

January 1, 1974

Mr. Larry D. Wheaton
Marathon Oil Company
539 S. Main Street
Findlay, OH 45840

Dear Mr. Wheaton:

This refers to your letter of December 7, 1973, furnishing this Office additional information concerning "slug" used in your Maraflood TM Process.

Based on the information provided in your letter, the Office of Pipeline Safety (OPS) has determined that the subject slug would not be classified as a hazardous material, petroleum, or petroleum product and therefore its pipeline transportation would not be subject to the requirements of 49 CFR, Part 195, Transportation of Liquids by Pipeline.

Your letter also requested clarification in two additional areas.

Question

"Does section 195.8 concerning notification of the use of plastic pipe apply if the material transported is not a hazardous material?"

Answer

If the material being transported by pipeline is not classified as a hazardous material, then it would not be required to comply with 49 CFR, Part 195.

Question

"If so" (answer to preceding question) "does it" (Section 195.8) "apply if the material is not being transported by a common carrier?"

Answer

If a material is classified as a hazardous material, petroleum, or petroleum product transported by pipeline, the carrier would have to comply with Part 195 if it is determined that the carrier is subject to Federal safety regulatory jurisdiction in accordance with the following.

The liquid pipeline safety regulations are issued by the OPS under the authority of Title 18, United States Code, Sections 831-835. This safety authority is applicable to all common, private, and contract pipeline carriers in interstate and foreign commerce, who transport petroleum, petroleum products, and other liquid hazardous materials. Title 18, U.S.C., Section 834 provides that the regulations issued by the Department under this section are ". . .binding upon all carriers engaged in interstate or foreign commerce which transport explosives and other dangerous articles by land, and upon all shippers making shipments of explosives and other dangerous articles via any carrier engaged in interstate and foreign commerce by land or water" (emphasis added). Therefore, OPS regulations apply to carriers engaged in interstate operations, and to all pipelines operated by such carriers, regardless of whether the particular pipeline is interstate or intrastate.

We appreciate your efforts in supplying the requested information and if we can be of any further help, please contact this Office.

Sincerely,

Joseph C. Caldwell
Director
Office of Pipeline Safety