

PI-72-0120

From OPS Adv. Bul. no. 72-2

Interpretations

Relates to 49 CFR Part 191

Question: Is a gas leak that occurred inside a house reportable under the provisions of 49 CFR Part 191?

OPS Interpretation: "...any leak...(an unintended escape of gas) that is caused by a defect or act on a pipeline facility over which the Department has jurisdiction is reportable under Part 191. This assumes that the leak meets the other criteria for reporting that are stated in those regulations. If, however, the defect or act, and the escape of the gas resulting therefrom occurs outside our jurisdiction, then it is not reportable under Part 191.

..."To assist in carrying out the regulatory responsibility, Section 12 of the Act requires operators to '...maintain such records, make such reports, and provide such information as the Secretary may reasonably require...' Based upon this authority...reporting is required with respect to those pipeline facilities and activities where there is jurisdiction to act. Requiring a report if incident that proximately results in the escape of gas and danger to the public, regardless of the physical location of that escape and danger, is a reasonable exercise of the authority."

..."In short, if the act that causes the escape or danger occurs where there is authority to regulate a report is required regardless of the physical location of the escape."

Relates to 49 CFR §192.195

Question: Is there any intent in §192.195 to limit the use of some types of overpressure protective devices that were previously permitted under certain conditions under the interim standards such as relief, monitoring, rupture discs, shut-off and series regulation?

OPS Interpretation:..."Except as specifically provided for in §192.195, there is no intent to limit the type of overpressure protection device that an operator may use. The operator is free to choose the device...that will best suit his situation so long as it complies with applicable requirements of Part 192."

Question: What is the effect of the Occupational Safety and Health Act of 1970 upon the safety rules and regulation for the transportation of natural gas and liquids via pipeline?

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OPS Interpretation:... "The regulations promulgated under the authority of the Occupational Safety and Health Act of 1970 and under the Natural Gas Pipeline Safety Act of 1968 are compatible as they apply to the different aspects of safety for which the Acts were enacted. The pipeline regulations apply to the safe transportation of natural and other gas and liquids by pipeline. The Occupational Safety and Health regulations apply to the safety of the worker. Where safety in transportation demands regulations affecting work conditions of workers then the Department of Transportation assume(s) jurisdiction."

Relates to 49 CFR §195.210

Question: What would be the reaction of the pipeline safety office to the encroachment of a surface-holder upon the 50-foot restriction of §195.210?

OPS Interpretation:... "The 50 foot restriction on §195.210 applies only to installation of the pipeline and does not affect any subsequent encroachment by a surface holder. Once the pipeline is in place these regulations have no limitations on how close surface structures can be placed to the pipeline. The terms of the operator's right-of-way would be the only limiting factor."