

[4910-69]

[49 CFR Part 192]

[Docket No. OPS-31; Reference Notice 74-7]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Definition of Gathering Line

AGENCY: Materials Transportation Bureau; DOT.

ACTION: Withdrawal of notice or proposed rulemaking.

SUMMARY: This document withdraws a notice of proposed rulemaking to establish a new definition of the term "gathering line". The proposed new definition of the term "gathering line" does not satisfactorily identify pipelines used in the gathering of gas but a new definition is no longer needed.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On September 20, 1974, the Office of Pipeline Safety issued a notice of proposed rulemaking to establish a new definition in part 192 of the term "gathering line" (notice 74-7; 39 FR 34569, September 26, 1974). The term was to be defined as "a pipeline that transports gas from the point where gas is produced to the end of any treatment or other processing necessary to make the gas generally fit for consumers."

The proposed definition was intended to provide a clearer understanding of whether the Federal gas pipeline safety standards then in effect (part 192) did or did not apply to a given

pipeline located outside populated areas. The need for the proposal arose because the Natural Gas Pipeline Safety Act of 1968 (NGPSA) (49 U.S.C. 1671 et seq.), which then provided the sole statutory authority for the Federal standards, provides for Federal regulation of the transmission and distribution of gas in locations outside populated areas but not the gathering of gas in those areas.

There were 30 persons who responded to the invitation for public comments in notice 74-7. Twenty-seven of these commenters and the Department's Technical Pipeline Safety Standards Committee (TPSSC), who discussed the proposal at a meeting on October 31, 1974, objected to the proposed definition, basically on grounds that it would not accomplish its objective. The primary reason which the commenters and the TPSSC advanced for their objections was that the proposed definition contained many words and phrases which are open to varied interpretation. For example, depending on the circumstances involved, a wet gas might be "generally fit for consumers" in some cases but not others. Also, if the meaning of the word "treatment" were to include odorization or the addition of propane to natural gas, some distribution lines would become gathering lines under the proposed definition. The only remedy which the Materials Transportation Bureau (MTB) sees for this definitional problem would require the establishment of a full set of definitions, covering the various terms related to the complex field of gas gathering.

Rather than propose further definitions, MTB has reconsidered the need to adopt a new definition of the term "gathering line" in light of current legislation. After issuance of notice 74-

7, the Transportation Safety Act of 1974 (49 U.S.C. 1801 et seq.) was enacted. Title I of this act, the "Hazardous Materials Transportation Act," authorizes the Department to prescribe and enforce "regulations for the safe transportation in commerce of hazardous materials." This authority covers gas pipelines that are not subject to the NGPSA, which for the most part includes gas gathering lines located outside populated areas. As a consequence, MTB has exercised this authority to extend the scope of part 192 to cover certain offshore gas gathering lines (Amdt. 192-27, 41 FR 34593, August 16, 1976). Although the authority has not yet been applied under part 192 to regulate onshore gas gathering lines located outside populated areas, MTB has proposed to enlarge the scope of the leak reporting requirements in 49 CFR Part 191 to cover these pipelines (docket No. OPS-49, notice 1; 43 FR 24478, June 5, 1978). Given this state of events, with part 192 now applicable to offshore gathering lines and rulemaking action underway with regard to rural onshore gathering lines, MTB believes there is no longer a pressing need to adopt a new definition of gathering lines to distinguish them from other pipelines in rural areas for jurisdictional purposes.

In consideration of the foregoing, notice 74-7 is hereby withdrawn.

(49 U.S.C. 1672; 49 CFR 1.53, App. A of Part 1 and App. A of Part 102.)

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