



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

NOV 14 2013

Ms. Shelley Ragsdale
15410 Baybrook Drive
Houston, TX 77062

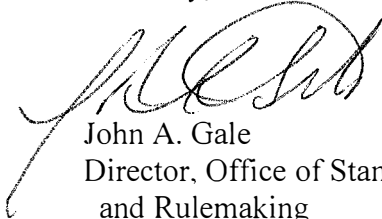
Dear Ms. Ragsdale:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) dated May 13, 2013, you requested an interpretation of the applicability of the Federal pipeline safety regulations at 49 CFR Part 194. Specifically, you requested whether the § 194.101 response plan requirements apply to intrastate pipelines. You acknowledged that § 194.101 does not specifically exclude operators of intrastate onshore pipeline facilities from preparing and submitting a response plan to PHMSA. However, it is your understanding that it is commonly accepted in the pipeline industry that only interstate pipelines need to submit the response plans.

The purpose of Part 194 is to reduce the environmental impact of oil discharge from onshore oil pipeline spills (§ 194.1). Part 194 applies to an operator of an onshore oil pipeline that, because of its location, could reasonably be expected to cause significant and substantial harm to the environment by discharging oil into or on any navigable waters of the United States or adjoining shorelines (§ 194.3). Section 194.3 does not exclude intrastate pipelines from the § 194.101 requirements. Therefore, intrastate onshore oil pipelines are subject to Part 194 unless they qualify for an exception under § 194.101(b).

If we can be of further assistance, please contact Tewabe Asebe of my staff at (202) 366-5523.

Sincerely,



John A. Gale
Director, Office of Standards
and Rulemaking

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

May 13, 2013

Office of Pipeline Safety (PHP-30) PHMSA
United States Department of Transportation
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Subject: 49 CFR Subchapter D Part 194 Response Plans and applicability to intrastate pipelines

Hello,

49 CFR, Subchapter D, § 190.11 states in part: "(1) A written interpretation, response to a question, or an opinion concerning a pipeline safety issue may be obtained by submitting a written request to the Office of Pipeline Safety (PHP-30), PHMSA, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001. The requestor must include his or her return address and should also include a daytime telephone number. Written requests should be submitted at least 120 days before the time the requestor needs the response. (2) A written interpretation regarding Federal Pipeline safety law, 49 U.S.C. 60101 *et seq.*, may be obtained from the Office of the Chief Counsel, PHMSA, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001. The requestor must include his or her return address and should include a daytime telephone number."

As such, I am writing to ask the following question: **Are intrastate pipelines required to submit a Part 194 Response Plan to PHMSA?** 49 CFR, Subchapter D Part 194.101 titled "Operators Required to Submit Plans" states in part that (excluding exceptions) "...each operator of an onshore pipeline facility shall prepare and submit a response plan to PHMSA..." 194.101 does not specifically exclude intrastate pipelines from having to submit a Response Plan to PHMSA. However, it is commonly accepted in the pipeline industry that only interstate pipelines need to submit plans.

Thank you,



Shelley Ragsdale

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