

## APPENDIX B TO PART 194—HIGH VOLUME AREAS

As of January 5, 1993 the following areas are high volume areas:

Major rivers	Nearest town and state
Arkansas River .....	N. Little Rock, AR.
Arkansas River .....	Jenks, OK.
Arkansas River .....	Little Rock, AR.
Black Warrior River .....	Moundville, AL.
Black Warrior River .....	Akron, AL.
Brazos River .....	Glen Rose, TX.
Brazos River .....	Sealy, TX.
Catawba River .....	Mount Holly, NC.
Chattahoochee River .....	Sandy Springs, GA.
Colorado River .....	Yuma, AZ.
Colorado River .....	LaPaz, AZ.
Connecticut River .....	Lancaster, NH.
Coosa River .....	Vincent, AL.
Cumberland River .....	Clarksville, TN.
Delaware River .....	Frenchtown, NJ.
Delaware River .....	Lower Chichester, NJ.
Gila River .....	Gila Bend, AZ.
Grand River .....	Bosworth, MO.
Illinois River .....	Chillicothe, IL.
Illinois River .....	Havanna, IL.
James River .....	Arvon, VA.
Kankakee River .....	Kankakee, IL.
Kankakee River .....	South Bend, IN.
Kankakee River .....	Wilmington, IL.
Kentucky River .....	Salvisa, KY.
Kentucky River .....	Worthville, KY.
Maumee River .....	Defiance, OH.
Maumee River .....	Toledo, OH.
Mississippi River .....	Myrtle Grove, LA.
Mississippi River .....	Woodriver, IL.
Mississippi River .....	Chester, IL.
Mississippi River .....	Cape Girardeau, MO.
Mississippi River .....	Woodriver, IL.
Mississippi River .....	St. James, LA.
Mississippi River .....	New Roads, LA.
Mississippi River .....	Ball Club, MN.
Mississippi River .....	Mayersville, MS.
Mississippi River .....	New Roads, LA.
Mississippi River .....	Quincy, IL.
Mississippi River .....	Ft. Madison, IA.
Missouri River .....	Waverly, MO.
Missouri River .....	St. Joseph, MO.
Missouri River .....	Weldon Springs, MO.
Missouri River .....	New Frankfort, MO.
Naches River .....	Beaumont, TX.
Ohio River .....	Joppa, IL.
Ohio River .....	Cincinnati, OH.
Ohio River .....	Owensboro, KY.
Pascagoula River .....	Lucedale, MS.
Pascagoula River .....	Wiggins, MS.
Pearl River .....	Columbia, MS.
Pearl River .....	Oria, TX.
Platte River .....	Ogallala, NE.
Potomac River .....	Reston, VA.
Rappahannock River .....	Midland, VA.
Raritan River .....	South Bound Brook, NJ.
Raritan River .....	Highland Park, NJ.
Red River (of the South) .....	Hanna, LA.
Red River (of the South) .....	Bonham, TX.
Red River (of the South) .....	Dekalb, TX.
Red River (of the South) .....	Sentell Plantation, LA.
Red River (of the North) .....	Wahpeton, ND.
Rio Grande .....	Anthony, NM.
Sabine River .....	Edgewood, TX.
Sabine River .....	Leesville, LA.
Sabine River .....	Orange, TX.
Sabine River .....	Echo, TX.
Savannah River .....	Hartwell, GA.

Major rivers	Nearest town and state
Smokey Hill River .....	Abilene, KS.
Susquehanna River .....	Darlington, MD.
Tennessee River .....	New Johnsonville, TN.
Wabash River .....	Harmony, IN.
Wabash River .....	Terre Haute, IN.
Wabash River .....	Mt. Carmel, IL.
White River .....	Batesville, AR.
White River .....	Grand Glaize, AR.
Wisconsin River .....	Wisconsin Rapids, WI.
Yukon River .....	Fairbanks, AK.

