehensive record of individual service lines containing location and component description information must be maintained by the operator and made available to the Commissioner of Conservation upon demand. The aforementioned maps and records must be accompanied by information showing the location, size and type of pipe, and locations of key valves (system isolation valves), regulator stations, odorization injection and test locations and cathodic protection test locations.

SUBPART D - Reports

Sec. 191.1 Scope.

(a) This Part prescribes requirements for the reporting of gas leaks that are not intended by the operator and that require immediate or scheduled repair and of test failures, by persons engaged in the transportation of gas. However, it does not apply to leaks and test failures that occur in the gathering of gas outside of the following areas:

(1) An area within the limits of any incorporated or unincorporated city, town, or village; or

(2) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

(b) The reporting requirements in this part supersede any accident or leak reporting requirements that were incorporated by reference in the Interim Minimum Federal Safety Standards in Part 190 of this chapter.

Sec. 191.3 Reserved.

Sec. 191.5 Telephonic notice of certain leaks.

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with paragraph (b) of this section of any leak that -

(1) Caused a death or a personal injury requiring hospitalization;

- (2) Required the taking of any segment of transmission pipeline out of service;
- (3) Resulted in gas igniting;
- (4) Caused estimated damage to the property of the operator, or others, or both, of a total of \$5,000 or more; or
- (5) In the judgement of the operator, was significant even though it did not meet the criteria of paragraphs (a)(1), (2), (3), or (4) of this section.

An operator need not give notice of a leak that met only the criteria of paragraph (a)(2) or (3) of this paragraph, if it occurred solely as a result of, or in the connection with, planned or routine maintenance or construction.

(b) Each notice required by paragraph (a) of this section shall be made by telephone to Area Code (800) 424-8802 and Area Code (504) 342-5585 and shall include the following information:

- (1) The location of the leak.
- (2) The time of the leak.
- (3) The fatalities and personal injuries, if any.
- (4) All other significant facts that are known by the operator that are relevant to the cause of the leak or extent of the damages.

Sec. 191.7 Addresses for written reports
Each written report required by this part must be made to the Chief, Information Systems Division, Transportation Programs Bureau, Department of Transportation, Washington, D.C. 20590. One copy of each report for Intrastate facilities subject to the jurisdiction of the Office of Conservation pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act must be submitted to the Commissioner of Conservation, P.O. Box 44275, Baton Rouge, LA 70804.

Sec. 191.9 Distribution system: Leak report
(a) Each operator of a distribution system serving more than 100,000 customers shall, as soon as practicable but not more than 20 days after detection, report the following on Department of Transportation Form DOT-F-7100.1:

(46 FR 37250, July 20, 1980, effective immediately)

- (1) A leak that required notice by telephone under Sec. 191.5.
- (2) A leak that, because of its location, required immediate repair and other emergency action to protect the public such as evacuation of a building, blocking off an area, or rerouting of traffic.

(b) Where additional related information is obtained after a report is submitted under paragraph (a) of this section, the operator shall make a supplemental report as soon as practicable with a clear reference by date and subject to the original report.
Sec. 191.11 Distribution system: Annual report

(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT-F-7100.1-1. This report must be submitted not later than February 15 for the preceding calendar year.

(b) The annual report required by paragraph (a) of this section need not be submitted with respect to petroleum gas systems which serve less than 100 customers from a single source.
Sec. 191.13 Distribution system: Certain facilities reported as a transmission system.

Each operator of a distribution system shall, for pipeline facilities that operate at 20 percent or more of specified minimum yield strength, or that are used to convey gas into or out of storage, submit reports for those facilities under Sec. 191.15 and Sec. 191.17.

Sec. 191.15 Transmission and gathering systems: Leak report

(a) Each operator of a transmission system or a gathering system shall, as soon as practicable but not more than 20 days after detection, report the following on Department of Transportation

Form DOT-F-7100.2:

- (1) A leak that required notice by telephone under Sec. 191.5.
- (2) A leak in a transmission line that required immediate repair.
- (3) A test failure that occurred while testing either with gas or another test medium.

(b) Where additional related information is obtained after a report is submitted under paragraph (a) of this section, the operator shall make a supplemental report as soon as practicable with a clear reference by date and subject to the original report.
Sec. 191.17 Transmission and gathering systems: Annual report.

Each operator of a transmission system or a gathering system shall submit an annual report on Department of Transportation Form DOT-F-7100.2-1. This report must be submitted for the preceding calendar year not later than February 15, 1971, and not later than February 15 of each year thereafter.

Sec. 191.19 Report forms.
Copies of the prescribed report forms are available without charge upon request from the address given in Sec. 191.7. Additional copies in this prescribed format may be reproduced and used if in the same size and kind of paper. In addition, the information required by these forms may be submitted by any other means that is acceptable to the Secretary.

(46 FR 37250, July 20, 1980, effective immediately)

Part II - Gas Pipeline Safety Standards

SUBPART A - General

Sec. 192.1 Reserved.

Sec. 192.3 Reserved.

Sec. 192.5 Class locations.

(a) Offshore is Class 1 location. The Class location onshore is determined by applying the criteria set forth in this section: The Class location unit is an area that extends 220 yards on either side of the centerline of any continuous 1-mile length of pipeline. Except as provided in paragraphs (d)(2) and (f) of this section, the class location unit. For the purposes of this section, each separate dwelling unit building is counted as a separate building intended for human occupancy.

(b) A Class 1 location is any class location unit that has 10 or less buildings intended for human occupancy.

(c) A Class 2 location is any class location unit that has more than 10 but less than 46 buildings intended for human occupancy.

(d) A Class 3 location is -

(1) Any class location unit that has 46 or more buildings intended for human occupancy; or

(2) An area where the pipeline lies within 100 yards of any of the following:

(i) A building that is occupied by 20 or more persons during normal use.

(ii) A small, well-defined outside area that is occupied by 20 or more persons during normal use, such as a playground, recreation area, outdoor theater, or other place of public assembly.

(e) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

(f) The boundaries of the class locations determined in accordance with paragraphs (a) through (e) of this section may be adjusted as follows:

(1) A Class 4 location ends 220 yards from the nearest building with four or more stories above ground.

(2) When a cluster of buildings intended for human occupancy requires a Class 3 location, the Class 3 location ends 220 yards from the nearest building in the cluster.

(3) When a cluster of buildings intended for human occupancy requires a Class 2 location, the Class 2 location ends 220

yards from the nearest building in the cluster.

Sec. 192.7 Reserved.

Sec. 192.9 Gathering lines.

Each gathering line must comply with the requirements of this part applicable to transmission lines.

Sec. 192.11 Petroleum gas systems.

(a) No operator may transport petroleum gas in a system that serves 10 or more customers, or in a system, any portion of which is located in a public place (such as a highway), unless that system meets the requirements of this part and of NFPA Standards No. 58 and No. 59. In the event of a conflict, the requirements of this part prevail.

(b) Each petroleum gas system covered by paragraph (a) of this section must comply with the following:

(1) Aboveground structures must have open vents near the floor level.

(2) Belowground structures must have forced ventilation that will prevent any accumulation of gas.

(3) Relief valve discharge vents must be located so as to prevent any accumulation of gas at or below ground level.

(4) Special precautions must be taken to provide adequate ventilation where excavations are made to repair an underground system.

(c) For the purpose of this section, petroleum gas means propane, butane, or mixtures of these gases, other than a gas air mixture that is used to supplement supplies in a natural gas distribution system.

Sec. 192.12 (Deleted)

Sec. 192.13 General

(a) No person may operate a segment of pipeline that is readied for service after March 12, 1971, or in the case of an offshore gathering line, after July 31, 1977, unless -

(1) The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part; or

(2) The pipeline qualifies for use under this part in accordance with Sec. 192.14.

(b) No person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, or in the case of an offshore gathering line, after July 31, 1977, unless that replacement, relocation, or change has been made in accordance with this part.

Sec. 192.14 Conversion to service subject to this part.

(a) A steel pipeline previously used in service not subject to this part qualifies for use under this part if the operator prepares and follows a written procedure to carry out the following requirements:

(1) The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate test must be performed to determine if the pipeline is in a satisfactory condition for safe operation.

(2) The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.

(3) All known unsafe defects and conditions must be corrected in accordance with this part.

(4) The pipeline must be tested in accordance with Subpart J of this part to substantiate the maximum allowable operating pressure permitted by Subpart L of this part.

(b) Each operator must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (a) of this section.

Sec. 192.15 Reserved.

Sec. 192.17 Reserved.

SUBPART B - Materials

Sec. 192.51 Scope.

This subpart prescribes minimum requirements for the selection and qualification of pipe and components for use in pipelines.

Sec. 192.53 General

Materials for pipe and components must be -

(a) Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;

(b) Chemically compatible with any gas that they transport and with any other material in the pipeline with which they are in contact; and

(c) Qualified in accordance with the applicable requirements of this subpart.

Sec. 192.55 Steel pipe.

(a) New steel pipe is qualified for use under this part if -

(1) It was manufactured in accordance with a listed specification;

(2) It meets the requirements of -

(i) Section II of Appendix B to this part; or

(ii) If it was manufactured before November 12, 1970, either section II or III of Appendix B to this part; or

(3) It is used in accordance with paragraph (c) or (d) of this section.

(b) Used steel pipe is qualified for use under this part if -

(1) It was manufactured in accordance with a listed specification and it meets the requirements of Paragraph II-C of Appendix B to this part;

(2) It meets the requirements of -

(i) Section II of Appendix B to this part; or

(ii) If it was manufactured before November 12, 1970, either section II or III of Appendix B to this part;

(3) It has been used in an existing line of the same or higher pressure and meets the requirements of paragraph II-C or Appendix B to this part; or

(4) It is used in accordance with paragraph (c) of this section.

(c) New or used steel pipe may be used at a pressure resulting in a hoop stress of less than 6,000 p.s.i. where no close coiling or close bending is to be done, if visual examination indicates that the pipe is in good condition and that it is free of split seams and other defects that would cause leakage. If it is to be welded, steel pipe that has not been manufactured to a listed specification must also pass the weldability tests prescribed in paragraph II-B to this part.

(d) Steel pipe that has not been previously used may be used as replacement pipe in a segment of pipeline if it has been manufactured prior to November 12, 1970, in accordance with the same specification as the pipe used in constructing that segment of pipeline.

(e) New steel pipe that has been cold expanded must comply with the mandatory provisions of API Standard 5LX.

Sec. 192.57 Cast iron or ductile iron pipe.

(a) New cast iron or new ductile iron pipe is qualified for use under this part if it has been manufactured in accordance with a listed specification.

(b) Used cast iron or used ductile iron pipe is qualified for use under this part if inspection shows that the pipe is sound and allows the makeup of tight joints and -

(1) It has been removed from an existing pipeline that operated at the same or higher pressure; or

(2) It was manufactured in accordance with a listed speci-

fication.

Sec. 192.59 Plastic pipe.

(a) New plastic pipe is qualified for use under this part if -

(1) When the pipe is manufactured, it is manufactured in accordance with the latest listed edition of a listed specification, except that before March 21, 1975, it may be manufactured in accordance with any listed edition of a listed specification; and

(2) It is resistant to chemicals with which contact may be anticipated.

(b) Used plastic pipe is qualified for use under this part if -

(1) When the pipe was manufactured, it was manufactured in accordance with the latest listed edition of a listed specification, except that pipe manufactured before March 21, 1975, need only have met the requirements of any listed edition of a listed specification;

(2) It is resistant to chemicals with which contact may be anticipated;

(3) It has been used only in natural gas service;

(4) Its dimensions are still within the tolerances of the specification to which it was manufactured; and

(5) It is free of visible defects.

(c) For the purpose of paragraphs (a)(1) and (b)(1) of this section, where pipe of a diameter included in a listed specification is impractical to use, pipe of a diameter between the sizes included in a listed specification may be used if it -

(1) Meets the strength and design criteria required of pipe included in that listed specification; and

(2) Is manufactured from plastic compounds which meet the criteria for material required of pipe included in that listed specification.

Sec. 192.61 Copper pipe.

Copper pipe is qualified for use under this part if it has been manufactured in accordance with a listed specification.

Sec. 192.63 Marking of materials.

(a) Except as provided in paragraph (e) of this section, each valve, fitting, length of pipe, and other component must be marked as prescribed in -

(1) The specification or standard to which it was manufactured; or

(2) MSS Standard Practice, SP-25.

(b) In addition to the requirements in paragraph (a), thermoplastic pipe 1974a or earlier listed edition of ASTM D2513 must be marked as required by section 9.2 of ASTM D2513 (1975b edition) unless the pipe was manufactured before May 18, 1978, and is installed where operating temperatures are not above 38 degrees Celsius (100 degrees Fahrenheit).

(43 FR 13880, April 3, 1978)

(c) Surfaces of pipe and components that are subject to stress from internal pressure may not be field die stamped.

(d) If any item is marked by die stamping, the die must have blunt or rounded edges that will minimize stress concentrations.

(e) Paragraph (a) of this section does not apply to items manufactured before November 12, 1970, that meet all of the following:

(1) The item is identifiable as to type, manufacturer, and model.

(2) Specifications or standards giving pressure, temperature, and other appropriate criteria for the use of items are readily available.

Sec. 192.65 Transportation of pipe.

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 -

(a) The transportation is performed in accordance with the

1972 edition of API RP5L1, except that before February 25, 1975, the transportation may be performed in accordance with the 1967 edition of API RP5L1.

(b) In the case of pipe transported before November 12, 1970, the pipe is tested in accordance with Subpart J of this part to at least 1.25 times the maximum allowable operating pressure if it is to be installed in a class 1 location and to at least 1.5 times the maximum allowable operating pressure if it is to be installed in a class 2, 3 or 4 location. Notwithstanding any shorter time period permitted under Subpart J of this part, the test pressure must be maintained for at least 8 hours.

SUBPART C - Pipe Design

192.101 Scope.

This subpart prescribes the minimum requirements for the design of pipe.

192.103 General.

Pipe must be designed with sufficient wall thickness, or must be installed with adequate protection, to withstand anticipated external pressures and loads that will be imposed on the pipe after installation.

192.105 Design formula for steel pipe.

(a) The design pressure for steel pipe is determined in accordance with the following formula:

$$P = (2 St/D) \times F \times E \times T$$

P = Design pressure in pounds per square inch gage.

S = Yield strength in pounds per square inch determined in accordance with Sec. 192.107.

D = Nominal outside diameter of the pipe in inches.

t = Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with Sec. 192.109. Additional wall thickness required for concurrent external loads in accordance with Sec. 192.103 may not be included in computing design pressure.

F = Design factor determined in accordance with Sec. 192.111.

E = Longitudinal joint factor determined in accordance with Sec. 192.113.

T = Temperature derating factor determined in accordance with Sec. 192.115.

(b) If steel pipe that has been cold worked to meet the SMYS is heated, other than by welding, to 600 degrees Fahrenheit or more, the design pressure is limited to 75 percent of the pressure determined under paragraph (a) of this section.

Sec. 192.107 Yield strength (S) for steel pipe.

(a) For pipe that is manufactured in accordance with a specification listed in section I of Appendix B of this part, the yield strength to be used in the design formula in Sec. 192.105 is the SMYS stated in the listed specification, if that value is known.

(b) For pipe that is manufactured in accordance with a specification not listed in section I of Appendix B to this part or whose specification or tensile properties are unknown, the yield strength to be used in the design formula in Sec. 192.105 is one of the following:

(1) If the pipe is tensile tested in accordance with section II-D of Appendix B to this part, the lower of the following:

(i) Eighty percent of the average yield strength determined by the tensile tests.

(ii) The lowest yield strength determined by the tensile tests, but not more than 52,000 p.s.i.

(2) If the pipe is not tensile tested as provided in subparagraph (1) of this paragraph, 24,000 p.s.i.

Sec. 192.109 Nominal wall thickness (t) for steel pipe.

(a) If the nominal wall thickness for steel pipe is not known, it is determined by measuring the thickness of each piece of pipe at quarter points on one end.

(b) However, if the pipe is of uniform grade, size, and

thickness and there are more than 10 lengths, only 10 percent of the individual lengths, but not less than 10 lengths, need be measured. The thickness of the lengths that are not measured must be verified by applying a gage set to the minimum thickness found by the measurement. The nominal wall thickness to be used in the design formula in Sec. 192.105 is the next wall thickness found in commercial specifications that is below the average of all the measurements taken. However, the nominal wall thickness used may not be more than 1.14 times the smallest measurement taken on pipe less than 20 inches in outside diameter, nor more than 1.11 times the smallest measurement taken on pipe 20 inches or more in outside diameter.

Sec. 192.111 Design factor (F) for steel pipe.

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the design factor to be used in the design formula in Sec. 192.105 is determined in accordance with the following table:

CLASS LOCATION	DESIGN FACTOR (F)
1	0.72
2	0.60
3	0.50
4	0.40

(b) A design factor of 0.60 or less must be used in the design formula in Sec. 192.105 for steel pipe in Class 1 locations that:

(1) Crosses without a casing, or makes a parallel encroachment on the right-of-way of an unimproved public road, without a casing;

(2) Crosses without a casing, or makes a parallel encroachment on the right-of-way of either a hard surfaced road, a highway, a public street, or a railroad;

(3) Is supported by a vehicular, pedestrian, railroad, or pipeline bridge, or

(4) Is used in a fabricated assembly, (including separators, mainline valve assemblies, cross-connections, and river crossing headers) or is used within five pipe diameters in any direction from the last fitting of a fabricated assembly, other than a transition piece or an elbow used in place of a pipe bend which is not associated with a fabricated assembly.

