

U.S. Department
of Transportation

400 Seventh Street, SW
Washington, DC 20590

**Research and
Special Programs
Administration**

November 13, 1995

Mr. David Davidowitz
Chief Gas Engineer
Consolidated Edison Company
of New York, Inc.
4 Irving Place
New York, NY 10003

Dear Mr. Davidowitz:

I am responding to an inquiry by Ms. Mary Kelly of your staff regarding the applicability of 49 CFR Part 173 (Shippers--General Requirements for Shipments and Packagings) to the transportation of natural gas in pipeline distribution systems.

The answer is that Part 173 is not applicable to the transportation of natural gas through local gas distribution systems. This part of the U.S. Department of Transportation's hazardous materials regulations addresses "[r]equirements to be observed in preparing hazardous materials for shipment by air, highway, rail or water, or any combination thereof" See 49 CFR §173.1(a)(2). This definition includes shipments of natural or other gases in cylinders or other packagings. It explicitly does not include transportation of natural gas by pipeline.

Pipelines carrying natural gas in gas distribution systems are subject to the regulations of the Office of Pipeline Safety (OPS) and various state-level pipeline safety offices. OPS regulations on natural gas transportation systems are contained in 49 CFR Part 192 (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards). I refer you to 49 CFR §192.1(a) which states that "[t]his part prescribes minimum safety requirements for pipeline facilities and the transportation of gas" These Federal regulations have been adopted by the New York Public Service Commission in 16 NYCRR Part 255.

If you have further questions please contact me on (202) 366-4565. If you desire additional information or need to request a formal interpretation of the pipeline safety rules, please contact Mr. John Gawronski, Chief, Safety & Reliability, New York Public Service Commission, on (518) 486-2648.

Sincerely,

Richard D. Huriaux, P.E.
Director, Technology and Regulations
Office of Pipeline Safety