*Other Navigable Waters*

Arthur Kill Channel, NY  
Cook Inlet, AK  
Freeport, TX  
Los Angeles/Long Beach Harbor, CA  
Port Lavaca, TX  
San Francisco/San Pablo Bay, CA

**PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE****Subpart A—General**

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### APPENDIX A TO PART 195—DELINEATION BETWEEN FEDERAL AND STATE JURISDICTION—STATEMENT OF AGENCY POLICY AND INTERPRETATION

AUTHORITY: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

SOURCE: Amdt. 195-22, 46 FR 38360, July 27, 1981, unless otherwise noted.

### Subpart A—General

#### § 195.0 Scope.

This part prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide.

[Amdt. 195-45, 56 FR 26925, June 12, 1991]

#### § 195.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to pipeline facilities and the transportation of hazardous liquids or carbon dioxide associated with those facilities in or affecting interstate or foreign commerce, including pipeline facilities on the Outer Continental Shelf.

(b) This part does not apply to—

(1) Transportation of a hazardous liquid that is transported in a gaseous state;

(2) Transportation of a hazardous liquid through a pipeline by gravity;

(3) Transportation of non-HVL through low-stress pipelines, except for any pipeline or pipeline segment that is located—

(i) In an onshore area other than a rural area;

(ii) Offshore; or

(iii) In a waterway that is navigable in fact and currently used for commercial navigation;

(4) Transportation of petroleum in onshore gathering lines in rural areas except gathering lines in the inlets of the Gulf of Mexico subject to § 195.413;

(5) Transportation of hazardous liquid or carbon dioxide in offshore pipelines which are located upstream from the outlet flange of each facility where hydrocarbons or carbon dioxide are produced or where produced hydrocarbons or carbon dioxide are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream;

(6) Transportation of a hazardous liquid or carbon dioxide through onshore production (including flow lines), refining, or manufacturing facilities, or storage or in-plant piping systems associated with such facilities;

(7) Transportation of hazardous liquid or carbon dioxide—

(i) By vessel, aircraft, tank truck, tank car, or other non-pipeline mode of transportation; or

(ii) Through facilities located on the grounds of a materials transportation terminal that are used exclusively to transfer hazardous liquid or carbon dioxide between non-pipeline modes of transportation or between a non-pipeline mode and a pipeline, not including any device and associated piping that are necessary to control pressure in the pipeline under § 195.406(b); and

(8) Transportation of carbon dioxide downstream from the following point, as applicable:

(i) The inlet of a compressor used in the injection of carbon dioxide for oil recovery operations, or the point where recycled carbon dioxide enters the injection system, whichever is farther upstream; or

(ii) The connection of the first branch pipeline in the production field that transports carbon dioxide to injection wells or to headers or manifolds

from which pipelines branch to injection wells.

(c) A low-stress pipeline to which this part applies that exists on July 12, 1994 need not comply with this part or part 199 of this chapter until July 12, 1996, except as follows:

(1) Subpart B of this part applies beginning on October 10, 1994; and

(2) Any replacement, relocation, or other change made to existing pipelines after October 9, 1994 must comply with subparts A and C through E of this part.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-33, 50 FR 15898, Apr. 23, 1985; Amdt. 195-36, 51 FR 20976, June 10, 1986; Amdt. 195-45, 56 FR 26925, June 12, 1991; Amdt. 195-45, 56 FR 50666, Oct. 8, 1991; Amdt. 195-47, 56 FR 63771, Dec. 5, 1991; Amdt. 195-52, 59 FR 33395, June 28, 1994; Amdt. 195-53, 59 FR 35470, July 12, 1994]

## § 195.2 Definitions.

As used in this part—

*Administrator* means the Administrator of the Research and Special Programs Administration or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

*Barrel* means a unit of measurement equal to 42 U.S. standard gallons.

*Breakout tank* means a tank used to (a) relieve surges in a hazardous liquid pipeline system or (b) receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline.

*Carbon dioxide* means a fluid consisting of more than 90 percent carbon dioxide molecules compressed to a supercritical state.

*Component* means any part of a pipeline which may be subjected to pump pressure including, but not limited to, pipe, valves, elbows, tees, flanges, and closures.

*Corrosive product* means “corrosive material” as defined by § 173.136 Class 8-Definitions of this chapter.

*Exposed pipeline* means a pipeline where the top of the pipe is protruding above the seabed in water less than 15 feet deep, as measured from the mean low water.

