

April 22, 1993

Mr. Sean M. Sherlock
Snell & Wilmer
Law Offices
Suite 1200
1920 Main Street
Irvine, CA 92714

Dear Mr. Sherlock:

This is in response to your letter of February 10, 1993, to Mr. Lloyd Ulrich pertaining to telephone conversations with him concerning the requirements of 49 CFR Part 194, the Interim Final Rule on Response Plans for Onshore Oil Pipelines.

Specifically, you requested confirmation that a line section which is excepted under Section 194.101(b)(2)(i) would be excepted from all the requirements under 49 CFR Part 194 including calculation of a worst case discharge to be used in response planning. Section 194.101(b)(2)(i) contains the exception for a line section greater than 6 5/8 inches in outside nominal diameter and greater than 10 miles in length where the operator determines that it is unlikely that the worst case discharge from any point on the line section would adversely affect, within 12 hours after initiation of the discharge, any navigable waters, public drinking water intakes, or environmentally sensitive areas.

Section 194.101(b) excepts certain pipelines and line sections from the provisions of 49 CFR Part 194. A pipeline or line section included in one of the exceptions is not required to comply with any of the provisions of 49 CFR Part 194 including the calculation of a worst case discharge. Of course, the worst case discharge volume needs to be calculated for the operator to support the exception under Section 194.101 (b)(2)(i), which is based on the worst case discharge not reaching certain areas within 12 hour of the release. However, the calculation does not need to be submitted to the Research and Special Programs Administration.

I hope this responds fully to your inquiry.

Sincerely,

Cesar De Leon
Director, Regulatory Programs
Office of Pipeline Safety