

May 30, 1975

Mr. Robert L. Swartwout
Energy Division-Gas
State of New York
Public Service Commission
44 Holland Avenue
Albany, New York 12208

Dear Mr. Swartwout:

This letter refers to the 6.16 miles of coated gas pipelines for which the Commission by order dated March 18, 1975, granted the National Fuel Gas Distribution Corporation a waiver from compliance with a State requirements that all transmission lines be cathodically protected by August 1, 1974. The waiver extended the deadline for compliance until November 1, 1975.

In our letter of April 15, 1975, we asked if the pipelines fall within the definition of "transmission liens" under 49 CFR 192.3, even though they operate at less than 20 percent of specified minimum yield strength. Because the waiver does not apply to Federal standards, this question is relevant to whether the pipelines are in violation of the August 1, 1974, deadline for cathodic protection of effectively coated transmission lines under 49 CFR 192.457.

Your response, dated May 1, 1975, states your conclusion that the pipelines, which stem from interstate transmission lines and run to regulator stations supplying distribution systems, are classified as "distribution lines" under 49 CFR 192.3. You apparently reach this conclusion because the interstate liens are not gathering lines or storage facilities within the meaning of clause (1) of the definition of "transmission line" in 49 CFR 192.3, which reads:

"'Transmission line' means a pipelines, other then a gathering line, that - (1) Transports gas from a gathering line or storage facility to a distribution center or storage facility."

It appears to us, however, based on the information you have provided, that the 6.16 miles of pipelines are lateral extensions of interstate transmission lines which serve distribution centers. When viewed in this respect, the beginnings of these lines are not the interstate lines, themselves, but the sources of the interstate lines. If these sources are gathering lines or storage facilities, then the 6.16 miles of pipelines would fit the definition of transmission line.

Also for purposes of classification under 49 CFR Part 192, a "distribution line" is either a main or a service line. By definition in 49 CFR 192.3, a main is a source of supply for service lines. Because there is no indication that the 6.16 miles of pipelines are service lines or have services connected to them, we are further unable to agree that the pipelines are distribution lines.

Based on our comments, we would appreciate your advising whether or not it is still your opinion that the 6.16 miles of pipelines are distribution lines under 49 CFR Part 192 and giving us your reasons. If not, does the Commission intend to revise the March 18 order to make it applicable to 49 CFR 192.457?

Sincerely,

Joseph C. Caldwell
Director
Office of Pipeline Safety