*Flammable product* means “flammable liquid” as defined by § 173.120 Class 3-Definitions of this chapter.

*Gathering line* means a pipeline 219.1 mm (8½ in) or less nominal outside diameter that transports petroleum from a production facility.

*Gulf of Mexico and its inlets* means the waters from the mean high water mark of the coast of the Gulf of Mexico and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet, as measured from the mean low water.

*Hazard to navigation* means, for the purpose of this part, a pipeline where the top of the pipe is less than 12 inches below the seabed in water less than 15 feet deep, as measured from the mean low water.

*Hazardous liquid* means petroleum, petroleum products, or anhydrous ammonia.

*Highly volatile liquid* or *HVL* means a hazardous liquid which will form a vapor cloud when released to the atmosphere and which has a vapor pressure exceeding 276 kPa (40 psia) at 37.8° C (100° F).

*In-plant piping system* means piping that is located on the grounds of a plant and used to transfer hazardous liquid or carbon dioxide between plant facilities or between plant facilities and a pipeline or other mode of transportation, not including any device and associated piping that are necessary to control pressure in the pipeline under § 195.406(b).

*Interstate pipeline* means a pipeline or that part of a pipeline that is used in the transportation of hazardous liquids or carbon dioxide in interstate or foreign commerce.

*Intrastate pipeline* means a pipeline or that part of a pipeline to which this part applies that is not an interstate pipeline.

*Line section* means a continuous run of pipe between adjacent pressure pump stations, between a pressure pump station and terminal or breakout tanks, between a pressure pump station and a block valve, or between adjacent block valves.

*Low-stress pipeline* means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

*Nominal wall thickness* means the wall thickness listed in the pipe specifications.

*Offshore* means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

*Operator* means a person who owns or operates pipeline facilities.

*Person* means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

*Petroleum* means crude oil, condensate, natural gasoline, natural gas liquids, and liquefied petroleum gas.

*Petroleum product* means flammable, toxic, or corrosive products obtained from distilling and processing of crude oil, unfinished oils, natural gas liquids, blend stocks and other miscellaneous hydrocarbon compounds.

*Pipe* or *line pipe* means a tube, usually cylindrical, through which a hazardous liquid or carbon dioxide flows from one point to another.

*Pipeline* or *pipeline system* means all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

*Pipeline facility* means new and existing pipe, rights-of-way and any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.

*Production facility* means piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation or treating of petroleum or carbon dioxide, or associated storage or measurement. (To be a production facility under this definition, piping or equipment must be used in the process of extracting petroleum or carbon dioxide from the ground or from facilities where CO<sub>2</sub> is produced, and

preparing it for transportation by pipeline. This includes piping between treatment plants which extract carbon dioxide, and facilities utilized for the injection of carbon dioxide for recovery operations.)

*Rural area* means outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, or community development.

*Specified minimum yield strength* means the minimum yield strength, expressed in pounds per square inch, prescribed by the specification under which the material is purchased from the manufacturer.

*Stress level* means the level of tangential or hoop stress, usually expressed as a percentage of specified minimum yield strength.

*Surge pressure* means pressure produced by a change in velocity of the moving stream that results from shutting down a pump station or pumping unit, closure of a valve, or any other blockage of the moving stream.

*Toxic product* means "poisonous material" as defined by §173.132 Class 6, Division 6.1-Definitions of this chapter.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982, as amended by Amdt. 195-33, 50 FR 15898, Apr. 23, 1985; 50 FR 38660, Sept. 24, 1985; Amdt. 195-36, 51 FR 15007, Apr. 22, 1986; Amdt. 195-45, 56 FR 26925, June 12, 1991; Amdt. 195-47, 56 FR 63771, Dec. 5, 1991; Amdt. 195-50, 59 FR 17281, Apr. 12, 1994; Amdt. 195-52, 59 FR 33395, 33396, June 28, 1994; Amdt. 195-53, 59 FR 35471, July 12, 1994]

### **§195.3 Matter incorporated by reference.**

(a) Any document or portion thereof incorporated by reference in this part is included in this part as though it were printed in full. When only a portion of a document is referenced, then this part incorporates only that referenced portion of the document and the remainder is not incorporated. Applicable editions are listed in paragraph (c) of this section in parentheses following the title of the referenced material. Earlier editions listed in previous editions of this section may be used for components manufactured, designed, or installed in accordance with those earlier editions at the time they

were listed. The user must refer to the appropriate previous edition of 49 CFR for a listing of the earlier editions.

