

Mr. Douglas B. Wyatt
Looper, Reed, Ewing & McGraw Incorporated
Attorneys
Suite 1717
Nine Greenway Plaza
Houston, Texas 77046

Dear Mr. Wyatt:

you requested clarification of our August 31, 1989, letter regarding protection for offshore pipelines. The requirements of 49 CFR 192.317(a) apply to conditions known or that can be foreseen at the time of construction. Thereafter, an operator does not have a continuing obligation under this rule to provide protection against hazards from changed or new conditions. However, if the operator learns the pipeline has become unsafe due to these changed or new conditions, the operator would have to take remedial action as required by 49 CFR 192.703(b).

We would agree that the protection required by §192.317(a) could be any measure considered reasonably necessary to guard against foreseeable damage from a foreseeable event, provided that measure is based on sound engineering judgment.

Sincerely,

/signed/

James C. Thomas
Deputy Director
Office of Pipeline Safety