(c) For Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in Sec. 192.105 for uncased steel pipe that crosses the right-of-way of a hard surfaced road, a highway, a public street, or a railroad.

(d) For Class 1 and Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in Sec. 192.105 for -

(1) Steel pipe in a compressor station, regulating station, or measuring station; and

(2) Steel pipe, including a pipe riser, on a platform located offshore or in inland navigable waters.

Sec. 192.113 Longitudinal joint factor (E) for steel pipe.

The longitudinal joint factor to be used in the design formula in Sec. 192.105 is determined in accordance with the following table:

Specification	Pipe class	Longitudinal joint factor (E)
ASTM A 53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60
ASTM A 106	Seamless	1.00
ASTM A 134	Electric fusion arc welded	.80
ASTM A 135	Electric resistance welded	1.00
ASTM A 139	Electric fusion arc welded	.80

ASTM A 211	Spiral welded steel pipe	.80
ASTM A 383	Seamless	1.00
	Electric resistance welded	1.00
	Double submerged arc welded	1.00
ASTM A 381	Double submerged arc welded	1.00
ASTM A 671	Electric-fusion-welded	1.00
ASTM A 672	Electric-fusion-welded	1.00
ASTM A 691	Electric-fusion-welded	1.00
API 5 L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
API 5 LX	Furnace butt welded	.60
	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
API 5 LS	Submerged arc welded	1.00
	Electric resistance welded	1.00
	Submerged arc welded	1.00
Other	Pipe over 4 inches	.60
Other	Pipe 4 inches or less	.60

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

If the type of longitudinal joint cannot be determined, the joint factor to be used must not exceed that designated for "Other".
Sec. 192.115 Temperature derating factor (T) for steel pipe.

The temperature derating factor to be used in the design formula in Sec. 192.105 is determined as follows:

Gas temperature in degrees Fahrenheit	Temperature derating factor (T)
250 or less	1.000
300	0.967
350	0.933
400	0.900
450	0.867

For intermediate gas temperatures, the derating factor is determined by interpolation.

Sec. 192.117 Design of cast iron pipe.

Cast iron pipe must be designed in accordance with ANSI C101-67.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

Sec. 192.119 Design of ductile iron pipe.

(a) Ductile iron pipe must be designed in accordance with ANSI A21.50 using the following values in the design equations:

s (design hoop stress) = 16,800 p.s.i.

f (design bending stress) = 36,000 p.s.i.

(b) Ductile iron pipe must be grade (60-42-10) and must conform to the requirements of ANSI A21.52.

Sec. 192.121 Design of plastic pipe.

The design pressure for plastic pipe is determined in accordance with the following formula, subject to the limitations of Sec. 192.123:

$$P = 2S(t/D-t) \times 0.32$$

P = Design pressure, gage, kPa (psi)

S = For thermoplastic pipe the long-term hydrostatic strength determined in accordance with the listed specification at a temperature equal to 23 degrees Celsius, (73 degrees Fahrenheit), 38 degrees C (100 degrees F), 49 degrees C (120 degrees F), or 60 degrees C (140 degrees F); for reinforced thermosetting plastic pipe, 75,800 kPa (11,000 psi)

Sec. 192.123 Design limitations for plastic pipe.

(a) The design pressure may not exceed a gage pressure of 689 kPa (100 psig) for plastic pipe used in -

(1) Distribution systems; or

(2) Classes 3 and 4 locations.

(b) Plastic pipe may not be used where operating temperatures of the pipe will be -

(1) Below minus 29 degrees C (-20 degrees F); or

(2) In the case of thermoplastic pipe, above the temperature at which the long-term hydrostatic strength used in the design formula under Sec. 192.121 is determined, except that pipe manufactured before May 18, 1978, may be used at temperatures up to 38 degrees C (100 degrees F); or in the case of reinforced thermosetting plastic pipe, above 66 degrees C (150 degrees F).

(c) The wall thickness for thermoplastic pipe may not be less than 1.57 millimeters (0.062 in.).

(d) The wall thickness for reinforced thermosetting plastic pipe may not be less than that listed in the following table:

Nominal size in inches:	Minimum wall thickness in millimeters (inches)
2	1.52 (0.060)
3	1.52 (0.060)
4	1.78 (0.070)
6	2.54 (0.100)

Sec. 192.125 Design of copper pipe.

(a) Copper pipe used in mains must have a minimum wall thickness of 0.065 inches and must be hard drawn.

(b) Copper pipe used in service lines must have a minimum wall thickness as specified for type "L" pipe in ASTM B 88.

(c) Copper pipe used in mains and service lines may not be used at pressures in excess of 100 p.s.i.g.

(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 of gas.

SUBPART D - Design of Pipeline Components

Sec. 192.141 Scope.

This subpart prescribes minimum requirements for the design and installation of pipeline components and facilities. In addition, it prescribes requirements relating to protection against accidental overpressuring.

Sec. 192.143 General requirements.

Each component of a pipeline must be able to withstand operating pressures and other anticipated loadings with unit stresses equivalent to those allowed for comparable material in pipe in the same location and kind of service.

Sec. 192.145 Valves.

(a) Each valve must meet the minimum requirements, or the equivalent, of API 6A, API 6D, MSS SP-70, MSS SP-71, or MSS SP-78. A valve may not be used under operating conditions that exceed the applicable pressure — temperature ratings contained in those standards. (46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(b) Each valve must be able to meet the anticipated operating conditions.

(c) No valve having shell components made of ductile iron may be used at pressures exceeding 80 percent of the pressure ratings for comparable steel valves at their listed temperature. However, a valve having shell components made of ductile iron may be used at pressures up to 80 percent of the pressure ratings for comparable steel valves at their listed temperature, if -

(1) The temperature-adjusted service pressure does not exceed 1,000 p.s.i.g.; and

(2) Welding is not used on any ductile iron component in

the fabrication of the valve shells or their assembly.

(d) No valve having pressure containing parts made of ductile iron may be used in the gas pipe components of compressor stations.

Sec. 192.147 Flanges and flange accessories.

(a) General requirements. Each flange or flange accessory must meet the minimum requirements of ANSI B16.5, MSS SP-44, or ANSI B16.24, or the equivalent.

(b) Each flange assembly must be able to withstand the maximum pressure at which the pipeline is to be operated and to maintain its physical and chemical properties at any temperature to which it is anticipated that it might be subjected in service.

Sec. 192.149 Standard fittings.

(a) The minimum metal thickness of threaded fittings may not be less than specified for the pressures and temperatures in the applicable standards referenced in this part, or their equivalent.

(b) Each steel butt-welding fitting must have pressure and temperature ratings based on stresses for pipe of the same or equivalent material. The actual bursting strength of the fitting must at least equal the computed bursting strength of pipe of the designated material and wall thickness, as determined by a prototype that was tested to at least the pressure required for the pipeline to which it is being added.

Sec. 192.151 Tapping.

(a) Each mechanical fitting used to make a hot tap must be designed for at least the operating pressure of the pipeline.

(b) Where a ductile iron pipe is tapped, the extent of full-thread engagement and the need for the use of outside-sealing service connections, tapping saddles, or other fixtures must be determined by service conditions.

(c) Where a threaded tap is made in cast iron or ductile iron pipe, the diameter of the tapped hole may not be more than 25 percent of the nominal diameter of the pipe unless the pipe is reinforced, except that

(1) Existing taps may be used for replacement service, if they are free of cracks and have good threads; and

(2) A 1¼-inch tap may be made in a 4-inch cast iron or ductile iron pipe, without reinforcement.

However, in areas where climate, soil, and service conditions may create unusual external stresses on cast iron pipe, unreinforced taps may be used only on 6-inch or larger pipe.

Sec. 192.153 Components fabricated by welding.

(a) Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with paragraph UG-101 of section VIII of the ASME Boiler and Pressure Vessel Code.

(b) Each prefabricated unit that uses plate and longitudinal seams must be designated, constructed, and tested in accordance with the ASME Boiler and Pressure Vessel Code, except for the following:

(1) Regularly manufactured butt-welding fittings.

(2) Pipe that has been produced and tested under a specification listed in Appendix B to this part.

(3) Partial assemblies such as split rings or collars.

(4) Prefabricated units that the manufacturer certifies have been tested to at least twice the maximum pressure to which they will be subjected under the anticipated operating conditions.

(c) Orange-peel bull plugs and orange-peel swages may not be used on pipelines that are to operate at a hoop stress of 20 percent or more of the SMYS of the pipe.

(d) Except for flat closures designed in accordance with section VIII of the ASME Boiler and Pressure Vessel Code, flat closures and fish tails may not be used on pipe that either operates

at 100 p.s.i.g., or more, or is more than 3 inches nominal diameter.
Sec. 192.155 Welded branch connections.

Each welded branch connection made to pipe in the form of a single connection, or in header or manifold as a series of connections, must be designed to ensure that the strength of the pipeline system is not reduced, taking into account the stresses in the remaining pipe wall due to the opening in the pipe or header, the shear stresses produced by the pressure acting on the area of the branch opening, and any external loadings due to thermal movement, weight, and vibration.

Sec. 192.157 Extruded outlets.

Each extruded outlet must be suitable for anticipated service conditions and must be at least equal to the design strength of the pipe and other fittings in the pipeline to which it is attached.
Sec. 192.159 Flexibility.

Each pipeline must be designed with enough flexibility to prevent thermal expansion or contraction from causing excessive stresses in the pipe or components, excessive bending or unusual loads at joints, or undesirable forces or moments at points of connection to equipment, or at anchorage or guide points.

Sec. 192.161 Supports and anchors.

(a) Each pipeline and its associated equipment must have enough anchors or supports to -

(1) Prevent undue strain on connected equipment;

(2) Resist longitudinal forces caused by a bend or offset in the pipe; and

(3) Prevent or damp out excessive vibration.

(b) Each exposed pipeline must have enough supports or anchors to protect the exposed pipe joints from the maximum end force caused by internal pressure and any additional forces caused by temperature expansion or contraction or by the weight of the pipe and its contents.

(c) Each support or anchor on an exposed pipeline must be made of durable, noncombustible material and must be designed and installed as follows:

(1) Free expansion and contraction of the pipeline between supports or anchors may not be restricted.

(2) Provision must be made for the service conditions involved.

(3) Movement of the pipeline may not cause disengagement of the support equipment.

(d) Each support on an exposed pipeline operated at a stress level of 50 percent or more of SMYS must comply with the following:

(1) A structural support may not be welded directly to the pipe.

(2) The support must be provided by a member that completely encircles the pipe.

(3) If an encircling member is welded to a pipe, the weld must be continuous and cover the entire circumference.

(e) Each underground pipeline that is connected to a relatively unyielding line or other fixed object must have enough flexibility to provide for possible movement, or it must have an anchor that will limit the movement of the pipeline.

(f) Except for offshore pipelines, each underground pipeline that is being connected to new branches must have a firm foundation for both the header and the branch to prevent lateral and vertical movement.

Sec. 192.163 Compressor stations: design and construction.

(a) Location of compressor building: Except for a compressor building on a platform located offshore or in inland navigable waters, each main compressor building of a compressor station must be located on property under the control of the operator. It must be far enough away from adjacent property, not under control of the operator, to minimize the possibility of fire being communicated to the compressor building from structures

on adjacent property. There must be enough open space around the main compressor building to allow the free movement of fire-fighting equipment.

(b) Building construction: Each building on a compressor station site must be made of noncombustible materials if it contains either -

(1) Pipe more than 2 inches in diameter that is carrying gas under pressure; or

(2) Gas handling equipment other than gas utilization equipment used for domestic purposes.

(c) Exits: Each operating floor of a main compressor building must have at least two separated and unobstructed exits located so as to provide a convenient possibility of escape and an unobstructed passage to a place of safety. Each door latch on an exit must be of a type which can be readily opened from the inside without a key. Each swinging door located in an exterior wall must be mounted to swing outward.

(d) Fenced areas: Each fence around a compressor station must have at least two gates located so as to provide a convenient opportunity for escape to a place of safety, or have other facilities affording a similarly convenient exit from the area. Each gate located within 200 feet of any compressor plant building must open outward and, when occupied, must be openable from the inside without a key.

(e) Electrical facilities: Electrical equipment and wiring installed in compressor stations must conform to the National Electrical Code, NFPA-70 (ANSI) so far as that code is applicable.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

Sec. 192.165 Compressor stations: liquid removal.

(a) Where entrained vapors in gas may liquefy under the anticipated pressure and temperature conditions, the compressor must be protected against the introduction of those liquids in quantities that could cause damage.

(b) Each liquid separator used to remove entrained liquids at a compressor station must -

(1) Have a manually operable means of removing these liquids.

(2) Where slugs of liquid could be carried into the compressors, have either automatic liquid removal facilities, an automatic compressor shutdown device, or a high liquid level alarm; and

(3) Be manufactured in accordance with section VIII of the ASME Boiler and Pressure Vessel Code, except that liquid separators constructed of pipe and fittings without internal welding must be fabricated with a design factor of 0.4, or less.

Sec. 192.167 Compressor stations: emergency shutdown.

(a) Except for unattended field compressor stations of 1,000 horsepower or less, each compressor station must have an emergency shutdown system that meets the following:

(1) It must be able to block gas out of the station and blow down the station piping.

(2) It must discharge gas from the blowdown piping at a location where the gas will not create a hazard.

(3) It must provide means for the shutdown of gas compressing equipment, gas fires, and electrical facilities in the vicinity of gas headers and in the compressor building, except, that -

(i) Electrical circuits that supply emergency lighting required to assist station personnel in evacuating the compressor building and the area in the vicinity of the gas headers must remain energized; and

(ii) Electrical circuits needed to protect equipment from damage may remain energized.

(4) It must be operable from at least two locations, each of which is -

(i) Outside the gas area of the station;

(ii) Near the exit gates, if the station is fenced, or near emergency exits, if not fenced; and

(iii) Not more than 500 feet from the limits of the station.

(b) If a compressor station supplies gas directly to a distribution system with no other adequate source of gas available, designed so that it will not function at the wrong time and cause an unintended outage on the distribution system.

(c) On a platform located offshore or in inland navigable waters, the emergency shutdown system must be designed and installed to actuate automatically by each of the following events:

(1) In the case of an unattended compressor station -

(i) When the gas pressure equals the maximum allowable operating pressure plus 15 percent; or

(ii) When an uncontrolled fire occurs on the platform; and

(2) In the case of a compressor station in the building -

(i) When an uncontrolled fire occurs in the building; or

(ii) When the concentration of gas in air reaches 50 percent or more of the lower explosive limit in a building which has a source of ignition.

For the purpose of paragraph (c)(2)(ii) of this section, an electrical facility which conforms to Class 1, Group D of the National Electrical Code is not a source of ignition.

Sec. 192.169 Compressor stations: pressure limiting devices.

(a) Each compressor station must have pressure relief or other suitable protective devices of sufficient capacity and sensitivity to ensure that the maximum allowable operating pressure of the station piping and equipment is not exceeded by more than 10 percent.

(b) Each vent line that exhausts gas from the pressure relief valves of a compressor station must extend to a location where the gas may be discharged without hazard.

Sec. 192.171 Compressor stations: additional safety equipment.

(a) Each compressor station must have adequate fire protection facilities. If fire pumps are a part of these facilities, their operation may not be affected by the emergency shutdown system.

(b) Each compressor station prime mover, other than an electrical induction or synchronous motor, must have an automatic device to shut down the unit before the speed of either the prime mover or the driven unit exceeds a maximum safe speed.

(c) Each compressor unit in a compressor station must have a shutdown or alarm device that operates in the event of inadequate cooling or lubrication of the unit.

(d) Each compressor station gas engine that operates with pressure gas injection must be equipped so that stoppage of the engine automatically shuts off the fuel and vents the engine distribution manifold.

(e) Each muffler for a gas engine in a compressor station must have vent slots or holes in the baffles of each compartment to prevent gas from being trapped in the muffler.

Sec. 192.173 Compressor stations: ventilation.

Each compressor station building must be ventilated to ensure that employees are not endangered by accumulation of gas in rooms, sumps, attics, pits, or other enclosed places.

Sec. 192.175 Pipe-type and bottle-type holders.

(a) Each pipe-type and bottle-type holder must be designed so as to prevent the accumulation of liquids in the holder, in connecting pipe, or in auxiliary equipment, that might cause corrosion or interfere with the safe operation of the holder.

(b) Each pipe-type or bottle-type holder must have minimum clearance from other holders in accordance with the following formula:

$$C = 3D \times P \times F/1,000$$

in which:

C = Minimum clearance between pipe containers or bottles in inches.

D = Outside diameter of pipe containers or bottles in inches.

P = Maximum allowable operating pressure, p.s.i.g.

F = Design factor as set forth in Sec. 192.111 of this part.

Sec. 192.177 Additional provisions for bottle-type holders.