(b) All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, and at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, materials incorporated by reference are available as follows:

(1) American Gas Association (AGA), 1515 Wilson Boulevard, Arlington, VA 22209.

(2) American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

(3) The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.

(4) Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE., Vienna, VA 22180.

(5) American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.

(6) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428.

(c) The full title for the publications incorporated by reference in this part are as follows. Numbers in parentheses indicate applicable editions:

(1) American Gas Association (AGA): AGA Pipeline Research Committee, Project PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (December 1989). The RSTRENG program may be used for calculating remaining strength.

(2) American Petroleum Institute (API):

(i) API Specification 5L "Specification for Line Pipe" (41st edition, 1995).

(ii) API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st Edition, 1994).

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(iii) API Specification 1104 "Welding of Pipelines and Related Facilities" (18th edition, 1994).

(3) American Society of Mechanical Engineers (ASME):

(i) ASME/ANSI B16.9 "Factory-Made Wrought Steel Butt Welding Fittings" (1993).

(ii) ASME/ANSI B31.4 "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols" (1992 edition with ASME B31.4a-1994 Addenda).

(iii) ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (1995).

(iv) ASME/ANSI B31G "Manual for Determining the Remaining Strength of Corroded Pipelines" (1991).

(v) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Pressure Vessels" (1995 edition with 1995 Addenda).

(vi) ASME Boiler and Pressure Vessel Code, Section IX "Welding and Brazing Qualifications" (1995 edition with 1995 Addenda).

(4) Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS):

(i) MSS SP-75 "Specification for High Test Wrought Butt Welding Fittings" (1993).

(ii) [Reserved]

(5) American Society for Testing and Materials (ASTM):

(i) ASTM Designation: A 53 "Standard specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless" (A 53-95a).

(ii) ASTM Designation: A 106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A 106-94a).

(iii) ASTM Designation: A 333/A 333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A 333/A 333M-94).

(iv) ASTM Designation: A 381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (A 381-93).

(v) ASTM Designation: A 671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A 671-94).

(vi) ASTM Designation: A 672 "Standard Specification for Electric-

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Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A 672-94).

(vii) ASTM Designation: A 691 "Standard Specification for Carbon and Alloy Steel Pipe Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A 691-93).

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982, as amended by Amdt. 195-32, 49 FR 36860, Sept. 20, 1984; 58 FR 14523, Mar. 18, 1993; Amdt. 195-52, 59 FR 33396, June 28, 1994; Amdt. 195-56, 61 FR 26123, May 24, 1996; 61 FR 36826, July 15, 1996]

#### **§ 195.4 Compatibility necessary for transportation of hazardous liquids or carbon dioxide.**

No person may transport any hazardous liquid or carbon dioxide unless the hazardous liquid or carbon dioxide is chemically compatible with both the pipeline, including all components, and any other commodity that it may come into contact with while in the pipeline.

[Amdt. 195-45, 56 FR 26925, June 12, 1991]

#### **§ 195.5 Conversion to service subject to this part.**

(a) A steel pipeline previously used in service not subject to this part qualifies for use under this part if the operator prepares and follows a written procedure to accomplish the following:

(1) The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in satisfactory condition for safe operation. If one or more of the variables necessary to verify the design pressure under § 195.106 or to perform the testing under paragraph (a)(4) of this section is unknown, the design pressure may be verified and the maximum operating pressure determined by—

(i) Testing the pipeline in accordance with ASME B31.8, Appendix N, to produce a stress equal to the yield strength; and

(ii) Applying, to not more than 80 percent of the first pressure that produces a yielding, the design factor F in § 195.106(a) and the appropriate factors in § 195.106(e).

(2) The pipeline right-of-way, all aboveground segments of the pipeline,

and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.

