

July 22, 1996

Mr. Tom Cashen  
Commissioner  
State of Alaska  
Department of Labor  
P.O. Box 21149  
Juneau, Alaska 99802

Dear Mr. Cashen:

Thank you for your letter requesting clarification on preemption and jurisdictional issues between the U.S. Department of Transportation's Office of Pipeline Safety (OPS) and the Alaska Occupational Safety and Health Program (AKOSH) over certain worker safety issues on the Trans-Alaskan Pipeline System (TAPS).

In your letter you stated that some of the pump stations have topping units that produce turbine fuel from the crude oil flowing through the pipeline and that this fuel is used to operate pump station pumping systems. Although the topping units are located within the fenceline of TAPS pumping stations and are an essential part of the pipeline facility as configured by the owners of TAPS, the hazardous liquid pipeline safety regulations in 49 C.F.R. 195 do not address the safety issues inherent in refinery processes such as topping units. Therefore, the regulations of AKOSH as they apply to these topping units and the associated vapor recovery units and fuel storage tanks do not conflict with and are not preempted by the federal pipeline safety regulations.

In addition, the federal pipeline safety regulations do not preempt the AKOSH regulations on worker safety issues, including noise levels, crane operations, and protection on open-sided platform as referred to in your letter.

If you have any questions, please contact Jon Strawn, OPS' Alaska representative, at 907-271-4373 or L.E. Herrick, OPS headquarters, at 202-366-5523.

Sincerely,

Richard D. Hurliaux, P.E.  
Director, Technology & Regulations

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