

**NO. 80-12**  
**DATE: September 8, 1980**

**DEPARTMENT OF TRANSPORTATION**  
**RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION**  
**MATERIALS TRANSPORTATION BUREAU**

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**PIPELINE SAFETY REGULATORY INTERPRETATION**

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**NOTE:** A pipeline safety regulatory interpretation applies a particular rule to a particular set of facts and circumstances, and, as such, may be relied upon only by those persons to whom the interpretation is specifically addressed.

**SECTION:** 192.1, 192.3

**SUBJECT:** Proposed Hydrogen Pipeline -  
Beaumont to Sabine, Texas

**FACTS:** A pipeline transports gas 19 miles between plant where the gas is produced and a second plant where the gas is consumed. The owner of the pipeline also owns the producing and consuming plants, so that the same person produces, transports and consumes the gas.

**QUESTION:** Is the pipeline subject to Part 182?

**INTERPRETATION:** Part 192 applies, as stated in §192.1, to the "transportation of gas," which is defined in §192.3 to mean the gathering, transmission, or distribution of gas in or affecting interstate or foreign commerce. Under the definitions in §192.3 of "gathering line" and "service line" (which is a "distribution line"), the transportation of gas that is subject to Part 192 begins at the outlet of a production facility and runs to the point where ownership of the gas passes to the consumer, or where has been sold and delivered to the consumer. Under the facts, the consumer, transporter, and producer are the same person, so, in effect, the consumer owns the gas as soon as it is produced, or as soon as it enters the consumer-owner pipeline. In this situation, there is no transportation of gas between producer and consumer that is subject to the jurisdiction of Part 192.

Melvin A. Judah  
Acting Associate Director for

Pipeline Safety Regulation  
Materials Transportation Bureau

Translation of May 3, 1989 Route Slip

**Question** (Fulton to DeLeon)

In view of some of the recent opinions we have had on consumer owned transmission lines, is this interpretation still valid for gas? For Hazardous liquid?

**Answer**

Comment - DeLeon to Furrow

I do not agree with interpretation No 801-12 because this concludes that the transportation of gas is predicated on who owns the gas. Gas can be transported regardless of ownership. If LPG is transported and it is in a public place, even, if the owner, consumer & producer are the same person, it is in transportation.

Comment - Furrow to DeLeon

this interpretation assumes the line is a service line from the outlet of production. Since it's consumer owned, it's not subject to Part 192. If other facts show line is transmission (difficult to show) then it would be subject to Part 192. In my view Part 195 does not exclude any consumer owned piping.

Comment - DeLeon to Fulton

I believe this interpretation is not currently valid for gas or liquid.

Mr. Raymond M. Ripple  
E.I. Du Pont De Nemours & Company  
Wilmington, Delaware 19898

Dear Mr. Ripple:

This refers to your recent letter to L. M. Furrow asking whether the requirements of 49 CFR Part 192 would apply to a hydrogen gas pipeline owned and operated by Du Pont. The pipeline begins at a Du Pont plant in Beaumont, Texas, where the gas is produced, and extends some nineteen miles to a second Du Pont plant in Sabine, Texas, where the gas is consumed.

We have issued the enclosed pipeline safety interpretation in response to your inquiry which provides that the pipeline in question would not be subject to Part 192.

Sincerely,

Melvin A. Judah  
Acting Associate Director for  
Pipeline Safety Regulation  
Materials Transportation Bureau

Enclosure