(a) Each bottle-type holder must be -

(1) Located on a storage site entirely surrounded by fencing that prevents access by unauthorized persons and with minimum clearance from the fence as follows:

Maximum allowable operating pressure	Minimum clearance (feet)
Less than 1,000 p.s.i.g.	25
1,000 p.s.i.g. or more	100

(2) Designed using the design factors set forth in Sec. 192.111; and

(3) Buried with a minimum cover in accordance with Sec. 192.237.

(b) Each bottle-type holder manufactured from steel that is not weldable under field conditions must comply with the following:

(1) A bottle-type holder made from alloy steel must meet the chemical and tensile requirements for the various grades of steel in either API Standards 5A or ASTM A 372.

(2) The actual yield-tensile ratio of the steel may not exceed 0.85.

(3) Welding may not be performed on the holder after it has been heat treated or stress relieved, except that copper wires may be attached to the small diameter portion of the bottle end closure for cathodic protection if a localized thermit welding process is used.

(4) The holder must be given a mill hydrostatic test at a pressure that produces a hoop stress at least equal to 85 percent of the SMYS.

(5) The holder, connection pipe, and components must be leak tested after installation as required by Subpart J of this part. Sec. 192.179 Transmission line valves.

(a) Each transmission line, other than offshore segments, must have sectionalizing block valves spaced as follows:

(1) Each point on the pipeline in a Class 4 location must be within 2½ miles of a valve.

(2) Each point on the pipeline in a Class 3 location must be within 4 miles of a valve.

(3) Each point on the pipeline in a Class 2 location must be within 7½ miles of a valve.

(4) Each point on the pipeline in a Class 1 location must be within 10 miles of a valve.

(b) Each sectionalizing block valve on a transmission line, other than offshore segments, must comply with the following:

(1) The valve and the operating device to open or close the valve must be readily accessible and protected from tampering and damage.

(2) The valve must be supported to prevent settling of the valve of movement of the pipe to which it is attached.

(c) Each section of a transmission line, other than offshore segments, between main line valves must have a blowdown valve with enough capacity to allow the transmission line to be blown down as rapidly as practicable. Each blowdown discharge must be located so the gas can be blown to the atmosphere without hazard and, if the transmission line is adjacent to an overhead electric line, so that the gas is directed away from the electrical conductors.

(d) Offshore segments of transmission lines must be equipped with valves or other components to shut off the flow of gas to an offshore platform in an emergency.

Sec. 192.181 Distribution line valves.

(a) Each high-pressure distribution system must have

valves spaced so as to reduce the time to shut down a section of main in an emergency. The valve spacing is determined by the operating pressure, the size of the mains, and the local physical conditions.

(b) Each regulator station controlling the flow or pressure of gas in a distribution system must have a valve installed on the inlet piping at a distance from the regulator station sufficient to permit the operation of the valve during an emergency that might preclude access to the station.

(c) Each valve on a main installed for operating or emergency purposes must comply with the following:

(1) The valve must be placed in a readily accessible location so as to facilitate its operation in an emergency.

(2) The operating stem or mechanism must be readily accessible.

(3) If the valve is installed in a buried box or enclosure, the box or enclosure must be installed so as to avoid transmitting external loads to the main.

Sec. 192.183 Vaults: structural design requirements.

(a) Each underground vault or pit for valves, pressure relieving, pressure limiting, or pressure regulating stations, must be able to meet the loads which may be imposed upon it, and to protect installed equipment.

(b) There must be enough working space so that all of the equipment required in the vault or pit can be properly installed, operated, and maintained.

(c) Each pipe entering, or within a regulator vault or pit must be steel for sizes 10 inches, and less, except that control and gage piping may be copper. Where pipe extends through the vault or pit structure, provision must be made to prevent the passage of gases or liquids, through the opening and to avert strains in the pipe.

Sec. 192.185 Vaults: accessibility

Each vault must be located in an accessible location and, so far as practical, away from -

(a) Street intersections or points where traffic is heavy or dense;

(b) Points of minimum elevation, catch basins, or places where the access cover will be in the course of surface waters; and

(c) Water, electric, steam, or other facilities.

Sec. 192.187 Vaults: sealing, venting, and ventilation.

Each underground vault or closed top pit containing either a pressure regulating or reducing station, or a pressure limiting or relieving station, must be sealed, vented or ventilated, as follows:

(a) When the internal volume exceeds 200 cubic feet -

(1) The vault or pit must be ventilated with two ducts, each having at least the ventilating effect of a pipe 4 inches in diameter;

(2) The ventilation must be enough to minimize the formation of combustible atmosphere in the vault or pit; and

(3) The ducts must be high enough above grade to disperse any gas-air mixtures that might be discharged.

(b) When the internal volume is more than 75 cubic feet but less than 200 cubic feet -

(1) If the vault or pit is sealed, each opening must have a tight fitting cover without open holes through which an explosive mixture might be ignited, and there must be a means for testing the internal atmosphere before removing the cover;

(2) If the vault or pit is vented, there must be a means of preventing external sources of ignition from reaching the vault atmosphere; or

(3) If the vault or pit is ventilated, paragraph (a) or (c) of this section applies.

(c) If a vault or pit covered by paragraph (b) of this section is ventilated by openings in the covers or gratings and the ratio of the internal volume, in cubic feet, to the effective ventilating area of the cover or grating, in square feet, is less than 20 to 1, no additional ventilation is required.

Sec. 192.189 Vaults: drainage and waterproofing.

(a) Each vault must be designed so as to minimize the entrance of water.

(b) A vault containing gas piping may not be connected by means of a drain connecting to any other underground structures.

(c) All electrical equipment in vaults must conform to the applicable requirements of Class 1, Group D, of the National Electrical Code, ANSI Standard C1.

Sec. 192.191 Design pressure of plastic fittings.

(a) Thermosetting fittings for plastic pipe must conform to ASTM D 2517.

(b) The design pressure of acrylonitril-butadien-styrene (ABS) and polyvinyl chlorolide (PVC) Schedule 40 and 80 thermo-plastic fittings must be obtained from the following table:

Design Pressure of Thermoplastic Fittings, P.S.I.G. of Various Strengths, Materials and Class Locations

Size inches	Schedule	ABS Type I and PVC Type II class location			PVC Type I class location		
		1	2 and 3	4	1	2 and 3	4
½	40	100	100	100	100	100	100
	80	100	100	100	100	100	100
¾	40	100	100	96	100	100	100
	80	100	100	100	100	100	100
1	40	100	100	90	100	100	100
	80	100	100	100	100	100	100
1¼	40	100	92	74	100	100	100
	80	100	100	100	100	100	100
1½	40	100	83	66	100	100	100
	80	100	100	94	100	100	100
2	40	89	69	55	100	100	100
	80	100	100	81	100	100	100
2½	40	99	76	61	100	100	100
	80	100	100	85	100	100	100
3	40	84	66	53	100	100	100
	80	100	94	75	100	100	100

Size inches	Schedule	ABS Type I and PVC Type II class location			PVC Type I class location		
		1	2 and 3	4	1	2 and 3	4
3½	40	77	60	48	100	100	96
	80	100	86	69	100	100	100
4	40	71	56	44	100	100	89
	80	100	81	65	100	100	100
5	40	62	49	39	100	97	78
	80	93	72	58	100	100	100
6	40	56	44	35	100	88	71
	80	89	70	56	100	100	100

Note: These pressure ratings are the same value as the design pressure of the corresponding pipe size and schedule in the same class location as determined by the formula given in Sec. 192.121 and the limitations in Sec. 192.123 of this part.

Sec. 192.193 Valve installation in plastic pipe.

Each valve installed in plastic pipe must be designed so as to protect the plastic material against excessive torsional or shearing loads when the valve or shutoff is operated, and from any other secondary stresses that might be exerted through the valve or its enclosure.

Sec. 192.195 Protection against accidental overpressuring.

(a) General requirements: Except as provided in Sec. 192.197, each pipeline that is connected to a gas source so that the maximum allowable operating pressure could be exceeded as the result of pressure control failure or of some other type of failure, must have pressure relieving or pressure limiting devices that meet the requirements of Secs. 192.199 and 192.201.

(b) Additional requirements for distribution systems: Each distribution system that is supplied from a source of gas that is at a higher pressure than the maximum allowable operating pressure for the system must -

(1) Have pressure regulation devices capable of meeting the pressure, load, and other service conditions that will be experienced in normal operation of the system, and that could be activated in the event of failure of some portion of the system; and

(2) Be designed so as to prevent accidental overpressuring.

Sec. 192.197 Control of the pressure of gas delivered from high-pressure distribution systems.

(a) If the maximum actual operating pressure of the distribution system is under 60 p.s.i.g. and a service regulator having the following characteristics is used, no other pressure limiting device is required:

(1) A regulator capable of reducing distribution line pressure to pressures recommended for household appliances.

(2) A single port valve with proper orifice for the maximum gas pressure at the regulator inlet.

(3) A valve seat made of resilient material designed to withstand abrasion of the gas, impurities in gas, cutting by the valve, and to resist permanent deformation when it is pressed against the valve port.

(4) Pipe connections to the regulator not exceeding 2 inches in diameter.

(5) A regulator that, under normal operating conditions, is able to regulate the downstream pressure within the necessary limits of accuracy and to limit the build-up of pressure under no-flow conditions to prevent a pressure that would cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

(6) A self-contained service regulator with no external static or control lines.

(b) If the maximum actual operating pressure of the distribution system is 60 p.s.i.g., or less, and a service regulator that

does not have all of the characteristics listed in paragraph (a) of this section is used, or if the gas contains materials that seriously interfere with the operation of service regulators, there must be suitable protective devices to prevent unsafe overpressuring of the customer's appliances if the service regulator fails.

(c) If the maximum actual operating pressure of the distribution system exceeds 60 p.s.i.g., one of the following methods must be used to regulate and limit, to the maximum safe value, the pressure of gas delivered to the customer:

(1) A service regulator having the characteristics listed in paragraph (a) of this section, and another regulator located upstream from the service regulator. The upstream regulator may not be set to maintain a pressure higher than 60 p.s.i.g. A device must be installed between the upstream regulator to limit the pressure on the inlet of the service regulator to 60 p.s.i.g. or less in case the upstream regulator fails to function properly. This device may be either a relief valve or an automatic shutoff that shuts, if the pressure on the inlet of the service regulator exceeds the set pressure (60 p.s.i.g. or less), and remains closed until manually reset.

(2) A service regulator and a monitoring regulator set to limit, to a maximum safe value, the pressure of the gas delivered to the customer.

(3) A service regulator with a relief valve vented to the outside atmosphere, with the relief valve set to open so that the pressure of gas going to the customer does not exceed a maximum safe value. The relief valve may either be built into the service regulator or it may be a separate unit installed downstream from the service regulator. This combination may be used alone only in those cases where the inlet pressure on the service regulator does not exceed the manufacturer's safe working pressure rating of the service regulator, and may not be used where the inlet pressure on the service regulator exceeds 125 p.s.i.g. For higher inlet pressures, the methods in subparagraph (1) or (2) of this paragraph must be used.

(4) A service regulator and an automatic shutoff device that closes upon a rise in pressure downstream from the regulator and remains closed until manually reset.

Sec. 192.199 Requirements for design of pressure relief and limiting devices.

Except for rupture discs, each pressure relief or pressure limiting device must -

(a) Be constructed of materials such that the operation of the device will not be impaired by corrosion;

(b) Have valves and valve seats that are designed not to stick in a position that will make the device inoperative;

(c) Be designed and installed so that it can be readily operated to determine if the valve is free, can be tested to determine the pressure at which it will operate, and can be tested for leakage when in the closed position;

(d) Have support made of noncombustible material;

(e) Have discharge stacks, vents, or outlet ports designed

to prevent accumulation of water, ice, or snow, located where gas can be discharged into the atmosphere without undue hazard:

(f) Be designed and installed so that the size of the openings, pipe, and fittings located between the system to be protected and the pressure relieving device, and the size of the vent line, are adequate to prevent hammering of the valve and to prevent impairment of relief capacity;

(g) Where installed at a district regulator station to protect a pipeline system from overpressuring, be designed and installed to prevent any single incident such as an explosion in a vault or damage by a vehicle from affecting the operation of both the overpressure protective device and the district regulator; and

(h) Except for a valve that will isolate the system under protection from its source of pressure, be designed of any stop valve that will make the pressure relief valve or pressure limiting device inoperative.

Sec. 192.201 Required capacity of pressure relieving and limiting stations.

(a) Each pressure relief station or pressure limiting station or group of those stations installed to protect a pipeline must have enough capacity, and must be set to operate, to insure the following:

(1) In a low pressure distribution system, the pressure may not cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

(2) In pipelines other than a low pressure distribution system -

(i) If the maximum allowable operating pressure is 60 p.s.i.g. or more, the pressure may not exceed the maximum allowable operating pressure plus 10 percent, or the pressure that produces a hoop stress of 75 percent of SMYS, whichever is lower;

(ii) If the maximum allowable operating pressure is 12 p.s.i.g. or more, but less than 60 p.s.i.g., the pressure may not exceed the maximum allowable operating pressure plus 6 p.s.i.g.; or

(iii) If the maximum allowable operating pressure is less than 12 p.s.i.g., the pressure may not exceed the maximum allowable pressure plus 50 percent.

(b) When more than one pressure regulating or compressor station feeds into a pipeline, relief valves or other protective devices must be installed at each station to ensure that the complete failure of the largest capacity regulator or compressor, or any single run of lesser capacity regulators or compressors in that station, will not impose pressures on any part of the pipeline or distribution system in excess of those for which it was designed, or against which it was protected, whichever is lower.

(c) Relief valves or other pressure limiting devices must be installed at a low-pressure distribution system, with a capacity to limit the maximum pressure in the main to a pressure that will not exceed the safe operating pressure for any connected and properly adjusted gas utilization equipment.

Sec. 192.203 Instrument, control, and sampling pipe and components.

(a) Applicability: This section applies to the design of instrument, control, and sampling pipe and components. It does not apply to permanently closed systems, such as fluid-filled temperature-responsive devices.

(b) Materials and design: All materials employed for pipe and components must be designed to meet the particular conditions of service and the following:

(1) Each takeoff connection and attaching boss, fitting, or adapter must be made of suitable material, be able to withstand the maximum service pressure and temperature of the pipe or equipment to which it is attached, and be designed to satisfactorily withstand all stresses without failure by fatigue.

(2) A shutoff valve must be installed in each takeoff line as

near as practicable to the point of takeoff. Blowdown valves must be installed where necessary.

(3) Brass or copper material may not be used for metal temperatures greater than 400 degrees F.

(4) Pipe or components that may contain liquids must be protected by heating or other means from damage due to freezing.

(5) Pipe or components in which liquids may accumulate must have drains or drips.

(6) Pipe or components subject to clogging from solids or deposits must have suitable connections for cleaning.

(7) The arrangement of pipe, components, and supports must provide safety under anticipated operating stresses.

(8) Each joint between sections of pipe, and between pipe and valves or fittings, must be made in a manner suitable for the anticipated pressure and temperature condition. Slip type expansion must be allowed for by providing flexibility within the system itself.

(9) Each control line must be protected from anticipated causes of damage and must be designed and installed to prevent damage to any one control line from making both the regulator and the over-pressure protective device inoperative.

SUBPART E - Welding of Steel in Pipelines

Sec. 192.221 Scope.

(a) This subpart prescribes minimum requirements for welding steel materials in pipelines.

(b) This subpart does not apply to welding that occurs during the manufacture of steel pipe or steel pipeline components.

Sec. 192.223 General.

(a) Welding must be performed in accordance with established written welding procedures that have been qualified under Sec. 192.225 to produce sound, ductile welds.

(b) Welding must be performed by welders who are qualified under Secs. 192.227 and 192.229 for the welding procedure to be used.

Sec. 192.225 Qualification of welding procedures.

(a) Each welding procedure must be qualified under Section IX of the ASME Boiler and Pressure Vessel Code or Section 2 of API Standard 1104, whichever is appropriate to the function of the weld, except that a welding procedure qualified under an earlier edition previously listed in Appendix A may continue to be used but may not be requalified under the earlier edition.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(b) When a welding procedure is being qualified under section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping for the purpose of the essential variables and do not require separate qualification of welding procedures:

(1) Carbon steels that have a carbon content of 0.32 percent (heat analysis) or less.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(2) Carbon steels that have a carbon equivalent (C + ¼ Mn) of 0.65 percent (heat analysis) or less.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(3) Alloy steels with weldability characteristics that have been shown to be similar to the carbon steels listed in subparagraphs (1) and (2) of this paragraph. Alloy steels and carbon steels that are not covered by subparagraph (1), (2), or (3) of this paragraph require separate qualification of procedures for each individual pipe specification in accordance with sections VIII and IX of the ASME Boiler and Pressure Vessel Code.

(c) Each welding procedure must be recorded in detail during the qualifying tests. This record must be retained and

followed whenever the procedure is used.

Sec. 192.227 Qualification of welders.

(a) Except as provided in paragraph (c) of this section, each welder must be qualified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code or Section 3 of API Standard 1104. However, a welder qualified under an earlier edition previously listed in Appendix A may weld but may not requalify under that earlier edition.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(1) Section IX of the 1974 edition of the ASME Boiler and Pressure Vessel Code or, if qualified before July 1, 1976, the 1968 edition, except that a welder may not requalify under the 1968 edition.