(3) All known unsafe defects and conditions must be corrected in accordance with this part.

(4) The pipeline must be tested in accordance with subpart E of this part to substantiate the maximum operating pressure permitted by § 195.406.

(b) A pipeline which qualifies for use under this section need not comply with the corrosion control requirements of this part until 12 months after it is placed in service, notwithstanding any earlier deadlines for compliance. In addition to the requirements of subpart F of this part, the corrosion control requirements of subpart D apply to each pipeline which substantially meets those requirements before it is placed in service or which is a segment that is replaced, relocated, or substantially altered.

(c) Each operator must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (a) of this section.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-52, 59 FR 33396, June 28, 1994]

**§ 195.8 Transportation of hazardous liquid or carbon dioxide in pipelines constructed with other than steel pipe.**

No person may transport any hazardous liquid or carbon dioxide through a pipe that is constructed after October 1, 1970, for hazardous liquids or after July 12, 1991 for carbon dioxide of material other than steel unless the person has notified the Administrator in writing at least 90 days before the transportation is to begin. The notice must state whether carbon dioxide or a hazardous liquid is to be transported and the chemical name, common name, properties and characteristics of the hazardous liquid to be transported and the material used in construction of the pipeline. If the Administrator determines that the transportation of the hazardous liquid or carbon dioxide in

the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice, order the person that gave the notice, in writing, not to transport the hazardous liquid or carbon dioxide in the proposed manner until further notice.

[Amdt. 195-45, 56 FR 26925, June 12, 1991, as amended by Amdt. 195-50, 59 FR 17281, Apr. 12, 1994]

**§ 195.10 Responsibility of operator for compliance with this part.**

An operator may make arrangements with another person for the performance of any action required by this part. However, the operator is not thereby relieved from the responsibility for compliance with any requirement of this part.

**Subpart B—Reporting Accidents and Safety-Related Conditions**

**§ 195.50 Reporting accidents.**

An accident report is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

- (a) Explosion or fire not intentionally set by the operator.
- (b) Loss of 50 or more barrels of hazardous liquid or carbon dioxide.
- (c) Escape to the atmosphere of more than five barrels a day of highly volatile liquids.
- (d) Death of any person.
- (e) Bodily harm to any person resulting in one or more of the following:
  - (1) Loss of consciousness.
  - (2) Necessity to carry the person from the scene.
  - (3) Necessity for medical treatment.
  - (4) Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.
- (f) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-39, 53 FR 24950, July 1, 1988; Amdt. 195-45, 56 FR 26925, June 12, 1991; Amdt. 195-52, 59 FR 33396, June 28, 1994]

**§ 195.52 Telephonic notice of certain accidents.**

(a) At the earliest practicable moment following discovery of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in § 195.50, the operator of the system shall give notice, in accordance with paragraph (b) of this section, of any failure that:

(1) Caused a death or a personal injury requiring hospitalization;

(2) Resulted in either a fire or explosion not intentionally set by the operator;

(3) Caused estimated property damage, including cost of cleanup and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000;

(4) Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or

(5) In the judgment of the operator was significant even though it did not meet the criteria of any other paragraph of this section.

(b) Reports made under paragraph (a) of this section are made by telephone to 800-424-8802 (in Washington, DC 267-2675) and must include the following information:

(1) Name and address of the operator.

(2) Name and telephone number of the reporter.

(3) The location of the failure.

(4) The time of the failure.

(5) The fatalities and personal injuries, if any.

(6) All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-23, 47 FR 32720, July 29, 1982; Amdt. 195-44, 54 FR 40878, Oct. 4, 1989; Amdt. 195-45, 56 FR 26925, June 12, 1991; Amdt. 195-52, 59 FR 33396, June 28, 1994]

**§ 195.54 Accident reports.**

(a) Each operator that experiences an accident that is required to be reported under § 195.50 shall as soon as prac-

ticable, but not later than 30 days after discovery of the accident, prepare and file an accident report on DOT Form 7000-1, or a facsimile.

(b) Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000-1, it shall file a supplemental report within 30 days.

