

August 9, 1983

Mr. T. E. Burnett
Dixie Pipeline
P.O. Box 2220
Houston, Texas 77901

Dear Mr. Burnett:

You have asked our opinion regarding the extent of application of the Hazardous Liquid Pipeline Safety Act (HLPESA) (19 U.S.C. 2001 et seq.) and 49 CFR Part 195.1 to the loading docks of your LP gas storage facility at Milner, Georgia.

Our understanding of the facts is based upon representations made in correspondence from Dixie and the Office of Comptroller General of the State of Georgia. The LP gas is piped into storage facilities. From the storage tanks, the gas is filtered and piped onto the loading docks where it is metered out onto trucks for transport both within and outside the State of Georgia.

Although these loading docks are not currently subject to any requirements of 49 CFR Part 195, we agree that they are subject to the jurisdiction of the HLPESA. Thus far, however, MTB has found no basis to issue regulations under Part 195 applicable to such facilities.

Whether State regulatory action with respect to these facilities is pre-empted by Federal jurisdiction is therefore, dependent on whether the facilities are interstate facilities or intrastate facilities. Because the distinction between the two types of facilities has not been clearly understood by both industry and government personnel we have developed the enclosed discussion paper. It is hoped that the paper more clearly explains MTB's view of the distinctions and will assist you in arriving at an amicable resolution of the current dispute in the State of Georgia.

Please contact me directly if you have further questions regarding the enclosed discussion paper.

Sincerely,

Paul Biancardi
Attorney-Advisor

Enclosure

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