(2) The following editions of Section 3 of API Standard 1104:

(i) The 1973 edition, except that a welder may be qualified by radiography under subsection 3.51 without regard for the standards in subsection 6.9 for depth of undercutting adjacent to the root bead unless that depth is visually determined by use of a depth measuring device on all undercutting along the entire circumference of the weld; or

(ii) If a welder is qualified before March 20, 1975, the 1968 edition, except that a welder may not requalify under the 1968 edition.

(b) When a welder is being qualified under section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping for the purpose of the essential variables and do not require separate qualification:

(1) Carbon steels that have a carbon content of 0.32 percent (heat analysis) or less.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(2) Carbon steels that have a carbon equivalent ($C + \frac{1}{4} MN$) of 0.65 percent (heat analysis) or less.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(3) Alloy steels with weldability characteristics that have been shown to be similar to the carbon steels listed in subparagraphs (1) and (2) of this paragraph. Alloy steels and carbon steels that are not covered by subparagraph (1), (2), or (3) of this paragraph require separate qualification of welders for each individual pipe specification in accordance with section VIII and IX of the ASME Boiler and Pressure Vessel Code.

(c) A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than 20 percent of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in section I of Appendix C to this part. A welder who makes welded service line connections to mains must also perform an acceptable test weld under section II of Appendix C to this part as a part of his qualifying test. After initial qualification, a welder may not perform welding unless -

(1) Within the preceding 15 calendar months, the welder has requalified, except that the welder must requalify at least once each calendar year; or

(2) Within the preceding 7½ calendar months, but at least twice each calendar year, the welder has had -

(i) A production weld cut out, tested and found acceptable in accordance with the qualifying test; or

(ii) For welders who work only on service lines 2 inches or smaller in diameter, two sample welds tested and found acceptable in accordance with the test in section III of Appendix C to this part.

Sec. 192.229 Limitations on welders.

(a) No welder whose qualification is based on nondestructive testing may weld compressor station pipe and components.

(b) No welder may weld with a particular welding process unless, within the preceding 6 calendar months, he has engaged in welding with that process.

(c) A welder qualified under Sec. 192.227(a) may not weld unless within the preceding 6 calendar months the welder has had one weld tested and found acceptable under Section 3 or 6 of API Standard 1104, except that a welder qualified under an earlier edition previously listed in Appendix A may weld but may not requalify under that earlier edition.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

Sec. 192.231 Protection from weather.

The welding operation must be protected from weather conditions that would impair the quality of the completed weld.

Sec. 192.233 Miter joints.

(a) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of 30 percent or more of SMYS may not deflect the pipe more than 3 degrees.

(b) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of less than 30 percent, but more than 10 percent, of SMYS may not deflect the pipe more than 12½ degrees and must be a distance equal to one pipe diameter or more away from any other miter joint, as measured from the crotch of each joint.

(c) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of 10 percent or less of SMYS may not deflect the pipe more than 90 degrees.

Sec. 192.235 Preparation for welding.

Before beginning any welding, the welding surfaces must be clean and free of any material that may be detrimental to the weld, and the pipe or component must be aligned to provide the most favorable condition for depositing the root bead. This alignment must be preserved while the root bead is being deposited.

Sec. 192.237 Preheating.

(a) Carbon steel that has a carbon content in excess of 0.32 percent (heat analysis) or a carbon equivalent ($C + \frac{1}{4} MN$) of 0.65 percent (heat analysis) must be preheated for welding. (46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(b) Carbon steel that has a lower carbon content or carbon equivalent than the steels covered by paragraph (a) of this section must be preheated for welding when preheating will alleviate existing conditions that would limit the welding technique or tend to adversely affect the quality of the weld.

(c) When steel materials with different preheat temperatures are being preheated for welding, the higher temperature must be weld.

(d) Preheat temperature must be monitored to ensure that the required preheat temperature is reached before, and maintained during the welding operation.

Sec. 192.239 Stress relieving.

(a) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content in excess of 0.32 percent (heat analysis) or a carbon equivalent ($C + \frac{1}{4} MN$) in excess of 0.65 percent (heat analysis) must be stress relieved as prescribed in Section VIII of the ASME Boiler and Pressure Vessel Code.

(46 FR 10157, Feb. 2, 1981, 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(b) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content of less than 0.32 percent (heat analysis) or a carbon equivalent ($C + \frac{1}{4} MN$) of less than 0.65 percent (heat analysis) must be thermally stress relieved when conditions exist which cool the weld at a rate detrimental to the quality of the weld.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981,

effective March 31, 1981)

(c) Except as provided in paragraph (f) of this section, each weld on carbon steel pipe with a wall thickness of more than 1¼ inches must be stress relieved.

(d) When a weld connects pipe or components that are of different thickness, the wall thickness to be used in determining whether stress relieving is required under this section is -

(1) In the case of pipe connections, the thicker of the two pipes joined; or

(2) In the case of branch connections, slip-on flanges, or socket weld fittings, the thickness of the pipe run or header.

(e) Each weld of different materials must be stress relieved, if either material requires stress relieving under this section.

(f) Notwithstanding paragraphs (a), (b), and (c) of this section, stress relieving is not required for the following:

(1) A fillet or groove weld one-half inch, or less, in size (leg) that attaches a connection 2 inches, or less, in diameter; or

(2) A fillet or groove weld three-eighths inch, or less, in groove size that attaches a supporting member or other nonpressure attachment.

(g) Stress relieving required by this section must be performed at a temperature of at least 1,100 degrees F. for carbon steels and at least 1,200 degrees F. for ferritic alloy steels. When stress relieving a weld between steel materials with different stress relieving temperatures, the higher temperature must be used.

(h) When stress relieving, the temperature must be monitored to ensure that a uniform temperature is maintained and that the proper stress relieving cycle is accomplished.

Sec. 192.241 Inspection and test of welds.

(a) Visual inspection of welding must be conducted to insure that -

(1) The welding is performed in accordance with the welding procedure; and

(2) The weld is acceptable under paragraph (c) of this section.

(b) The welds on a pipeline to be operated at a pressure that produces a hoop stress of 20 percent or more of SMYS must be nondestructively tested in accordance with Sec. 192.243, except that welds that are visually inspected and approved by a qualified welding inspector need not be nondestructively tested if -

(1) The pipe has a nominal diameter of less than 6 inches; or

(2) The pipeline is to be operated at a pressure that produces a hoop stress of less than 40 percent of SMYS and the welds are so limited in number that nondestructive testing is impractical.

(c) The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in Section 6 of API Standard 1104.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

Sec. 192.243 Nondestructive testing.

(a) Nondestructive testing of welds must be performed by any process, other than trepanning, that will clearly indicate defects that may affect the integrity of the weld.

(b) Nondestructive testing of welds must be performed -

(1) In accordance with written procedures; and

(2) By persons who have been trained and qualified in the established procedures and with the equipment employed in testing.

(c) Procedures must be established for the proper interpretation of each nondestructive test of a weld to ensure the acceptability of the weld under Sec. 192.241(c).

(d) When nondestructive testing is required under Sec. 192.241(b), the following percentages of each day's field butt welds, selected at random by the operator, must be nondestructively tested over their entire circumference:

(1) In Class 1 locations, except offshore, at least 10 percent.

(2) In Class 2 locations, at least 15 percent.

(3) In Class 3 and Class 4 locations and at crossings of major or navigable rivers, and offshore, 100 percent if practicable, but not less than 90 percent.

(4) Within railroad or public highway, rights-of-way, including tunnels, bridges and overhead road crossings, and at pipeline tie-ins, 100 percent.

(e) Except for a welder whose work is isolated from the principal welding activity, a sample of each welder's work for each day must be nondestructively tested, when nondestructive testing is required under Sec. 192.241(b).

(f) When nondestructive testing is required under Sec. 192.241(b), each operator must retain, for the life of the pipeline, a record showing by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected, and the disposition of the rejects.

Sec. 192.245 Repair or removal of defects.

(a) Each weld that is unacceptable under Sec. 192.241(c) must be removed or repaired. Except for welds on an offshore pipeline being installed from a pipelay vessel, a weld must be removed if it has a crack that is more than 2 inches long or that penetrates either the root or second bead.

(b) Each weld that is repaired must have the defect removed down to clean metal and the segment to be repaired must be preheated. After repair, the segment of the weld that was repaired must be inspected to ensure its acceptability. If the repair is not acceptable, the weld must be removed, except that additional repairs made in accordance with written welding procedures qualified under Sec. 192.225 are permitted for welds on an offshore pipeline being installed from a pipelay vessel.

SUBPART F - Joining of Materials Other Than by Welding

Sec. 192.271 Scope.

(a) This subpart prescribes minimum requirements for joining materials in pipelines, other than by welding.

(b) This subpart does not apply to joining during the manufacture of pipe or pipeline components.

Sec. 192.273 General.

(a) The pipeline must be designed and installed so that each joint will sustain the longitudinal pullout or thrust forces caused by contraction or expansion of the piping or by anticipated external or internal loading.

(b) Each joint must be made in accordance with written procedures that have been proven by test or experience to produce strong gastight joints.

(c) Each joint must be inspected to insure compliance with this subpart.

Sec. 192.275 Cast iron pipe.

(a) Each caulked bell and spigot joint in cast iron pipe must be sealed with mechanical leak clamps.

(b) Each mechanical joint in cast iron pipe must have a gasket made of a resilient material as the sealing medium. Each gasket must be suitably confined and retained under compression by a separate gland or follower ring.

(c) Cast iron pipe may not be joined by threaded joints.

(d) Cast iron pipe may not be joined by brazing.

(e) Each flange on a flanged joint in cast iron pipe must conform in dimensions and drilling to ANSI Standard B16.1 and be cast integrally with the pipe, valve, or fitting.

Sec. 192.277 Ductile iron pipe.

(a) Each mechanical joint in ductile iron pipe must conform to ANSI Standard A21.52 and ANSI Standard A21.11.

(b) Ductile iron pipe may not be joined by threaded joints.

(c) Ductile iron pipe may not be joined by brazing.

Sec. 192.279 Copper pipe.

Copper pipe may not be threaded, except that copper pipe used for joining screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of standard wall pipe, as defined in ANSI Standard B36.10.

Sec. 192.281 Plastic pipe.

(a) General: A plastic pipe joint that is joined by solvent cement, adhesive, or heat fusion may not be disturbed until it has properly set. Plastic pipe may not be joined by a threaded joint or miter joint.

(b) Solvent cement joints: Each solvent cement joint on plastic pipe must comply with the following:

(1) The mating surfaces of the joint must be clean, dry, and free of material which might be detrimental to the joint.

(2) The solvent cement must conform to ASTM Specification D 2513.

(3) The safety requirements of Appendix A of ASTM Specification D 2513 must be met.

(4) The joint may not be heated to accelerate the setting of the cement.

(c) Heat-fusion joints: Each heat-fusion joint on plastic pipe must comply with the following:

(1) A butt heat-fusion joint must be joined by a device that holds the heater element square to the ends of the piping, compresses the heated ends together, and holds the pipe in proper alignment while the plastic hardens.

(2) A socket heat-fusion joint must be joined by a device that heats the mating surfaces of the joint uniformly and simultaneously to essentially the same temperature.

(3) Heat may not be applied with a torch or other open flame.

(d) Adhesive joints: Each adhesive joint on plastic pipe must comply with the following:

(1) The adhesive must conform to ASTM Specification D 2517.

(2) The materials and adhesive must be compatible with each other.

(e) Mechanical joints: Each compression type mechanical joint on plastic pipe must comply with the following:

(1) The gasket material in the coupling must be compatible with the plastic.

(2) A rigid internal tubular stiffener, other than a split tubular stiffener, must be used in conjunction with the coupling.

Sec. 192.283 Plastic pipe; qualifying joining procedures.

(44 FR 42968, July 23, 1979; 45 FR 9931, February 14, 1980, effective July 1, 1980)

(a) Heat fusion, solvent cement, and adhesive joints: Before any written procedure established under Sec. 192.273(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:

(1) The burst test requirements of -
(46 FR 39, Jan. 2, 1981, effective immediately)

(i) In the case of thermoplastic pipe, Paragraph 8.6 (Sustained Pressure Test) or Paragraph 8.7 (Minimum Hydrostatic Burst Pressure) of ASTM D2513; or

(ii) In the case of thermosetting plastic pipe, Paragraph 8.5 (Minimum Hydrostatic Burst Pressure) or Paragraph 8.9 (Sustained Static Pressure Test) of ASTM D2517;

(2) For procedures intended for lateral pipe connections, subject a specimen joint made from pipe sections joined at right angles according to the procedure to a force on the lateral pipe until failure occurs in the specimen. If failure initiates outside the joint area, the procedure qualifies for use; and

(3) For procedures intended for non-lateral pipe connec-

tions, follow the tensile test requirements of ASTM D638, except that the test may be conducted at ambient temperature and humidity. If the specimen elongates no less than 25 percent of failure initiates outside the joint area, the procedure qualifies for use.

(b) Mechanical joints: Before any written procedure established under Sec. 192.273(b) is used for making mechanical plastic pipe joints that are designed to withstand tensile forces, the procedure must be qualified by subjecting 5 specimen joints made according to the procedure to the following tensile test:

(1) Use an apparatus for the test as specified in ASTM D638-77a (except for conditioning).

(2) The specimen must be of such length that the distance between the grips of the apparatus and the end of the stiffener does not affect the joint strength.

(3) The speed of testing is 5.0 mm (0.20 in) per minute, plus or minus 25 percent.

(4) Pipe specimens less than 102 mm (4 in) in diameter are qualified if the pipe yields to an elongation of no less than 25 percent of failure initiates outside the joint area.

(5) Pipe specimens 102 mm (4 in) and larger in diameter shall be pulled until the pipe is subjected to a tensile stress equal to or greater than the maximum thermal stress that would be produced by a temperature change of 55.6 degrees C (100 degrees F) or until the pipe is pulled from the fitting. If the pipe pulls from the fitting, the lowest value of the five test results or the manufacturer's rating, whichever is lower must be used in the design calculations for stress.

(6) Each specimen that fails at the grips must be retested using new pipe.

(7) Results obtained pertain only to the specific outside diameter, and material of the pipe tested, except that testing of a heavier wall pipe may be used to qualify pipe of the same material but with a lesser wall thickness.

(c) A copy of each written procedure being used for joining plastic pipe must be available to the persons making and inspecting joints.

(d) Pipe or fittings manufactured before July 1, 1980, may be used in accordance with procedures that the manufacturer certifies will produce a joint as strong as the pipe.

Sec. 192.285 Plastic pipe; qualifying persons to make joints.

(44 FR 42968, July 23, 1979; 45 FR 9931, February 14, 1980, effective July 1, 1980)

(a) No person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure by -

(1) Appropriate training or experience in the use of the procedure; and

(2) Making a specimen joint from pipe sections joined according to the procedure that passes the inspection and test set forth in paragraph (b) of this section.

(b) The specimen joint must be -

(1) Visually examined during and after assembly or joining and found to have the same appearance as a joint or photographs of a joint that is acceptable under the procedure; and

(2) In the case of a heat fusion, solvent cement, or adhesive joint:

(i) Tested under any one of the test methods listed under Sec. 192.283(a) applicable to the type of joint and material being tested;

(46 FR 39, January 2, 1981, effective immediately)

(ii) Examined by ultrasonic inspection and found not to contain flaws that would cause failure; or

(iii) Cut into at least 3 longitudinal straps, each of which is -

(A) Visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and

(B) Deformed by bending, torque, or impact, and if failure occurs, it must not initiate in the joint area.

(c) A person must be requalified under an applicable procedure, if during any 12-month period that person -

(1) Does not make any joints under that procedure; or

(2) Has 3 joints or 3 percent of the joints made, whichever is greater, under that procedure, that are found unacceptable by testing under Sec. 192.513.

(d) Each operator shall establish a method to determine that each person making joints in plastic pipelines in his system is qualified in accordance with this section.

Sec. 192.287 Plastic pipe; inspection of joints.

No person may carry out the inspection of joints in plastic pipes required by Sec. 192.273(c) and 192.285(b) unless that person has been qualified by appropriate training or experience in evaluating the acceptability of plastic pipe joints made under the applicable joining procedure.

SUBPART G - General Construction Requirements for Transmission Lines and Mains

Sec. 192.301 Scope.

This subpart prescribes minimum requirements for constructing transmission lines and mains.

Sec. 192.303 Compliance with specifications or standards.

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

Sec. 192.305 Inspection: general

Each transmission line or main must be inspected to ensure that it is constructed in accordance with this part.

Sec. 192.307 Inspection of materials.

Each length of pipe and each other component must be visually inspected at the site of installation to ensure that it has not sustained any visually determinable damage that could impair its serviceability.

Sec. 192.309 Repair of steel pipe.

(a) Each imperfection or damage that impairs the serviceability of a length of steel pipe must be repaired or removed. If a repair is made by grinding, the remaining wall thickness must at least be equal to either:

(1) The minimum thickness required by the tolerances in the specification of which the pipe was manufactured; or

(2) The nominal wall thickness required for the design pressure of the pipeline.

