

PI-74-0123

Jul 5 1974

Mr. Robert S. Grant
Grey Forest Utilities
P.O. Box 258
Helotea, TX 78023

Dear Mr. Grant:

Thank you for your letter of June 10, 1974, asking whether contracting for service to handle emergency situations would absolve the utility from responsibility and liability for damages which may arise after the contractor is notified.

Part 192 of title 49 of the Code of Federal Regulations provides that an operator of a gas pipeline must perform various tasks in order to comply with Federal gas pipeline safety standards. Part 192 does not prohibit an operator from contracting with another person to provide, on his behalf, any action required by that Part. However, where action is performed by a contractor on behalf of an operator, the operator remains responsible for compliance of the action with the standards contained in Part 192.

Questions of liability for property damage or personal injury resulting from pipeline failures are outside the jurisdiction of this office. Such questions are a matter of common or statutory law and should be directed to a counselor-at-law.

We appreciate your interest in pipeline safety.

Sincerely,

Joseph C. Caldwell
Director
Office of Pipeline Safety

Sep 27 1974

Mr. Donald H. Ernest
Director, Pipeline Safety
Indiana Public Service Commission
901 State Office Building
Indianapolis, IN 46204

Dear Mr. Ernest:

This responds to your letter of September 13, 1974, requesting our interpretation of a matter raised by the Indiana Gas Association, Inc. (IGA).

IGA is concerned about a requirement in 49 CFR Part 192 that inspections must be performed "at intervals not exceeding one year." Where an inspection is performed on June 1 of a given year, IGA asks if the next inspection must be performed on May 31 of the following year.

The phrase "at intervals not exceeding one year" defines the maximum period of time between inspections, but it does not require that each inspection be performed precisely one year later than the preceding one. Under the phrase, an inspection may be performed at any time, but must occur no later than one year after the preceding inspection. Thus, in the example cited by IGA, if an inspection is performed on June 1, the next inspection must be performed before June 1 of the following year but may be performed at any time in between.

We trust our response is helpful to you.

Sincerely,

Joseph C. Caldwell
Director
Office of Pipeline Safety