

December 7, 1978

Mr. Harold E. Shutt
Chief Engineer - Gas & Electric
State of Illinois
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62703

Dear Mr. Shutt:

this refers to your letter of November 26, 1978, to Mr. Lucian M. Furrow, asking whether 49 CFR Part 192 would apply to gas pipelines in Lake Michigan.

The applicability of Part 192 is stated in Section 192.1. Because of the broad coverage provided by paragraph (a) of that Section, gas pipelines in Lake Michigan would be subject to Part 192 unless they fall under one of the exceptions set forth in paragraph (b). The first exception (subparagraph (b)(1)) would not be applicable to pipelines in Lake Michigan since Lake Michigan is not an "offshore" area, as that term is defined in Section 192.3. The second exception, (subparagraph (b)(2)), which concerns onshore gathering lines, would apply only to the extent the pipelines involved are gathering lines located outside the areas listed. (The term "onshore" in Part 192 describes pipelines that are not located "offshore", and thus, would properly refer to any gathering lines in Lake Michigan.)

Thus, with regard to your specific inquiry about Sections 192.13 and 192.619, these provisions would apply to gas pipelines in Lake Michigan except for gas gathering lines located outside the areas listed in Section 192.1(b)(2). The term "inland navigable waters" in Section 192.619 refers to navigable waters that are not located "offshore", which includes the waters of Lake Michigan.

Sincerely,

Cesar DeLeon
Associate Director for
Materials Transportation Bureau