

June 24, 1975

Mr. John Searcy  
Tennessee Public Service Commission  
Cordell Hull Building  
Nashville, Tennessee 37219

Dear Mr. Searcy:

This responds to your letter of June 10, 1975, referring to our opinion that "a violation of Section 192.63 occurs when a component which is not marked...is used in a pipeline..." You state to the contrary that a marking violation can never occur in light of our interpretation that "Section 192.63 does not require that markings be maintained after installation."

It does not follow that because markings need not be maintained after installation, Section 192.63 cannot be violated. Like the design requirements in Part 192, the marking requirement is one which must be met before a pipeline is placed in operation. It does not have continuing application thereafter. Still, because the regulations in Part 192 apply to pipeline facilities actually used in the transportation of gas, a person cannot be charged with a violation of Section 192.63 until a component not marked as required is placed in operation.

Strictly speaking, in the case of a violation of Section 192.63, Section 192.13 should also be included in stating the violation. That Section makes it clear that a person may not operate a pipeline unless all applicable requirements in Part 192 are met.

Sincerely,

Joseph C. Caldwell  
Director  
Office of Pipeline Safety