[Amdt. 195-39, 53 FR 24950, July 1, 1988]

**§ 195.55 Reporting safety-related conditions.**

(a) Except as provided in paragraph (b) of this section, each operator shall report in accordance with § 195.56 the existence of any of the following safety-related conditions involving pipelines in service:

(1) General corrosion that has reduced the wall thickness to less than that required for the maximum operating pressure, and localized corrosion pitting to a degree where leakage might result.

(2) Unintended movement or abnormal loading of a pipeline by environmental causes, such as an earthquake, landslide, or flood, that impairs its serviceability.

(3) Any material defect or physical damage that impairs the serviceability of a pipeline.

(4) Any malfunction or operating error that causes the pressure of a pipeline to rise above 110 percent of its maximum operating pressure.

(5) A leak in a pipeline that constitutes an emergency.

(6) Any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a 20 percent or more reduction in operating pressure or shutdown of operation of a pipeline.

(b) A report is not required for any safety-related condition that—

(1) Exists on a pipeline that is more than 220 yards from any building intended for human occupancy or outdoor place of assembly, except that reports are required for conditions within the right-of-way of an active railroad, paved road, street, or highway, or that occur offshore or at onshore locations where a loss of hazardous liquid could reasonably be expected to pollute any



stream, river, lake, reservoir, or other body of water;

(2) Is an accident that is required to be reported under §195.50 or results in such an accident before the deadline for filing the safety-related condition report; or

(3) Is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing the safety-related condition report, except that reports are required for all conditions under paragraph (a)(1) of this section other than localized corrosion pitting on an effectively coated and cathodically protected pipeline.

[Amdt. 195-39, 53 FR 24950, July 1, 1988; 53 FR 29800, Aug. 8, 1988]

#### **§ 195.56 Filing safety-related condition reports.**

(a) Each report of a safety-related condition under §191.55(a) must be filed (received by the Administrator) in writing within 5 working days (not including Saturdays, Sundays, or Federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. To file a report by telefacsimile (fax), dial (202) 366-7128.

(b) The report must be headed "Safety-Related Condition Report" and provide the following information:

(1) Name and principal address of operator.

(2) Date of report.

(3) Name, job title, and business telephone number of person submitting the report.

(4) Name, job title, and business telephone number of person who determined that the condition exists.

(5) Date condition was discovered and date condition was first determined to exist.

(6) Location of condition, with reference to the State (and town, city, or county) or offshore site, and as appropriate nearest street address, offshore platform, survey station number, milepost, landmark, or name of pipeline.

(7) Description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored.

(8) The corrective action taken (including reduction of pressure or shut-down) before the report is submitted and the planned follow-up or future corrective action, including the anticipated schedule for starting and concluding such action.

[Amdt. 195-39, 53 FR 24950, July 1, 1988; 53 FR 29800, Aug. 8, 1988, as amended by Amdt. 195-42, 54 FR 32344, Aug. 7, 1989; Amdt. 195-44, 54 FR 40878, Oct. 4, 1989; Amdt. 195-50, 59 FR 17281, Apr. 12, 1994]

#### **§ 195.57 Filing offshore pipeline condition reports.**

(a) Each operator shall, within 60 days after completion of the inspection of all its underwater pipelines subject to §195.413(a), report the following information:

(1) Name and principal address of operator.

(2) Date of report.

(3) Name, job title, and business telephone number of person submitting the report.

(4) Total number of miles of pipeline inspected.

(5) Length and date of installation of each exposed pipeline segment, and location; including, if available, the location according to the Minerals Management Service or state offshore area and block number tract.

(6) Length and date of installation of each pipeline segment, if different from a pipeline segment identified under paragraph (a)(5) of this section, that is a hazard to navigation, and the location; including, if available, the location according to the Minerals Management Service or state offshore area and block number tract.

(b) The report shall be mailed to the Information Officer, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

[Amdt. 195-47, 56 FR 63771, Dec. 5, 1991]

**§ 195.58 Address for written reports.**

Each written report required by this subpart must be made to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 2335, 400 Seventh Street SW., Washington DC 20590. However, accident reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to a certification under the pipeline safety laws (49 U.S.C. 60101 *et seq.*) may be submitted in duplicate to that State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt to the Information Resources Manager. Safety-related condition reports required by § 195.55 for intrastate pipelines must be submitted concurrently to the State agency, and if that agency acts as an agent of the Secretary with respect to interstate pipelines, safety-related condition reports for these pipelines must be submitted concurrently to that agency.

