

October 17, 1994

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

Dear Mr. Abraham:

I have reconsidered my initial response to your letter of December 16, 1993, concerning procedures required by 49 CFR 195.402(c)(4). Under this regulation, operators must have 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.”

Initially I supported the view that BP’s policy of responding immediately to every failure or malfunction, regardless of location, would not meet § 195.402(c)(4). According to your letter, some of our inspectors had asked BP to identify environmentally sensitive, highly populated, industrial, and agricultural areas along its pipelines; to state how it would respond to each area; and to establish response priorities.

Based on the regulatory history cited in my earlier letter, it’s apparent that operators only have to identify their high risk facilities to comply with § 195.402(c)(4). So, by identifying all its facilities, as BP apparently has done, an operator would not only meet but exceed the requirements of § 195.402(c)(4).

In addition, § 195.402(c)(4) does not require operators to have plans and priorities to respond to failures or malfunctions at facilities under that section. However, response plans are a [sic] essential part of the emergency procedures required by § 195.402(e) and of the abnormal operation procedures required by § 195.402(d). Also, under § 195.402(c)(6), operators must take steps to minimize the potential for hazards to occur at the facilities identified under § 195.402(c)(4).

I hope you were not too inconvenienced by my initial response. But please don’t hesitate to write if you need any additional information regarding our regulations.

Sincerely,

Cesar De Leon
Director for Pipeline Safety
Regulatory Programs