(b) Each of the following dents must be removed from steel pipe to be operated at a pressure that produces a hoop stress of 20 percent, or more, of SMYS:

(1) A dent that contains a stress concentrator such as a scratch, gouge, groove, or arc burn.

(2) A dent that affects the longitudinal weld or a circumferential weld.

(3) In pipe to be operated at a pressure that produces a hoop stress of 40 percent or more of SMYS, a dent that has a depth of -

(i) More than one-quarter inch in pipe 12¾ inches or less in outer diameter; or

(ii) More than 2 percent of the nominal pipe diameter in pipe over 12¾ inches in outer diameter.

For the purpose of this section a "dent" is a depression that produces a gross disturbance in the curvature of the pipe wall without reducing the pipe-wall thickness. The depth of a dent is measured as the gap between the lowest point of the dent and a prolongation of the original contour of the pipe.

(c) Each arc burn on steel pipe to be operated at a pressure that produces a hoop stress of 40 percent, or more, of SMYS must be repaired or removed. If a repair is made by grinding, the arc

burn must be completely removed and the remaining wall thickness must be at least equal to either:

(1) The minimum wall thickness required by the tolerances in the specification to which the pipe was manufactured; or

(2) The nominal wall thickness required for the design pressure of the pipeline.

(d) A gouge, groove, arc burn, or dent may not be repaired by insert patching or by pounding out.

(e) Each gouge, groove, arc burn, or dent that is removed from a length of pipe must be removed by cutting out the damaged portion as a cylinder.

Sec. 192.311 Repair of plastic pipe.

Each imperfection or damage that would impair the serviceability of plastic pipe must be repaired by a patching saddle or removed.

Sec. 192.313 Bends and elbows.

(a) Each field bend in steel pipe, other than a wrinkle bend made in accordance with Sec. 192.315, must comply with the following:

(1) A bend must not impair the serviceability of the pipe.

(2) For pipe more than 4 inches in nominal diameter, the difference between the maximum and minimum diameter at a bend must not be more than 2½ percent of the nominal diameter.

(3) Each bend must have a smooth contour and be free from buckling, cracks, or any other mechanical damage.

(4) On pipe containing a longitudinal weld, the longitudinal seam must be as near as practicable to the neutral axis of the bend unless -

(i) The bend is made with an internal bending mandrel; or

(ii) The pipe is 12 inches or less in outside diameter or has a diameter to wall thickness ratio less than 70.

(b) Each circumferential weld of steel pipe which is located where the stress during bending causes a permanent deformation in the pipe must be nondestructively tested either before or after the bending process.

(c) Wrought-steel welding elbows and transverse segments of these elbows may not be used for changes in direction of steel pipe that is 2 inches or more in diameter unless the arc length, as measured along the crotch, is at least 1 inch.

Sec. 192.315 Wrinkle bends in steel pipe.

(a) A wrinkle bend may not be made on steel pipe to be operated at a pressure that produces a hoop stress of 30 percent, or more, of SMYS.

(b) Each wrinkle bend on steel pipe must comply with the following:

(1) The bend must not have any sharp kinks.

(2) When measured along the crotch of the bend, the wrinkles must be a distance of at least one pipe diameter.

(3) On pipe 16 inches or larger in diameter, the bend may not have a deflection of more than 1½ degrees for each wrinkle.

(4) On pipe containing a longitudinal weld the longitudinal seam must be as near as practicable to the neutral axis of the bend.

Sec. 192.317 Protection from hazards.

(a) Each transmission line or main must be protected from washouts, floods, unstable soil, landslides, or other hazards that may cause the pipeline to move or to sustain abnormal loads. In addition, offshore pipelines must be protected from damage by mud slides, water currents, hurricanes, ship anchors, and fishing operations.

(b) Each aboveground transmission line or main, not located offshore or in inland navigable water areas, must be protected from accidental damage by vehicular traffic or other similar causes, either by being placed at a safe distance from the traffic or by installing barricades.

(c) Pipelines, including pipe risers, on each platform located offshore or in inland navigable waters must be protected

from accidental damage by vessels.

Sec. 192.319 Installation of pipe in a ditch.

(a) When installed in a ditch, each transmission line that is to be operated at a pressure producing a hoop stress of 20 percent or more of SMYS must be installed so that the pipe fits the ditch so as to minimize stresses and protect the pipe coating from damage.

(b) When a ditch for a transmission line or main is backfilled, it must be backfilled in a manner that -

(1) Provides firm support under the pipe; and

(2) Prevents damage to the pipe and pipe coating from equipment or from the backfill material.

(c) All offshore pipe in water at least 12 feet deep but not more than 200 feet deep, as measured from the mean low tide, must be installed so that the top of the pipe is below the natural bottom unless the pipe is supported by stanchions, held in place by anchors or heavy concrete coating, or protected by an equivalent means.

Sec. 192.321 Installation of plastic pipe.

(a) Plastic pipe must be installed below ground level.

(b) Plastic pipe that is installed in a vault or any other below grade enclosure must be completely encased in gas-tight metal pipe and fittings that are adequately protected from corrosion.

(c) Plastic pipe must be installed so as to minimize shear or tensile stresses.

(d) Thermoplastic pipe that is not encased must have a minimum wall thickness of 0.090 inches, except that pipe with an outside diameter of 0.875 inches or less may have a minimum wall thickness of 0.062 inches.

(e) Plastic pipe that is not encased must have an electrically conductive wire or other means of locating the pipe while it is underground.

(f) Plastic pipe that is being encased must be inserted into the casing pipe in a manner that will protect the plastic. The leading end of the plastic must be closed before insertion.

Sec. 192.323 Casing.

Each casing used on a transmission line or main under a railroad or highway must comply with the following:

(a) The casing must be designed to withstand the superimposed loads.

(b) If there is a possibility of water entering the casing, the ends must be sealed.

(c) If the ends of an unvented casing are sealed and the sealing is strong enough to retain the maximum allowable operating pressure of the pipe, the casing must be designed to hold this pressure at a stress level of not more than 72 percent of SMYS.

(d) If vents are installed on a casing, the vents must be protected from the weather to prevent water from entering the casing.

Sec. 192.325 Underground clearance.

(a) Each transmission line must be installed with at least 12 inches of clearance from any other underground structure not associated with the transmission line. If this clearance cannot be attained, the transmission line must be protected from damage that might result from the proximity of the other structure.

(b) Each main must be installed with enough clearance from any other underground structure to allow proper maintenance and to protect against damage that might result from proximity to other structures.

(c) In addition to meeting the requirements of paragraph (a) or (b) of this section, each plastic transmission line or main must be installed with sufficient clearance, or must be insulated, from any source of heat so as to prevent the heat from impairing the serviceability of the pipe.

(d) Each pipe-type or bottle-type holder must be installed with a minimum clearance from any other holder as prescribed in Sec. 192.175(b).

Sec. 192.327 Cover.

(a) Except as provided in paragraphs (c) and (e) of this section, each buried transmission line must be installed with a minimum cover as follows:

Location	Normal soil Inches	Consolidated rock Inches
Class 1 locations	30	18
Class 2, 3, and 4 locations	36	24
Drainage ditches of public roads and railroad crossings	36	24

(b) Except as provided in paragraphs (c) and (d) of this section, each buried main must be installed with at least 24 inches of cover.

(c) Where an underground structure prevents the installation of a transmission line or main with the minimum cover, the transmission line or main may be installed with less cover if it is provided with additional protection to withstand anticipated enternal loads.

(d) A main may be installed with less than 24 inches of cover if the law of the State or municipality -

(1) Establishes a minimum cover of less than 24 inches;

(2) Requires that mains be installed in a common trench with other utility lines; and

(3) Provides adequately for prevention of damage to the pipe by external forces.

(e) All pipe which is installed in a navigable river, stream, or harbor must have a minimum cover of 48 inches in soil or 24 inches in consolidated rock, and all pipe installed in any offshore location under water less than 12 feet deep, as measured from mean low tide, must have a minimum cover of 36 inches in soil or 18 inches in consolidated rock, between the top, of the pipe and the natural bottom. However, less than the minimum cover is permitted in accordance with paragraph (c) of this section.

SUBPART H - Customer Meters, Service Regulators,
and Service Lines

Sec. 192.351 Scope.

This subpart prescribes minimum requirements for installing customer meters, service regulators, service lines, service line valves, and service line connections to mains.

Sec. 192.353 Customer meters and regulators: locations.

(a) Each meter and service regulator, whether inside or outside of a building must be installed in a readily accessible location and be protected from corrosion and other damage. However, the upstream regulator in a series may be buried.

(b) Each service regulator installed within a building must be located as near as practical to the point of service line entrance.

(c) Each meter installed within a building must be located in a ventilated place and not less than 3 feet from any source of ignition or any source of heat which might damage the meter.

(d) Where feasible, the upstream regulator in a series must be located outside the building, unless it is located in a separate metering or regulating building.

Sec. 192.355 Customer meters and regulators: protection from damage.

(a) Protection from vacuum or back pressure: If the customer's equipment might create either a vacuum or a back pressure, a device must be installed to protect the system.

(b) Service regulator vents and relief vents: The outside terminal of each service regulator vent and relief vent must -

(1) Be rain and insect resistant;

(2) Be located at a place where gas from the vent can escape freely into the atmosphere and away from any opening into the building; and

(3) Be protected from damage caused by submergence in areas where flooding may occur.

(c) Pits and vaults. Each pit or vault that houses a customer meter or regulator at a place where vehicular traffic is anticipated, must be able to support that traffic.

Sec. 192.357 Customer meters and regulators: installation.

(a) Each meter and each regulator must be installed so as to minimize anticipated stresses upon the connecting piping and the meter.

(b) When close all-thread nipples are used, the wall thickness remaining after the threads are cut must meet the minimum wall thickness requirements of this part.

(c) Connections made of lead or other easily damaged material may not be used in the installation of meters or regulators.

(d) Each regulator that might release gas in its operation must be vented to the outside atmosphere.

Sec. 192.359 Customer meter installations: operating pressure.

(a) A meter may not be used at a pressure that is more than 67 percent of the manufacturer's shell test pressure.

(b) Each newly installed meter manufactured after November 12, 1970, must have been tested to a minimum of 10 p.s.i.g.

(c) A rebuilt or repaired finned steel case meter may not be used at a pressure that is more than 50 percent of the pressure used to test the meter after rebuilding or repairing.

Sec. 192.361 Service lines: installation.

(a) Depth: Each buried service line must be installed with at least 12 inches of cover in private property and at least 18 inches of cover in streets and roads. However, where an underground structure prevents installation at those depths, the service line must be able to withstand any anticipated external load.

(b) Support and backfill: Each service line must be properly supported on undisturbed or well-compacted soil, and material used for backfill must be free of materials that could damage the pipe or its coating.

(c) Grading for drainage: Where condensate in the gas might cause interruption in the gas supply to the customer, the service line must be graded so as to drain into the main or into drips at the low points in the service line.

(d) Protection against piping strain and external loading: Each service line must be installed so as to minimize anticipated piping strain and external loading.

(e) Installation of service lines into buildings: Each underground service line installed below grade through the outer foundation wall of a building must -

(1) In the case of metal service line, be protected against corrosion:

(2) In the case of a metal service line, be protected from shearing action and backfill settlement; and

(3) Be sealed at the foundation wall to prevent leakage into the building.

(f) Installation of service lines under buildings: Where an underground service line is installed under a building -

(1) It must be encased in a gas-tight conduit;

(2) The conduit and the service line must, if the service line supplies the building it underlies, extend into a normally usable and accessible part of the building; and

(3) The space between the conduit and the service line must be sealed to prevent gas leakage into the building and, if the conduit is sealed at both ends, a vent line from the annular space must extend to a point where gas would not be a hazard, and extend above grade, terminating in a rain and insect resistant fitting.

Sec. 192.363 Service lines: valve requirements.

(a) Each service line must have a service-line valve that meets the applicable requirements of Subparts B and D of this part.

A valve incorporated in a meter bar, that allows the meter to be bypassed, may not be used as a service-line valve.

(b) A soft seat service line valve may not be used if its ability to control the flow of gas could be adversely affected by exposure to anticipated heat.

(c) Each service-line valve on a high-pressure service line, installed above ground or in an area where the blowing of gas would be hazardous, must be designed and constructed to minimize the possibility of the removal of the core of the valve with other than specialized tools.

Sec. 192.365 Service lines: location of valves.

(a) Relation to regulator or meter: Each service-line valve must be installed upstream of the regulator or, if there is no regulator, upstream of the meter.

(b) Outside valve: Each service-line must have a shut-off valve in a readily accessible location that, if feasible, is outside of the building.

(c) Underground valves: Each underground service-line valve must be located in a covered durable curb box or standpipe that allows ready operation of the valve and is supported independently of the service lines.

Sec. 192.367 Service lines: general requirements for connections to main piping.

(a) Location: Each service-line connection to a main must be located at the top of the main or, if that is not practical, at the side of the main, unless a suitable protective device is installed to minimize the possibility of dust and moisture being carried from the main into the service line.

(b) Compression-type connection to main: Each compression-type service line to main connection must -

(1) Be designed and installed to effectively sustain the longitudinal pull-out or thrust forces caused by contraction or expansion of the piping, or by anticipated external or internal loading; and

(2) If gaskets are used in connecting the service line to the main connection fitting, have gaskets that are compatible with the kind of gas in the system.

Sec. 192.369 Service lines: Connections to cast iron or ductile iron mains.

(a) Each service line connected to a cast iron or ductile iron main must be connected by a mechanical clamp, by drilling and tapping the main, or by another method meeting the requirements of Sec. 192.273.

(b) If a threaded tap is being inserted, the requirements of Sec. 192.151 (b) and (c) must also be met.

Sec. 192.371 Service lines: steel.

Each steel service line to be operated at less than 100 p.s.i.g. must be constructed of pipe designed for a minimum of 100 p.s.i.g.

Sec. 192.373 Service lines: cast iron and ductile iron.

(a) Cast or ductile iron pipe less than 6 inches in diameter may not be installed for service lines.

(b) If cast iron pipe or ductile iron pipe is installed for use as a service line, the part of the service line which extends through the building wall must be of steel pipe.

(c) A cast iron or ductile iron service line may not be installed in the unstable soil or under a building.

Sec. 192.375 Service lines: plastic.

(a) Each plastic service line outside a building must be installed below ground level, except that it may terminate above ground and outside the building, if -

(1) The above ground part of the plastic service line is protected against deterioration and external damage; and

(2) The plastic service line is not used to support external loads.

(b) Each plastic service line inside a building must be

protected against external damage.

Sec. 192.377 Service lines: copper.

Each copper service line installed within a building must be protected against external damage.

Sec. 192.379 New service lines not in use.

Each service line that is not placed in service upon completion of installation must comply with one of the following until the customer is supplied with gas:

(a) The valve that is closed to prevent the flow of gas to the customer must be provided with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator.

(b) A mechanical device or fitting that will prevent the flow of gas must be installed in the service line or in the meter assembly.

(c) The customer's piping must be physically disconnected from the gas supply and the open pipe ends sealed.

SUBPART I - Requirements for Corrosion Control

Sec. 192.451 Scope.

This subpart prescribes minimum requirements for the protection of metallic pipelines from external, internal, and atmospheric corrosion.

(a) This subpart prescribes minimum requirements for the protection of metallic pipelines from external, internal, and atmospheric corrosion.

(b) (Deleted).

(43 FR 39389, September 5, 1978)

Sec. 192.452 Applicability to converted pipelines.

Notwithstanding the date the pipeline was installed or any earlier deadlines for compliance, each pipeline which qualifies for use under this part in accordance with Sec. 192.14 must meet the requirements of this subpart specifically applicable to pipelines installed before August 1, 1971, and all other applicable requirements within 1 year after the pipeline is readied for service. However, the requirements of this subpart specifically applicable to pipelines installed after July 31, 1971, apply if the pipeline substantially meets those requirements before it is readied for service or it is a segment which is replaced, relocated, or substantially altered.

Sec. 192.453 General.

Each operator shall establish procedures to implement the requirements of this subpart. These procedures, including those for the design, installation, operation and maintenance of cathodic protection system, must be carried out by, or under the direction of, a person qualified by experience and training in pipeline corrosion control methods.

Sec. 192.455 External corrosion control: buried or submerged pipelines installed after July 31, 1971.

(a) Except as provided in paragraphs (b), (c), and (f) of this section, each buried or submerged pipeline installed after July 31, 1971, must be protected against external corrosion, including the following:

(1) It must have an external protective coating meeting the requirements of Sec. 192.461.

(2) It must have a cathodic protection system designed to protect the pipeline in its entirety in accordance with this subpart, installed and placed in operation within one year after completion of construction.

(b) An operator need not comply with paragraph (a) of this section, if the operator can demonstrate by tests, investigation, or experience in the area of application, including, as a minimum, soil resistivity measurements and tests for corrosion accelerating bacteria, that a corrosive environment does not exist. However, within 6 months after an installation made pursuant to the preceding sentence, the operator shall conduct tests, including pipe-to-soil potential measurements with respect to either a continuous refer-

ence electrode or an electrode using close spacing, not to exceed 20 feet, and soil resistivity measurements at potential profile peak locations to adequately evaluate the potential profile along the entire pipeline. If the tests made indicate that a corrosive conditions exists, the pipeline must be cathodically protected in accordance with paragraph (a)(2) of this section.

