

Mr. Mark Nicholas  
Superintendent  
Portal Pipe Line Company  
P.O. Drawer "L"  
Minot, North Dakota 58701

Dear Mr. Nicholas:

This is in further response to your letter of May 19, regarding an interpretation of "navigable waterway" in Section 195.412(b).

Navigable waterways are those waterways which have been designated as being navigable by Part 2 of Title 33 of the Code of Federal Regulations.

Subpart 2.10-5 states, in part:

"...navigable waters of the United States shall be construed to mean those waters of the United States, including the territorial seas adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more States, or to or from foreign nations...."

Navigable waters of the United States which have been the object of special determinations by the Coast Guard are enumerated in Subparts 2.21 et seq. The listing in this part does not purport to be a complete listing of such waters. There are numerous waterways which historically have considered navigable waters of the United States and are by common knowledge considered to be navigable waters. The waters listed are internal waters of the United States which have been the subject of determinations by the Coast Guard.

We trust that this answers your specific question. If we can be of further service, please let us know.

Sincerely,

/signed/

Joseph C. Caldwell  
Director  
Office of Pipeline Safety