

July 14, 1992

Mr. Raymond M. Ripple
E.I. Du Pont De Nemours & Company
Wilmington, DE 19898

Dear Mr. Ripple:

By letter of September 8, 1980, this agency transmitted Interpretation 80-12, concerning application of the safety standards in 49 CFR Part 192 to a proposed hydrogen pipeline between Du Pont plants in Beaumont and Sabine, Texas (correspondence enclosed). The interpretation stated that the Part 192 standards would not apply to the proposed pipeline because it would be owned by the gas consumer.

We now find that interpretation too narrow. Both Part 192 and the Natural Gas Pipeline Safety Act of 1968 (NGPSA) (49 App. U.S.C. 1671 et seq.), the enabling legislation for Part 192, are broad in scope. The NGPSA authorizes the safety regulation of pipeline facilities used in the transportation of gas by pipeline in or affecting interstate or foreign commerce, except for certain rural gathering. Part 192 parallels that jurisdiction, covering consumer-owned gas pipelines other than lines located downstream from a service line. From our review of the facts presented in your letter of August 11, 1980, the proposed pipeline does not lie downstream from a service line. Therefore, the proposed pipeline would be subject to the Part 192 safety standards, and we must rescind Interpretation 80-12.

We hope this change in position is not a great inconvenience. But, we are endeavoring to maintain a consistent approach to application of the Part 192 standards.

Sincerely,

Cesar De Leon
Director, Regulatory Programs
Office of Pipeline Safety