[Amdt. 195-55, 61 FR 18518, Apr. 26, 1996]

**§ 195.60 Operator assistance in investigation.**

If the Department of Transportation investigates an accident, the operator involved shall make available to the representative of the Department all records and information that in any way pertain to the accident, and shall afford all reasonable assistance in the investigation of the accident.

**§ 195.62 Supplies of accident report DOT Form 7000-1.**

Each operator shall maintain an adequate supply of forms that are a facsimile of DOT Form 7000-1 to enable it to promptly report accidents. The Department will, upon request, furnish specimen copies of the form. Requests should be addressed to the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, DC 20590.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended at 47 FR 32720, July 29, 1982]

**§ 195.63 OMB control number assigned to information collection.**

The control number assigned by the Office of Management and Budget to the hazardous liquid pipeline information collection requirements of this part pursuant to the Paperwork Reduction Act of 1980 is 2137-0047.

[Amdt. 195-34, 50 FR 34474, Aug. 26, 1985]

**Subpart C—Design Requirements****§ 195.100 Scope.**

This subpart prescribes minimum design requirements for new pipeline systems constructed with steel pipe and for relocating, replacing, or otherwise changing existing systems constructed with steel pipe. However, it does not apply to the movement of line pipe covered by § 195.424.

**§ 195.101 Qualifying metallic components other than pipe.**

Notwithstanding any requirement of the subpart which incorporates by reference an edition of a document listed in § 195.3, a metallic component other than pipe manufactured in accordance with any other edition of that document is qualified for use if—

(a) It can be shown through visual inspection of the cleaned component that no defect exists which might impair the strength or tightness of the component; and

(b) The edition of the document under which the component was manufactured has equal or more stringent requirements for the following as an edition of that document currently or previously listed in § 195.3:

- (1) Pressure testing;
- (2) Materials; and
- (3) Pressure and temperature ratings.

[Amdt. 195-28, 48 FR 30639, July 5, 1983]

**§ 195.102 Design temperature.**

(a) Material for components of the system must be chosen for the temperature environment in which the components will be used so that the pipeline will maintain its structural integrity.

(b) Components of carbon dioxide pipelines that are subject to low temperatures during normal operation because of rapid pressure reduction or

during the initial fill of the line must be made of materials that are suitable for those low temperatures.

[Admt. 195-45, 56 FR 26925, June 12, 1991]

#### § 195.104 Variations in pressure.

If, within a pipeline system, two or more components are to be connected at a place where one will operate at a higher pressure than another, the system must be designed so that any component operating at the lower pressure will not be overstressed.

#### § 195.106 Internal design pressure.

(a) Internal design pressure for the pipe in a pipeline is determined in accordance with the following formula:

$$P=(2 St/D) \times E \times F$$

*P*=Internal design pressure in pounds per square inch gauge.

*S*=Yield strength in pounds per square inch determined in accordance with paragraph (b) of this section.

*t*=Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with paragraph (c) of this section.

*D*=Nominal outside diameter of the pipe in inches.

*E*=Seam joint factor determined in accordance with paragraph (e) of this section.

*F*=A design factor of 0.72, except that a design factor of 0.60 is used for pipe, including risers, on a platform located offshore or on a platform in inland navigable waters, and 0.54 is used for pipe that has been subjected to cold expansion to meet the specified minimum yield strength and is subsequently heated, other than by welding or stress relieving as a part of welding, to a temperature higher than 900° F (482° C) for any period of time or over 600° F (316° C) for more than 1 hour.