(c) An operator need not comply with paragraph (a) of this section, if the operator can demonstrate by tests, investigation, or experience that -

(1) For a copper pipeline, a corrosive environment does not exist; or

(2) For a temporary pipeline with an operating period of service not to exceed 5 years beyond installation, corrosion, during the 5-year period of service of the pipeline will not be detrimental to public safety.

(d) Notwithstanding the provisions of paragraph (b) or (c) of this section, if a pipeline is externally coated, it must be cathodically protected in accordance with paragraph (a)(2) of this section.

(e) Aluminum may not be installed in a buried or submerged pipeline if that aluminum is exposed to an environment with a natural pH in excess of 8, unless tests or experience indicate its suitability in the particular environment involved.

(f) This section does not apply to electrically isolated, metal alloy fittings in plastic pipelines if -

(1) For the size fitting to be used, an operator can show by tests, investigation, or experience in the area of application that adequate corrosion control is provided by alloyage;

(2) The fitting is designed to prevent leakage caused by localized corrosion pitting.

(47 FR 9842, March 8, 1982, effective April 7, 1982)

Sec. 192.457 External corrosion control: buried or submerged pipelines installed before August 1, 1971.

(a) Except for buried piping at compressor, regulator, and measuring stations, each buried or submerged transmission line installed before August 1, 1971, that has an effective external coating must be cathodically protected along the entire area that is effectively coated, in accordance with this subpart. For the purposes of this subpart, a pipeline does not have an effective external coating if its cathodic protection current requirements are substantially the same as if it were bare. The operator shall make tests to determine the cathodic protection current requirements.

(43 FR 39389, September 5, 1978)

(b) Except for cast iron or ductile iron, each of the following buried or submerged pipelines installed before August 1, 1971, must be cathodically protected in accordance with this subpart in areas in which active corrosion is found:

(43 FR 39389, September 5, 1978)

(1) Bare or ineffectively coated transmission lines.

(2) Bare or coated pipes at compressor, regulator, and measuring stations.

(3) Bare or coated distribution lines. The operator shall determine the areas of active corrosion by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means.

(c) For the purpose of this subpart, active corrosion means continuing corrosion which, unless controlled, could result in a condition that is detrimental to public safety.

Sec. 192.459 External corrosion control: examination of buried pipeline when exposed.

Whenever an operator has knowledge that any portion of a buried pipeline is exposed, the exposed portion must be examined for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If external corrosion is found, remedial action must be taken to the extent required by Sec. 192.483 and the applicable paragraphs of Sec. 192.485, 192.487, or 192.4898.

Sec. 192.461 External corrosion control: protective coating.

(a) Each external protective coating, whether conductive or insulating, applied for the purpose of external corrosion control must -

- (1) Be applied on a properly prepared surface;
- (2) Have sufficient adhesion to the metal surface to effectively resist underfilm migration of moisture;
- (3) Be sufficiently ductile to resist cracking;
- (4) Have sufficient strength to resist damage due to handling and soil stress; and
- (5) Have properties compatible with any supplemental cathodic protection.

(b) Each external protective coating which is an electrically insulating type must also have low moisture absorption and high electrical resistance.

(c) Each external protective coating must be inspected just prior to lowering the pipe into the ditch and backfilling and any damage detrimental to effective corrosion control must be repaired.

(d) Each external protective coating must be protected from damage resulting from adverse ditch conditions or damage from supporting blocks.

(e) If coated pipe is installed by boring, driving, or other similar method, precautions must be taken to minimize damage to the coating during installation.

Sec. 192.463 External corrosion control: cathodic protection.

(a) Each cathodic protection system required by this subpart must provide a level of cathodic protection that complies with one or more of the applicable criteria contained in Appendix D of this part. If none of these criteria is applicable, the cathodic protection system must provide a level of cathodic protection at least equal to that provided by compliance with one or more of these criteria.

(b) If amphoteric metals are included in a buried or submerged pipeline containing a metal of different anodic potential -

- (1) The amphoteric metals must be electrically isolated from the remainder of the pipeline and cathodically protected; or
- (2) The entire buried or submerged pipeline must be cathodically protected at a cathodic potential that meets the requirements of Appendix D of this part for amphoteric metals.

(c) The amount of cathodic protection must be controlled so as not to damage the protection coating or the pipe.

Sec. 192.465 External corrosion control: Monitoring.

(a) Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of Sec. 192.463. However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of 100 feet, or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.

(44 FR 75384, December 20, 1979, effective immediately; 45 FR 23441, April 7, 1980, effective immediately)

(b) Each cathodic protection rectifier or other impressed current power source must be inspected six times each calendar year, but with intervals not exceeding 2½ months, to insure that it is operating.

(c) Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically checked for proper performance six times each calendar year, but with intervals not exceeding 2½ months. Each other interference bond must be checked at least once each

calendar year, but with intervals not exceeding 15 months. (43 FR 39389, September 5, 1978)

(d) Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring. Remedial action must be completed within a time period determined by the operator based on an evaluation of the degree of hazard created by the nature of the deficiency but in no case longer than 90 days from the date the deficiency was discovered, or within a time period as may be approved by the Commissioner.

(e) After the initial evaluation required by paragraphs (b) and (c) of Sec. 192.455 and paragraph (b) of Sec. 192.457, each operator shall, at intervals not exceeding 3 years, reevaluate its unprotected pipelines and cathodically protect them in accordance with this subpart in areas in which active corrosion is found. The operator shall determine the areas of active corrosion by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means.

Sec. 192.467 External corrosion control: electrical isolation.

(a) Each buried or submerged pipeline must be electrically isolated from the other underground metallic structures, unless the pipeline and the other structures are electrically interconnected and cathodically protected as a single unit.

(b) One or more insulating devices must be installed where electrical isolation of a portion of a pipeline is necessary to facilitate the application of corrosion control.

(43 FR 39389, September 5, 1978)

(c) Except for unprotected copper inserted in ferrous pipe, each pipeline must be electrically isolated from metallic casings that are a part of the underground system. However, if isolation is not achieved because it is impractical, other measures must be taken to minimize corrosion of the pipeline inside the casing.

(d) Inspection and electrical tests must be made to assure that electrical isolation is adequate.

(e) An insulating device may not be installed in an area where a combustible atmosphere is anticipated unless precautions are taken to prevent arcing.

(f) Where a pipeline is located in close proximity to electrical transmission tower footings, ground cables or counterpoise, or in other areas where fault currents or unusual risk of lightning may be anticipated, it must be provided with protection against damage due to fault currents or lightning, and protective measures must also be taken at insulating devices.

Sec. 192.469 External corrosion control: test stations.

Each pipeline under cathodic protection required by this subpart must have sufficient test stations or other contact points for electrical measurement to determine the adequacy of cathodic protection.

Sec. 192.471 External corrosion control: test leads.

(a) Each test lead wire must be connected to the pipeline so as to remain mechanically secure and electrically conductive.

(b) Each test lead wire must be attached to the pipeline so as to minimize stress concentration on the pipe.

(c) Each bared test lead wire and bared metallic area at point of connection to the pipeline must be coated with an electrical insulating material compatible with the pipe coating and the insulation on the wire.

Sec. 192.473 External corrosion control: interference currents.

(a) Each operator whose pipeline system is subject to stray currents shall have in effect a continuing program to minimize the detrimental effects of such currents.

(43 FR 39389, September 5, 1978)

(b) Each impressed current type cathodic protection system or galvanic anode system must be designed and installed so as to minimize any adverse effects on existing adjacent underground metallic structures.

Sec. 192.475 Internal corrosion control: general.

(a) Corrosive gas may not be transported by pipeline, unless the corrosive effect of the gas on the pipeline has been investigated and steps have been taken to minimize internal corrosion.

(43 FR 39389, September 5, 1978)

(b) Whenever any pipe is removed from a pipeline for any reason, the internal surface must be inspected for evidence of corrosion. If internal corrosion is found -

(1) The adjacent pipe must be investigated to determine the extent of internal corrosion;

(2) Replacement must be made to the extent required by the applicable paragraphs of Sec. 192.485, Sec. 192.487, or Sec. 192.489; and

(3) Steps must be taken to minimize the internal corrosion.

(c) Gas containing more than 0.1 grain of hydrogen sulfide per 10 standard cubic feet may not be stored in pipe-type or bottle-type holders.

Sec. 192.477 Internal corrosion control: monitoring.

If corrosive gas is being transported, coupons or other suitable means must be used to determine the effectiveness of the steps taken to minimize internal corrosion. Each coupon or other means of monitoring internal corrosion must be checked two times each calendar year, but with intervals not exceeding 7½ months. (43 FR 39389, September 5, 1978)

Sec. 192.479 Atmospheric corrosion control: general.

(a) Pipelines installed after July 31, 1971: Each aboveground pipeline or portion of a pipeline installed after July 31, 1971, that is exposed to the atmosphere must be cleaned and either coated or jacketed with a material suitable for the prevention of atmospheric corrosion. An operator need not comply with this paragraph, if the operator can demonstrate by test, investigation, or experience in the area of application, that a corrosive atmosphere does not exist.

(b) Pipelines installed before August 1, 1971: Each operator having an aboveground pipeline or portion of a pipeline installed before August 1, 1971, that is exposed to the atmosphere, shall -

(43 FR 39389, September 5, 1978)

(1) Determine the areas of atmospheric corrosion on the pipeline;

(2) If atmospheric corrosion is found, take remedial measures to the extent required by the applicable paragraphs of Secs. 192.485, 192.487, or 192.489; and

(3) Clean and either coat or jacket the areas of atmospheric corrosion on the pipeline with a material suitable for the prevention of atmospheric corrosion.

Sec. 192.481 Atmospheric corrosion control: monitoring.

After meeting the requirements of Sec. 192.479 (a) and (b), each operator shall, at intervals not exceeding 3 years for onshore pipelines and at least once each calendar year, but with intervals not exceeding 15 months, for offshore pipelines, reevaluate each pipeline that is exposed to the atmosphere and take remedial action whenever necessary to maintain protection against atmospheric corrosion.

(43 FR 39389, September 5, 1978)

Sec. 192.483 Remedial measures: general

(a) Each segment of metallic pipe that replaces pipe removed from a buried or submerged pipeline because of external corrosion must have a properly prepared surface and must be provided with an external protective coating that meets the requirements of Sec. 192.461.

(b) Each segment of metallic pipe that replaces pipe removed from a buried or submerged pipeline because of external corrosion must be cathodically protected in accordance with this subpart.

(c) Except for cast iron or ductile iron pipe, each segment of buried or submerged pipe that is required to be repaired because of external corrosion must be cathodically protected in accordance with this subpart.

Sec. 192.485 Remedial measures: transmission lines.

(a) General corrosion: Each segment of transmission line with general corrosion and with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline must be replaced or the operating pressure reduced commensurate with the strength of the pipe based on the actual remaining wall thickness. However, if the area of general corrosion is small, the corroded pipe may be repaired. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph. (43 FR 39389, September 5, 1978)

(b) Localized corrosion pitting: Each segment of transmission line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired, or the operating pressure must be reduced commensurate with the strength of the pipe, based on the actual remaining wall thickness in the pits.

Sec. 192.487 Remedial measures: distribution lines other than cast iron or ductile iron lines.

(a) General corrosion: Except for cast iron or ductile iron pipe, each segment of generally corroded distribution line pipe with a remaining wall thickness less than 30 percent of the nominal wall thickness, must be replaced. However, if the area of general corrosion is small, the corroded pipe may be repaired. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

(b) Localized corrosion pitting: Except for cast iron or ductile iron pipe, each segment of distribution line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired.

Sec. 192.489 Remedial measures: cast iron and ductile iron pipelines.

(a) General graphitization: Each segment of cast iron or ductile iron pipe on which general graphitization is found to a degree where a fracture or any leakage might result, must be replaced.

(b) Localized graphitization: Each segment of cast iron or ductile iron pipe on which localized graphitization is found to a degree where any leakage might result, must be replaced or repaired, or sealed by internal sealing methods adequate to prevent or arrest any leakage.

Sec. 192.491 Corrosion control records.

(a) Each operator shall maintain records or maps to show the location of cathodically protected piping, cathodic protection facilities, other than unrecorded galvanic anodes installed before August 1, 1971, and neighboring structures bonded to the cathodic protection system.

(43 FR 39389, September 5, 1978)

(b) Each of the following records must be retained for as long as the pipeline remains in service:

(1) Each record or map required by paragraph (a) of this section.

(2) Records of each test, survey, or inspection required by this subpart, in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist.

SUBPART J - Test Requirements

Sec. 192.501 Scope.

This subpart prescribes minimum leak-test and strength-test requirements for pipelines.

Sec. 192.503 General requirements.

(a) No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated or replaced, until -

(1) It has been tested in accordance with this subpart to substantiate the proposed maximum allowable operating pressure; and

(2) Each potentially hazardous leak has been located and eliminated.

(b) The test medium must be liquid, air, natural gas, or inert gas that is -

(1) Compatible with the material of which the pipeline is constructed;

(2) Relatively free of sedimentary materials; and

(3) Except for natural gas, nonflammable.

(c) Except as provided in Sec. 192.505(a), if air, natural gas, or inert gas is used as the test medium, the following maximum hoop stress limitations apply:

Class location	Maximum hoop stress allowed as percentage of SMYS	
	Natural gas	Air or inert gas
1	80	80
2	30	75
3	30	50
4	30	40

(d) Each weld used to tie-in a test segment of pipeline is excepted from the test requirements of this subpart.

Sec. 192.505 Strength test requirements for steel pipeline to operate at a hoop stress of 30 percent or more of SMYS.

(a) Except for service lines, each segment of a steel pipeline that is to operate at a hoop stress of 30 percent or more of SMYS must be strength tested in accordance with this section to substantiate the proposed maximum allowable operating pressure. In addition, in a Class 1 or Class 2 location, if there is a building intended for human occupancy within 300 feet of a pipeline, a hydrostatic test must be conducted to a test pressure of at least 125 percent of maximum operating pressure on that segment of the pipeline within 300 feet of such a building, but in no event may the test section be less than 600 feet unless the length of the newly installed or relocated pipe is less than 600 feet. However, if the buildings are evacuated while the hoop stress exceeds 50 percent of SMYS, air or inert gas may be used as the test medium.

(b) In a Class 1 or Class 2 location, each compressor station, regulator station, and measuring station, must be tested to at least Class 3 location test requirements.

(c) Except as provided in paragraph (e) of this section, the strength test must be conducted by maintaining the pressure at or above the test pressure for at least 8 hours.

(d) If a component other than pipe is the only item being replaced or added to a pipeline, a strength test after installation is not required, if the manufacturer of the component certifies that -

(1) The component was tested to at least the pressure required for the pipeline to which it is being added; or

(2) The component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added.

(e) For fabricated units and short sections of pipe, for which a post installation test is impractical, a preinstallation strength test must be conducted by maintaining the pressure at or above the test pressure for at least 4 hours.

Sec. 192.507 Test requirements for pipelines to operate at a hoop stress less than 30 percent of SMYS and above 100 p.s.i.g.

Except for service lines and plastic pipelines, each segment

of a pipeline that is to be operated at a hoop stress less than 30 percent of SMYS and above 100 p.s.i.g. must be tested in accordance with the following:

(a) The pipeline operator must use a test procedure that will ensure discovery of all potentially hazardous leaks in the segment being tested.

(b) If, during the test, the segment is to be stressed to 20 percent or more of SMYS and natural gas, inert gas, or air is the test medium -

(1) A leak test must be made at a pressure between 100 p.s.i.g. and the pressure required to produce a hoop stress of 20 percent of SMYS; or

(2) The line must be walked to check for leaks while the hoop stress is held at approximately 20 percent of SMYS.

(c) The pressure must be maintained at or above the test pressure for at least one hour.

Sec. 192.509 Test requirements for pipelines to operate at or below 100 p.s.i.g.

Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at or below 100 p.s.i.g. must be leak tested in accordance with the following:

(a) The test procedure used must ensure discovery of all potentially hazardous leaks in the segment being tested.

(b) Each main that is to be operated at less than 1 p.s.i.g. must be tested to at least 10 p.s.i.g. and each main to be operated at or above 1 p.s.i.g. must be tested to at least 90 p.s.i.g.

Sec. 192.511 Test requirements for service lines.

(a) Each segment of a service line (other than plastic) must be leak tested in accordance with this section before being placed in service. If feasible, the service-line connection to the main must be included in the test; if not feasible, it must be given a leakage test at the operating pressure when placed in service.

(b) Each segment of a service line (other than plastic) intended to be operated at a pressure of at least 1 p.s.i.g. but not more than 40 p.s.i.g. must be given a leak test at a pressure of not less than 50 p.s.i.g.

(c) Each segment of a service line (other than plastic) intended to be operated at pressures of more than 40 p.s.i.g. must be tested to at least 90 p.s.i.g., except that each segment of a steel service line stressed to 20 percent or more of SMYS must be tested in accordance with Sec. 192.507 of this subpart.

Sec. 192.513 Test requirements for plastic pipelines.

