

Dec 20 1985

Mr. J. C. Pyle
Vice President, Construction,
Operations & Engineering
Northern Plains Natural Gas Company
2600 Dodge Street
Omaha, Nebraska 68131

Dear Mr. Pyle:

Your letter of December 5, 1985, asks whether the regulation in 49 CFR 192.13(a) applies to a person who operates a gas pipeline that person did not design, install, construct, initially inspect, or initially test.

Section 192.13(a) provides that no one may operate certain pipelines unless they have been designed and constructed or otherwise qualified for use as required by the regulations in 49 CFR Part 192. In accordance with Section 10 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1677), this rule applies to any person who operates those pipelines. Neither the Act nor the regulations excuse this responsibility on grounds that the person has never owned the pipeline or has not been involved with its design, construction, or qualification for use.

The best way for such an operator to protect itself against potential liability for non-compliance with §192.13(a) is to thoroughly evaluate a pipeline's design and construction history before assuming operational control.

Sincerely,

Robert L. Paullin
Director
Office of Pipeline Safety