

February 5, 1993

Mr. Eric L. Nitcher
Amoco Corporation
Law Department/Amoco Building
1670 Broadway
P.O Box 800
Denver, CO 80201

Dear Mr. Nitcher:

I am writing in response to your letter of January 22, 1993, confirming a telephone conversation with Mr. Lloyd W. Ulrich concerning the recently published interim final rule on response plans for onshore oil pipelines (58 FR 244; January 5, 1993; adopting Part 194, Title 49, Code of Federal Regulations). Your letter states:

It is Amoco's understanding, after discussions with your office, that the above referenced Interim Final Rules do not require the formulation and implementation of a response plan where the facilities at issue are gas gathering pipelines or oil flow lines from the wellhead to a separator and/or storage tank battery. It is our understanding, that the Department of Transportation is not attempting to and does not intend for the Interim Final Rules referenced above to cover these types of facilities.

Under Executive Order 12777, and delegations of authorities under that order from the Secretary of Transportation to the Administrator of the Research and Special Programs Administration (RSPA) (57 FR 62483; December 31, 1992), the requirements for spill response planning by operators of on-shore pipeline facilities (including the submission of plans to RSPA) only apply to transportation-related facilities. We have reviewed the application of Part 194 to the pipeline facilities you have described, that is, lines from the wellhead to a separator and/or storage tank battery, and have determined that Part 194 does not apply to those facilities because they are not transportation-related. This opinion is consistent with the terms of a Memorandum of Understanding between the Department of Transportation and the Environmental Protection Agency (EPA) (36 FR 24080; December 18, 1971), which was executed to assure effective implementation of the Federal Water Pollution Act (which the Oil Pollution Act (OPA) of 1990 amends). Under the terms of that Memorandum, we consider the lines at issue to be "non-transportation related" facilities and not subject to the

Department's regulations. You should note, however, that these lines may be subject to OPA requirements the EPA may adopt.

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I trust that this information is responsive to your request. If you have further questions about this or other matters, please let me know.

Sincerely,

Cesar De Leon
Director Regulatory Programs
Office of Pipeline Safety