

March 8, 1994

Mr. L. S. Abraham
Health & Compliance Officer
BP Oil Pipeline Company
812 E. National Road
Vandalia, OH 45377-3016

Dear Mr. Abraham:

This responds to your letter of December 16, 1993, to George W. Tenley, Jr., concerning the safety regulation in 49 CFR 195.402(c)(4). This regulation requires operators to prepare and follow procedures for “determining which pipeline facilities are located in areas that would require an immediate response by the operator to prevent hazards to the public if the facilities failed or malfunctioned.” You asked whether your company’s policy of responding immediately to any failure or malfunction regardless of location would meet this requirement.

The question arises because, according to your letter, some of our inspectors consider your company’s compliance policy to be incomplete. You said they have asked your company to identify environmentally sensitive, highly populated, industrial, and agricultural areas along its pipelines, to establish response priorities, and state how your company will respond to each area.

We included a statement of the intent of § 195.402(c)(4) in the final rule document (44 FR 41198; July 16, 1979) and in the reconsideration document (44 FR 70165; December 6, 1979). The intent was to require operators to analyze their systems to identify those facilities that would cause hazards to the public if failure or malfunction occurred. The reconsideration document also noted that the location of a facility largely determines whether it might become hazardous to the public.

We agree with our office’s inspectors that your company’s procedures are incomplete.

I hope this information is helpful to you. Please let me know if I can provide further assistance.

Sincerely,

Cesar De Leon
Director,
Office of Pipeline Safety Regulatory Programs