(a) Each segment of a plastic pipeline must be tested in accordance with this section.

(b) The test procedure must insure discovery of all potentially hazardous leaks in the segment being tested.

(c) The test pressure must be at least 150 percent of the maximum operating pressure or 50 p.s.i.g., whichever is greater. However, the maximum test pressure may not be more than three times the design pressure of the pipe.

(d) The temperature of thermoplastic material must not be more than 100 degrees F. during the test.

Sec. 192.515 Environmental protection and safety requirements.

(a) In conducting tests under this subpart, each operator shall insure that every reasonable precaution is taken to protect its employees and the general public during the testing.

Whenever the hoop stress of the segment of the pipeline being tested will exceed 50 percent of SMYS, the operator shall take all practicable steps to keep persons not working on the testing operation outside of the testing area until the pressure is reduced to or below the proposed maximum allowable operating pressure.

(b) The operator shall insure that the test medium is disposed of in a manner that will minimize damage to the environment.

Sec. 192.517 Records.

Each operator shall make, and retain for the useful life of

the pipeline, a record of each test performed under Secs. 192.505 and 192.507. The record must contain at least the following information:

- (a) The operator's name, the name of the operator's employee responsible for making the test, and the name of any test company used.
- (b) Test medium used.
- (c) Test pressure.
- (d) Test duration.
- (e) Pressure recording charts, or other record of pressure readings.
- (f) Elevation variations, whenever significant for the particular test.
- (g) Leaks and failures noted and their disposition.

SUBPART K - Upgrading

Sec. 192.551 Scope.

This subpart prescribes minimum requirements for increasing maximum allowable operating pressures (upgrading) for pipelines.

Sec. 192.553 General requirements.

(a) Pressure increases: Whenever the requirements of this subpart require that an increase in operating pressure be made in increments, the pressure must be increased gradually, at a rate that can be controlled, and in accordance with the following:

(1) At the end of each incremental increase, the pressure must be held constant while the entire segment of pipeline that is affected is checked for leaks.

(2) Each leak detected must be repaired before a further pressure increase is made, except that a leak determined not to be potentially hazardous need not be repaired, if it is monitored during the pressure increase and it does not become potentially hazardous.

(b) Records: Each operator who upgrades a segment of pipeline shall retain for the life of the segment a record of each investigation required by this subpart, of all work performed, and of each pressure test conducted, in connection with the upgrading.

(c) Written plan: Each operator who upgrades a segment of pipeline shall establish a written procedure that will ensure that each applicable requirement of this subpart is complied with.

(d) Limitation on increase in maximum allowable operating pressure: Except as provided in Sec. 192.555(c), a new maximum allowable operating pressure established under this subpart may not exceed the maximum that would be allowed under this part for a new segment of pipeline constructed of the same materials in the same location.

Sec. 192.555 Upgrading to a pressure that will produce a hoop stress of 30 percent or more of SMYS in steel pipelines.

(a) Unless the requirements of this section have been met, no person may subject any segment of a steel pipeline to an operating pressure that will produce a hoop stress of 30 percent or more of SMYS and that is above the established maximum allowable operating pressure.

(b) Before increasing operating pressure above the previously established maximum allowable operating pressure the operator shall -

(1) Review the design, operating, and maintenance history and previous testing of the segment of pipeline and determine whether the proposed increase is safe and consistent with the requirements of this part; and

(2) Make any repairs, replacements or alterations in the segment of pipeline that are necessary for safe operation at the increased pressure.

(c) After complying with paragraph (b) of this section, an operator may increase the maximum allowable operating pressure of a segment of pipeline constructed before maximum allowable

operating pressure of a segment of pipeline constructed before September 12, 1970, to the highest pressure that is permitted under Sec. 192.619, using as test pressure the highest pressure to which the segment of pipeline was previously subjected (either in a strength test or in actual operation.)

(d) After complying with paragraph (b) of this section, an operator that does not qualify under paragraph (c) of this section may increase the previously established maximum allowable operating pressure if at least one of the following requirements is met:

(1) The segment of pipeline is successfully tested in accordance with the requirements of this part for a new line of the same material in the same location.

(2) An increased maximum allowable operating pressure may be established for a segment of pipeline in a Class 1 location if the line has not previously been tested, and if -

(i) It is impractical to test it in accordance with the requirements of this part;

(ii) The new maximum operating pressure does not exceed 80 percent of that allowed for a new line of the same design in the same location; and

(iii) The operator determines that the new maximum allowable operating pressure is consistent with the condition of the segment of pipeline and the design requirements of this part.

(e) Where a segment of pipeline is upgraded in accordance with paragraph (c) or (d) (2) of this section, the increase in pressure must be made in increments that are equal to -

(1) Ten percent of the pressure before the upgrading; or

(2) Twenty-five percent of the total pressure increase; whichever produces the fewer number of increments.

Sec. 192.557 Upgrading: steel pipelines to a pressure that will produce a hoop stress less than 30 percent of SMYS; plastic, cast iron, and ductile iron pipelines.

(a) Unless the requirements of this section have been met, no person may subject -

(1) A segment of steel pipeline to an operating pressure that will produce a hoop stress less than 30 percent of SMYS and that is above the previously established maximum allowable operating pressure; or

(2) A plastic, cast iron, or ductile iron pipeline segment to an operating pressure that is above the previously established maximum allowable operating pressure.

(b) Before increasing operating pressure above the previously established maximum allowable operating pressure, the operator shall -

(1) Review the design, operating, and maintenance history of the segment of pipeline;

(2) Make a leakage survey (if it has been more than 1 year since the last survey) and repair any leaks that are found, except that a leak determined not to be potentially hazardous need not be repaired, if it is monitored during the pressure increase and it does not become potentially hazardous;

(3) Make any repairs, replacements, or alterations in the segment of pipeline that are necessary for safe operation at the increased pressure;

(4) Reinforce or anchor offsets, bends and dead ends in pipe joined by compression couplings or bell and spigot joints to prevent failure of the pipe joint, if the offset, bend or dead end is exposed in an excavation;

(5) Isolate the segment of pipeline in which the pressure is to be increased from any adjacent segment that will continue to be operated at a lower pressure; and

(6) If the pressure in mains or service lines, or both, is to be higher than the pressure delivered to the customer, install a service regulator on each service line and test each regulator to determine that it is functioning. Pressure may be increased as necessary to test each regulator, after a regulator has been installed on each pipeline

subject to the increased pressure.

(c) After complying with paragraph (b) of this section, the increase in maximum allowable operating pressure must be made in increments that are equal to 10 p.s.i.g. or 25 percent of the total pressure increase, whichever produces the fewer number of increments. Whenever the requirements of paragraph (b)(6) of this section apply, there must be at least two approximately equal incremental increases.

(d) If records for cast iron or ductile iron pipeline facilities are not complete enough to ascertain compliance with Sec. 192.117 or Sec. 192.119, as applicable, the following procedures must be followed:

(1) If the original laying conditions cannot be ascertained, the operator shall assume, when applying the design formulas of ANSI C101-67, that cast iron pipe was supported on blocks with tamped backfill and, when applying the design formulas of ANSI A21.50, that ductile iron pipe was laid without blocks with tamped backfill.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(2) Unless the actual maximum cover depth is known, the operator shall measure the actual cover in at least three places where the cover is most likely to be greatest and shall use the greatest cover measured.

(3) Unless the actual nominal wall thickness is known, the operator shall determine the wall thickness by cutting and measuring coupons from at least three separate pipe lengths. The coupons must be cut from pipe lengths in areas where the cover depth is most likely to be the greatest. The average of all measurements taken must be increased by the allowance indicated in the following table:

Pipe size (inches)	Allowance (inches)		
	Cast iron pipe		
	Pit cast pipe	Centrif- ugally cast pipe	Ductile iron pipe
3-8	0.075	0.065	0.065
10-12	0.08	0.07	0.07
14-24	0.08	0.08	0.075
30-42	0.09	0.09	0.075
48	0.09	0.09	0.08
54-60	0.09		

Note: The nominal wall thickness of the cast iron is the standard thickness listed in table 10 or table 11, as applicable, of ANSI C101-67 nearest the value obtained under this subparagraph. The nominal wall thickness of ductile iron pipe is the standard thickness listed in table 6 of ANSI A21.50 nearest the value obtained under this subparagraph.

(46 FR 10157, Feb. 2, 1981, and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981)

(4) For cast iron pipe, unless the pipe manufacturing process is known, the operator shall assume that the pipe is pit case pipe with a bursting tensile strength of 11,000 p.s.i. and a modulus of rupture of 31,000 p.s.i.

SUBPART L - Operations

Sec. 192.601 Scope.

This subpart prescribes minimum requirements for the operation of pipeline facilities.

Sec. 192.603 General provisions.

(a) No person may operate a segment of pipeline unless it is operated in accordance with this subpart.

(b) Each operator shall establish a written operating and

maintenance plan meeting the requirements of this part and keep records necessary to administer the plan.

Sec. 192.605 Essentials of operating and maintenance plan.

Each operator shall include the following in its operating and maintenance plan:

(a) Instructions for employees covering operating and maintenance procedures during normal operations and repairs.

(b) Items required to be included by the provisions of Subpart M of this part.

(c) Specific programs relating to facilities presenting the greatest hazard to public safety either in an emergency or because of extraordinary construction or maintenance requirements.

(d) A program for conversion procedures, if conversion of a low-pressure distribution system to a higher pressure is contemplated.

(e) Provision for periodic inspections to ensure that operating pressures are appropriate for the class location.

Sec. 192.607 Initial determination of class location and confirmation or establishment of maximum allowable operating pressure.

(a) Before April 15, 1971, each operator shall complete a study to determine for each segment of pipeline with a maximum allowable operating pressure that will produce a hoop stress that is more than 40 percent of SMYS -

(1) The present class location of all such pipeline in its system; and

(2) Whether the hoop stress corresponding to the maximum allowable operating pressure for each segment of pipeline is commensurate with the present class location.

(b) Each segment of pipeline that has been determined under paragraph (a) of this section to have an established maximum allowable operating pressure producing a hoop stress that is not commensurate with the class location of the segment of pipeline and that is found to be in satisfactory condition, must have the maximum allowable operating pressure confirmed or revised in accordance with Sec. 192.611. The confirmation or revision must be completed not later than December 31, 1974.

(c) Each operator required to confirm or revise an established maximum allowable operating pressure under paragraph (b) of this section shall, not later than December 31, 1971, prepare a comprehensive plan, including a schedule, for carrying out the confirmations or revisions. The comprehensive plan must also provide for confirmations or revisions determined to be necessary under Sec. 192.609, to the extent that they are caused by changes in class locations taking place before July 1, 1973.

Sec. 192.609 Change in class location: required study.

Whenever an increase in population density indicates a change in class location for a segment of an existing steel pipeline operating at hoop stress that is more than 40 percent of SMYS, or indicates that the hoop stress corresponding to the established maximum allowable operating pressure for a segment of existing pipeline is not commensurate with the present class location, the operator shall immediately make a study to determine -

(a) The present class location for the segment involved.

(b) The design, construction, and testing procedures followed in the original construction, and a comparison of these procedures with those required for the present class location by the applicable provisions of this part.

(c) The physical condition of the segment to the extent it can be ascertained from available records;

(d) The operating and maintenance history of the segment;

(e) The maximum actual operating pressure and the corresponding operating hoop stress, taking pressure gradient into account, for the segment of pipeline involved; and

(f) The actual area affected by the population density increase, and physical barriers or other factors which may limit

further expansion of the more densely populated area.

Sec. 192.611 Change in class location: confirmation or revision of maximum allowable operating pressure.

If the hoop stress corresponding to the established maximum allowable operating pressure of a segment of pipeline is not commensurate with the present class location, and the segment is in satisfactory physical condition, the maximum allowable operating pressure of that segment of pipeline must be confirmed or revised as follows:

(a) If the segment involved has been previously tested in place to at least 90 percent of its SMYS for a period of not less than 8 hours, the maximum allowable operating pressure must be confirmed or reduced so that the corresponding hoop stress will not exceed 72 percent of SMYS of the pipe in Class 2 locations, 60 percent of SMYS in Class 3 locations, or 50 percent of SMYS in Class 4 locations.

(b) If the segment involved has not been previously tested in place as described in paragraph (a) of this section, the maximum allowable operating pressure must be reduced so that the corresponding hoop stress is not more than that allowed by this part for new segments of pipelines in the existing class location.

(c) If the segment of pipeline involved has not been qualified for operation under paragraph (a) or (b) of this section, it must be tested in accordance with the applicable requirements of Subpart J of this part, and its maximum allowable operating pressure must then be established so as to be equal to or less than the following:

(1) The maximum allowable operating pressure after the requalification test is 0.8 times the test pressure for Class 2 locations, 0.667 times the test pressure for Class 3 locations, and 0.555 times the test pressure for Class 4 locations.

(2) The maximum allowable operating pressure confirmed or revised in accordance with this section, may not exceed the maximum allowable operating pressure established before the confirmation or revision.

(3) The corresponding hoop stress may not exceed 72 percent of the SMYS of the pipe in Class 2 locations, 60 percent of SMYS in Class 3 locations, or 50 percent of the SMYS in Class 4 locations.

(d) Confirmation or revision of the maximum allowable operating pressure of a segment of pipeline in accordance with this section does not preclude the application of Secs. 192.553 and 192.555.

(e) Confirmation or revision of the maximum allowable operating pressure that is required as a result of a study under Sec. 192.609 must be completed as follows:

(1) Confirmation or revision due to changes in class location that occur before July 1, 1973, must be completed not later than December 31, 1974.

(2) Confirmation or revision due to changes in class location that occur on or after July 1, 1973, must be completed within 18 months of the change in class location.

Sec. 192.613 Continuing surveillance.

(a) Each operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class locations, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.

(b) If a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved, or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with Sec. 192.619(a) and (b).

Sec. 192.614 Damage prevention program.

(47 FR 13818, April 1, 1982, effective April 1, 1983)

(a) Except for pipelines listed in paragraph (c) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations. An operator may perform any of the duties required by paragraph (b) of this section through participation in a public service program, such as a "one-call" system, but such participation does not relieve the operator of responsibility for compliance with this section.

(b) The damage prevention program required by paragraph (a) of this section must, at a minimum -

(1) Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

(2) Provide for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (b)(1) of the following as often as needed to make them aware of the damage prevention program:

(i) The program's existence and purpose; and

(ii) How to learn the location of underground pipelines before excavation activities are begun.

(3) Provide a means of receiving and recording notification of planned excavation activities.

(4) Provide for actual notification of persons who give notice of their intent to excavate of whether there are buried pipelines in the area of excavation activity and, if so, the type of temporary marking to be provided and how to identify the markings.

(5) Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.

(6) Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

(i) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

(ii) In the case of blasting, any inspection must include leakage surveys.

(c) A damage prevention program under this section is not required for the following pipelines:

(1) Pipelines in a Class 1 or 2 location.

(2) Pipelines in a Class 3 location defined by Sec. 192.5(d)(2) marked in accordance with Sec. 192.707.

(3) Pipelines to which access is physically controlled by the operator.

(4) Pipelines that are part of a petroleum gas system subject to Sec. 192.11 or part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association.

Sec. 192.615 Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

(1) Receiving, identifying, and classifying notices of events which require immediate response by the operator.

(2) Establishing and maintaining adequate means of communication with appropriate fire, police, and other public officials.

(3) Prompt and effective response to a notice of each type of emergency, including the following:

(i) Gas detected inside or near a building.

(ii) Fire located near or directly involving a pipeline facility.

(iii) Explosion occurring near or directly involving a pipeline facility.

(iv) Natural disaster.

(4) The availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.

(5) Actions directed toward protecting people first and then property.

(6) Emergency shutdown and pressure reduction in any section of the operator's pipeline system necessary to minimize hazards to life or property.

(7) Making safe any actual or potential hazard to life or property.

(8) Notifying appropriate fire, police, and other public officials of gas pipeline emergencies and coordinating with them both planned responses and actual responses during an emergency.

(9) Safely restoring any service outage.

(10) Beginning action under Sec. 192.617, if applicable, as soon after the end of the emergency as possible.

(b) Each operator shall -

(1) Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of this section as necessary for compliance with those procedures.

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

(3) Review employee activities to determine whether the procedures were effectively followed in each emergency.

(c) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to -

(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;

(2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;

(3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and

(4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

(d) Each operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

(41 FR 13587, March 31, 1976)

Sec. 192.617 Investigation of failures.

Each operator shall establish procedures for analyzing accidents and failures, including the selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.

Sec. 192.619 Maximum allowable operating pressure: steel or plastic pipelines.

(a) Except as provided in paragraph (c) of this section, no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

(1) The design pressure of the weakest element in the segment, determined in accordance with Subparts C and D of this part.

(2) The pressure obtained by dividing the pressure to which the segment was tested after construction as follows:

(i) For plastic pipe in all locations, the test pressure is

divided by a factor of 1.5.

