



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 19 1997

Mr. R.J Redweik
Staff Environmental Engineer
Shell Western E&P, Inc.
P.O. Box 576
Houston, TX 77001

Dear Mr. Redweik:

We are in receipt of your letter dated March 17, 1997, requesting clarification of DOT jurisdiction over Shell pipeline facilities transporting non-HVL through low stress lines in Cook Inlet, Alaska.

Under 49 C.F.R. 195.3 (a) "Except as provided in paragraph (b) of this section, this part applies to pipeline facilities and the transportation of hazardous liquids or carbon dioxide associated with those facilities in or affecting interstate or foreign commerce, including pipeline facilities on the Outer Continental Shelf.

- (b) This part does not apply to
 - (1) Transportation of a hazardous liquid that is transported in a gaseous state;
 - (2) Transportation of a hazardous liquid through a pipeline by gravity;
 - (3) Transportation of non-HVL through low-stress pipelines, except for any pipeline or pipeline segment that is located
 - (i) In an onshore area other than a rural area;
 - (ii) Offshore; or
 - (iii) In a waterway that is navigable in fact and currently used for commercial navigation;
 - (4) Transportation of petroleum in onshore gathering lines in rural areas except gathering lines in the inlets of the Gulf of Mexico subject to §195.413."

The lines in Cook Inlet are offshore, conducting transportation of non-HVL through low-stress pipelines and in a waterway that is navigable, in fact, and currently used for

commercial navigation. Therefore, they are clearly subject to the requirements of 49 CFR 195. "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.

Cook Inlet waters are considered offshore as they are in direct contact with the open sea and not categorized as "inland waters". Inland waters are specifically established by the U.S. Coast Guard under 33 CFR 80.01. Under this Coast Guard regulation, none of the sounds, bays, harbors, or inlets of Alaska are considered to be inland waters.

If you have any further questions, please contact L.E. Herrick at (202) 366-5523.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard D. Huriaux".

Richard D. Huriaux
Director for Technology and Regulations
Office of Pipeline Safety

cc: Ed Ondak
Chris Hoidel