

April 6, 2009

Mr. Franklin Stagg
Integrity Management Program Coordinator
Equistar Chemicals, LP
P.O. Box 1847
Alvin, TX 77512

Ref. No.: PI-08-0003

Dear Mr. Stagg:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) dated May 27, 2008, you requested an interpretation of 49 CFR 195.1 of the Federal pipeline safety regulations. You explained that the pipeline had been disconnected and purged with nitrogen and stated your belief that as a result, the line “does not carry any regulatory burdens...”

Pursuant to Chapter 601, Title 49, United States Code, PHMSA administers a national safety regulatory program for hazardous liquid pipelines and has responsibility for protecting against risks to life, property, and the environment posed by pipelines. In carrying out its responsibilities, PHMSA has established design, construction, operation, and maintenance standards and regulations for hazardous liquid pipelines and has responsibility for enforcing these requirements.

Our responses to your requests for interpretation are as follows:

- **Question - Must 49 CFR Part 195, § 195.1 applicability be satisfied before any subsequent Part 195 rule is applied?**
- Answer - Yes. Only pipelines that meet the applicability provisions in § 195.1 are subject to Part 195.
- **Question - What criteria stated in § 195.1 would apply for an idle pipeline that is physically disconnected from any hazardous liquid and purged with nitrogen for several years?**

Answer - PHMSA regulations do not recognize an “idle” status for a hazardous liquid pipeline. The pipeline in the specified scenario does not meet the applicability provisions of § 195.1 and would not be subject to Part 195. However, you should be aware that ceasing normal operation

of a pipeline does not remove the pipeline from PHMSA's jurisdiction. If you have abandoned a Part 195 jurisdictional pipeline according to 195.402(c)(10), the requirements no longer apply. The abandoned pipeline may not be returned to service unless the pipeline was maintained according to Part 195 requirements while it was abandoned, or meets the requirements of a newly designed and constructed pipeline.

I hope that this information is helpful to you. If I can be of further assistance, please contact me at (202)366-3015.

Sincerely,

Signed/JAG/April 6, 2009

John A. Gale
Director, Office of Regulations

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.