(ii) For steel pipe operated at 100 p.s.i.g. or more, the test pressure is divided by a factor determined in accordance with the following table:

Class location	Factors*, segment -		
	Installed before	Installed after	Converted under
	Nov. 12, 1970	Nov. 11, 1970	Sec. 192.14
1	1.1	1.1	1.25
2	1.25	1.25	1.25
3	1.4	1.5	1.5
4	1.4	1.5	1.5

*For offshore segments installed, uprated, or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For segments installed, uprated, or converted after July 31, 1977, that are located on an offshore platform or on a platform in inland navigable waters (including a pipe riser), the factor is 1.5.

(3) The highest actual operating pressure to which the segment was subject during the 5 years preceding July 1, 1970, (or in the case of offshore gathering lines, July 1, 1976), unless the segment was tested in accordance with paragraph (a)(2) of this section after July 1, 1965, (or in the case of offshore gathering lines, July 1, 1971), or the segment was uprated in accordance with Subpart K of this part.

(4) For furnace butt welded steel pipe, a pressure equal to 60 percent of the mill test pressure to which the pipe was subjected.

(5) For steel pipe other than furnace butt welded pipe, a pressure equal to 85 percent of the highest test pressure to which the pipe has been subjected, whether by mill test or by the post installation test.

(6) The pressure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressure.

(b) No person may operate a segment to which paragraph (a)(6) of this section is applicable, unless over-pressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with Sec. 192.195.

(c) Notwithstanding the other requirements of this section, an operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970, or in the case of offshore gathering lines, July 1, 1976, subject to the requirements of Sec. 192.611.

Sec. 192.621 Maximum allowable operating pressure: high-pressure distribution systems.

(a) No person may operate a segment of a high pressure distribution system at a pressure that exceeds the lowest of the following pressures, as applicable:

(1) The design pressure of the weakest element in the segment, determined in accordance with Subparts C and D of this part.

(2) 60 p.s.i.g. for a segment of a distribution system otherwise designed to operate at over 60 p.s.i.g., unless the service lines in the segment are equipped with service regulators or other pressure limiting devices in series that meet the requirements of Sec. 192.197(c).

(3) 25 p.s.i.g. in segments of cast iron pipe in which there are unreinforced bell and spigot joints.

(4) The pressure limits to which a joint could be subjected without the possibility of its parting.

(5) The pressure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressures.

(b) No person may operate a segment of pipeline to which paragraph (a)(5) of this section applies, unless overpressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with Sec. 192.195.

Sec. 192.623 Maximum and minimum allowable operating pressure: low-pressure distribution systems.

(a) No person may operate a low-pressure distribution system at a pressure high enough to make unsafe the operation of any connected and properly adjusted low-pressure gas burning equipment.

(b) No person may operate a low-pressure distribution system at a pressure lower than the minimum pressure at which the safe and continuing operation of any connected and properly adjusted low-pressure gas burning equipment can be assured.

Sec. 192.625 Odorization of gas

(a) No person engaged in the business of handling, storing, selling, or distributing natural and other toxic or combustible odorless gases, except liquefied petroleum gases, shall operate a gathering, distribution or transmission pipeline, unless the gas is malodorized in accordance with this regulation. (Louisiana Act 754)

(b) Natural gas, or any toxic or combustible odorless gas, in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell at any point in the line where odorization is required.

(c) Natural gas, or any toxic or combustible odorless gas, in a gathering or transmission line in a Class 3 or Class 4 location must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell at any point in the line where odorization is required, unless -

(1) At least 50 percent of the length of the line downstream from that location is in a Class 1 or Class 2 location;

(2) The line transports gas to any of the following facilities which received gas without an odorant from that line before May 5, 1975:

(i) An underground storage field;

(ii) A gas processing plant;

(iii) A gas dehydration plant; or

(iv) An industrial plant using gas in a process where the presence of an odorant:

(A) Makes the end product unfit for the purpose for which it is intended;

(B) Reduces the activity of a catalyst; or

(C) Reduces the percentage completion of a chemical reaction; or

(3) In the case of a lateral line which transports gas to a distribution center, at least 50 percent of the length of that line is in a Class 1 or Class 2 location.

(d) If gas is delivered for use primarily in one of the activities or facilities exempted in (c) and is also used in one of those activities for space heating, refrigeration, water heating, cooking and other domestic uses, or if such gas is used for furnishing heat, or air conditioning for office of living quarters, such latter gas shall be malodorized in accordance with these Rules by the user. (Louisiana Added)

(e) In the concentrations in which it is used, the malodorant in gases must comply with the following:

(1) The malodorant may not be deleterious to persons, materials, or pipe.

(2) The products of combustion from the malodorant may not be toxic when breathed nor may they be corrosive or harmful to those materials to which the products of combustion will be exposed.

(3) The malodorant may not be soluble in water to an extent greater than 2.5 parts to 100 parts by weight.

(f) Equipment for malodorization must introduce the malodorant without wide variations in the level of malodorant. The method of using malodorant and the containers and equipment used are subject to the approval of the Commissioner of Conservation and must meet the following requirements: (Louisiana Act 754):

(1) Malodorant must be detectable as specified in paragraph (b) at the most remote locations in the system.

(2) Odorizing equipment may be of the wick type for systems handling 10,000 MCF/year or less. For systems handling over 10,000 MCF/year, absorption by-pass or liquid injection type must be used. (Louisiana PSC Guidelines)

(3) By-pass type odorizers must be equipped with a differential valve or orifice to create a differential sufficient to cause a flow of gas across the odorizer at minimum flow. (Louisiana PSC Guidelines)

(4) The flow through the odorizer is to be controlled by means of a flow control or metering valve located on the inlet side of the odorizer. The size of the valve shall be large enough to deliver sufficient by-passed gas across the odorizer during maximum flow periods to assure adequate odorization. (Louisiana PSC Guidelines)

(5) The minimum approved malodorant injection rates for compliance with this part shall be 0.3 lb. per MMCF. Compliance with the minimum injection rate requirement does not relieve a person from meeting the requirements of (b) above. (Louisiana Added)

(6) At the request of any gas company or affected person or upon the request of the Commissioner of Conservation, the Office of Conservation shall determine, after examination of any gas having a natural malodor, the necessary rate of injection of additional malodorant, if any, which shall be necessary to meet the requirements of (b) herein as an exception to the approved injection rates. (Louisiana Added)

(7) The person subject to these Rules must provide sufficient test points within each distribution system for use by the Commissioner's staff to check the adequacy of odorization within the system. The test points must be of ¼ inch threaded tap with pressure not to exceed 5 psi and located at remote locations approved by the Commissioner. (Louisiana PSC Guidelines)

(g) Quarterly Reports

(1) Each person subject to these regulations shall conduct quarterly sampling of toxic or combustible odorless gases required to be malodorized to assure the proper concentration of odorant in accordance with this section. Each person subject to these Rules shall report quarterly to the Office of Conservation the following information:

(A) The kind or kinds of malodorant agents introduced into such gas during the calendar quarter;

(B) The quantity of each kind of malodorant agent used during each month or the quarter; and

(C) The quantity of gas odorized by each malodorant agent used during each month or the quarter.

Farm taps, which shall include 10 or less users with no common service line or main and which originate at a single tap on a transmission line, shall be sampled on an annual basis. Reports on usage of odorant shall be made annually for Farm Taps. (Louisiana Added)

(2) In the event a person subject to these regulations shall fail to timely file an odorization report or file an odorization report

which on its face shows non-compliance, the person may be put on remedial status after written notice of such status and be required to report odorization monthly within thirty days after the close of each month or for such other interval and for such period of time as shall be necessary to remedy the deficiencies in his odorization report or reports. (Louisiana Added)

(h) Persons who fail to comply with the provisions of this subpart after January 1, 1983, shall be subject to the penalty provision contained in Act 754 in Louisiana Revised Statutes, Title 33:4525 or Louisiana Revised Statutes, Title 40:1896. The penalty specified in the cited provisions is one thousand dollars for each day of non-compliance therewith. (Louisiana Act 754).

Sec. 192.627 Tapping pipelines under pressure.

Each tap made on a pipeline under pressure must be performed by a crew qualified to make hot taps.

Sec. 192.629 Purging of pipelines.

(a) When a pipeline is being purged of air by use of gas, the gas must be released into one end of the line in a moderately rapid and continuous flow. If gas cannot be supplied in sufficient quantity to prevent the formation of a hazardous mixture of gas and air, a slug of inert gas must be released into the line before the gas.

(b) When a pipeline is being purged of gas by use of air, the air must be released into one end of the line in a moderately rapid and continuous flow. If air cannot be supplied in sufficient quantity to prevent the formation of a hazardous mixture of gas and air, a slug of inert gas must be released into the line before the air.

SUBPART M - Maintenance

Sec. 192.701 Scope.

This subpart prescribes minimum requirements for maintenance of pipeline facilities.

Sec. 192.703 General.

(a) No person may operate a segment of pipeline unless it is maintained in accordance with this subpart.

(b) Each segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service.

(c) Hazardous leaks must be repaired promptly.

Sec. 192.705 Transmission lines: Patrolling.

(a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.

(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:

Class location of line	Maximum interval between patrols	
	At highway and railroad crossings	At all other places
1, 2	7½ months; but at least twice each calendar year.	15 months; but at least once each calendar year.
3	4½ months; but at least four times each calendar year.	7½ months; but at least twice each calendar year.
4	4½ months; but at least four times each calendar year.	4½ months; but at least four times each calendar year.

Sec. 192.706 Transmission lines: Leakage surveys.

(a) Each operator of a transmission line shall provide for periodic leakage surveys of the line in its operating and maintenance plant.

(b) Leakage surveys of a transmission line must be con-

ducted at intervals not exceeding 15 months, but at least once each calendar year. However, in the case of a transmission line which transports gas in conformity with Sec. 192.625 without an odor or odorant, leakage surveys using leak detector equipment must be conducted -

(1) In Class 3 locations, at intervals not exceeding 7½ months, but at least twice each calendar year; and

(2) In Class 4 locations, at intervals not exceeding 4½ months, but at least four times each calendar year.

Sec. 192.707 Line markers for mains and transmission lines.

(a) Buried pipelines: Except as provided in paragraph (b) of this section, a line marker must be placed and maintained as close as practical over each buried main and transmission line -

(1) At each crossing of a public road, railroad, and navigable waterway; and

(2) Wherever necessary to identify the location of the transmission line or main to reduce the possibility of damage or interference.

However, until January 1, 1978, paragraphs (a)(1) and (a)(2) of this section do not apply to mains installed before April 21, 1975, and until January 1, 1978, paragraph (a)(1) of this section does not apply to transmission lines installed before April 21, 1975.

(b) Exceptions for buried pipelines: Line markers are not required for buried mains and transmission lines -

(1) Located offshore or under inland navigable waters;

(2) In Class 3 or Class 4 locations -

(i) Where placement of a marker is impractical; or

(ii) Where a damage prevention program is in effect under

Sec. 192.614; or

(47 FR 13818, April 1, 1982, effective April 1, 1983)

(3) In the case of navigable waterway crossings, within 100 feet of a line marker placed and maintained at that waterway in accordance with this section.

(c) Pipeline aboveground: Line markers must be placed and maintained along each section of a main and transmission line that is located aboveground in an area accessible to the public.

(d) Markers other than at navigable waterways: The following must be written legibly on a background of sharply contrasting color on each line marker not placed at a navigable waterway:

(1) The word "Warning," "Caution," or "Danger" followed by the words "Gas (or name of gas transported) Pipeline" all of which, except for markers in heavily developed urban areas, must be in letters at least one inch high with one-quarter inch stroke.

(2) The name of the operator and the telephone number (including area code) where the operator can be reached at all times.

(e) Markers at navigable waterways. Each line marker at a navigable waterway must have the following characteristics:

(1) A sign, rectangular in shape, with a narrow strip along each edge colored international orange and the area between lettering on the sign and boundary strips colored white.

(2) Written on the sign in block style, black letters -

(i) The word "Warning," "Caution," or "Danger," followed by the words "Do Not Anchor or Dredge" and the words "Gas (or name of gas transported) Pipeline Crossing"; and

(ii) The name of the operator and the telephone number (including area code) where the operator can be reached at all times.

(3) In overcast daylight, the sign is visible and the writing required by paragraph (e)(2)(i) of this section is legible, from approaching or passing vessels that may damage or interfere with the pipeline.

(f) Existing markers: Line markers installed before April 21, 1975, which do not comply with paragraph (d) or (e) of this

section may be used until January 1, 1980.

Sec. 192.709 Transmission lines: record-keeping.

Each operator shall keep records covering each leak discovered, repair made, transmission line break, leakage survey, line patrol, and inspection, for as long as the segment of transmission line involved remains in service.

Sec. 192.711 Transmission lines: general requirements for repair procedures.

(a) Each operator shall 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 operating at or above 40 percent of the SMYS; and

(2) It is not feasible to make a permanent repair at the time of discovery. As soon as feasible, the operator shall make permanent repairs.

(b) Except as provided in Sec. 192.717(a)(3), no operator may use a welded patch as a means of repair.

(47 FR 13818, April 1, 1982, effective April 1, 1983)

Sec. 192.713 Transmission lines: permanent field repair of imperfections and damages.

(a) Except as provided in paragraph (b) of this section, each imperfection or damage that impairs the serviceability of a segment of steel transmission line operating at or above 40 percent of SMYS must be repaired as follows:

(1) If it is feasible to take the segment out of service, the imperfection or damage must be removed by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

(2) If it is not feasible to take the segment out of service, a full encirclement welded split sleeve of appropriate design must be applied over the imperfection or damage.

(3) If the segment is not taken out of service, the operating pressure must be reduced to a safe level during the repair operations.

(b) Submerged offshore pipelines and submerged pipelines in inland navigable waters may be repaired by mechanically applying a full encirclement split sleeve of appropriate design over the imperfection or damage.

Sec. 192.715 Transmission lines: permanent field repair of welds.

Each weld that is unacceptable under Sec. 192.241(c) must be repaired as follows:

(a) If it is feasible to take the segment of transmission line out of service, the weld must be repaired in accordance with the applicable requirements of Sec. 192.245.

(b) A weld may be repaired in accordance with Sec. 192.245 while the segment of transmission line is in service if -

(1) The weld is not leaking;

(2) The pressure in the segment is reduced so that it does not produce a stress that is more than 20 percent of the SMYS of the pipe; and

(3) Grinding of the defective area can be limited so that at least 1/8-inch thickness in the pipe weld remains.

(c) A defective weld which cannot be repaired in accordance with paragraph (a) or (b) of this section must be repaired by installing a full encirclement welded split sleeve of appropriate design.

Sec. 192.717 Transmission lines: permanent field repair of leaks.

(a) Except as provided in paragraph (b) of this section, each permanent field repair of a leak on a transmission line must be made as follows:

(1) If feasible, the segment of transmission line must be taken out of service and repaired by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

(2) If it is not feasible to take the segment of transmission

line out of service, repairs must be made by installing a full encirclement welded split sleeve of appropriate design, unless the transmission line -

(i) Is joined by mechanical couplings; and

(ii) Operates at less than 40 percent of SMYS.

(3) If the leak is due to a corrosion pit, the repair may be made by installing a properly designed bolt-on-leak clamp; or, if the leak is due to a corrosion pit and on pipe of not more than 40,000 p.s.i. SMYS, the repair may be made by fillet welding over the pitted area a steel plat patch with rounded corners, of the same or greater thickness than the pipe, and not more than one-half of the diameter of the pipe in size.

(b) Submerged offshore pipelines and submerged pipelines in inland navigable waters may be repaired by mechanically applying a full encirclement split sleeve of appropriate design over the leak.

Sec. 192.719 Transmission lines: testing of repairs.

(a) Testing of replacement pipe.

(1) If a segment of transmission line is repaired by cutting out the damaged portion of the pipe as a cylinder, the replacement pipe must be tested to the pressure required for a new line installed in the same location.

(2) The test required by subparagraph (1) of this paragraph may be made on the pipe before it is installed, but all field girth butt welds that are not strength tested must be tested after installation by nondestructive tests meeting the requirements of Sec. 192.243.

(b) Testing of repairs made by welding. Each repair made by welding in accordance with Sec. 192.713, 192.715, and 192.717 must be examined in accordance with Sec. 192.241.

Sec. 192.721 Distribution systems: patrolling.

(a) The frequency of patrolling mains must be determined by the severity of the conditions which could cause failure or leakage, and consequent hazards to public safety.

(b) Mains in place or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled at intervals not exceeding 4½ months, but at least four times each calendar year.

Sec. 192.723 Distribution systems: leakage surveys and procedures.

(a) Each operator of a distribution system shall provide for periodic leakage surveys in its operating and maintenance plan.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:

(1) A gas detector survey must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks, at intervals not exceeding 15 months, but at least once each calendar year.

(2) Leakage surveys of the distribution system outside of the principal business areas must be made as frequently as necessary, but at intervals not exceeding 5 years.

Sec. 192.725 Test requirements for reinstating service lines.

(a) Except as provided in paragraph (b) of this section, each disconnected service line must be tested in the same manner as a new service line, before being reinstated.

(b) Each service line temporarily disconnected from the main must be tested from the point of disconnection to the service line valve in the same manner as a new service line, before reconnecting. However, if provisions are made to maintain continuous service, such as by installation of a bypass, any part of the original service line used to maintain continuous service need not be tested.

Sec. 192.727 Abandonment or inactivation of facilities.

(a) Each operator shall provide in its operating and