(b) The yield strength to be used in determining the internal design pressure under paragraph (a) of this section is the specified minimum yield strength. If the specified minimum yield strength is not known, the yield strength to be used in the design formula is one of the following:

(1)(i) The yield strength determined by performing all of the tensile tests of API Specification 5L on randomly selected specimens with the following number of tests:

Pipe size	No. of tests
Less than 168.3 mm (6½ in) nominal outside diameter.	One test for each 200 lengths.
168.3 through 323.8 mm (6½ through 12¾ in) nominal outside diameter.	One test for each 100 lengths.
Larger than 323.8 mm (12¾ in) nominal outside diameter.	One test for each 50 lengths.

(ii) If the average yield-tensile ratio exceeds 0.85, the yield strength shall be taken as 165,474 kPa (24,000 psi). If the average yield-tensile ratio is 0.85 or less, the yield strength of the pipe is taken as the lower of the following:

(A) Eighty percent of the average yield strength determined by the tensile tests.

(B) The lowest yield strength determined by the tensile tests.

(2) If the pipe is not tensile tested as provided in paragraph (b) of this section, the yield strength shall be taken as 165,474 kPa (24,000 psi).

(c) If the nominal wall thickness to be used in determining internal design pressure under paragraph (a) of this section is not known, it is determined by measuring the thickness of each piece of pipe at quarter points on one end. However, if the pipe is of uniform grade, size, and thickness, only 10 individual lengths or 5 percent of all lengths, whichever is greater, need be measured. The thickness of the lengths that are not measured must be verified by applying a gage set to the minimum thickness found by the measurement. The nominal wall thickness to be used is the next wall thickness found in commercial specifications that is below the average of all the measurements taken. However, the nominal wall thickness may not be more than 1.14 times the smallest measurement taken on pipe that is less than 508 mm (20 in) nominal outside diameter, nor more than 1.11 times the smallest measurement taken on pipe that is 508 mm (20 in) or more in nominal outside diameter.

(d) The minimum wall thickness of the pipe may not be less than 87.5 percent of the value used for nominal wall thickness in determining the internal design pressure under paragraph (a) of this section. In addition, the anticipated external loads and external pressures that are concurrent with internal

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pressure must be considered in accordance with §§195.108 and 195.110 and, after determining the internal design pressure, the nominal wall thickness must be increased as necessary to compensate for these concurrent loads and pressures.

(e) The seam joint factor used in paragraph (a) of this section is determined in accordance with the following table:

Specification	Pipe class	Seam joint factor
ASTM A53 ....	Seamless .....	1.00
	Electric resistance welded .....	1.00
	Furnace lap welded .....	0.80
	Furnace butt welded .....	0.60
ASTM A106 .. ASTM A 333/ A 333M.	Seamless .....	1.00
	Seamless .....	1.00
ASTM A381 ..	Welded .....	1.00
	Double submerged arc welded .....	1.00
ASTM A671 ..	Electric-fusion-welded .....	1.00
ASTM A672 ..	Electric-fusion-welded .....	1.00
ASTM A691 ..	Electric-fusion-welded .....	1.00
API 5L .....	Seamless .....	1.00
	Electric resistance welded .....	1.00
	Electric flash welded .....	1.00
	Submerged arc welded .....	1.00
	Furnace lap welded .....	0.80
	Furnace butt welded .....	0.60

The seam joint factor for pipe which is not covered by this paragraph must be approved by the Administrator.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982, as amended by Amdt. 195-30, 49 FR 7569, Mar. 1, 1984; Amdt 195-37, 51 FR 15335, Apr. 23, 1986; Amdt 195-40, 54 FR 5628, Feb. 6, 1989; 58 FR 14524, Mar. 18, 1993; Amdt. 195-50, 59 FR 17281, Apr. 12, 1994; Amdt. 195-52, 59 FR 33396, 33397, June 28, 1994]

## § 195.108 External pressure.

Any external pressure that will be exerted on the pipe must be provided for in designing a pipeline system.

## § 195.110 External loads.

(a) Anticipated external loads (e.g.), earthquakes, vibration, thermal expansion, and contraction must be provided for in designing a pipeline system. In providing for expansion and flexibility, section 419 of ASME/ANSI B31.4 must be followed.

(b) The pipe and other components must be supported in such a way that the support does not cause excess localized stresses. In designing attachments to pipe, the added stress to the wall of

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the pipe must be computed and compensated for.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended at 58 FR 14524, Mar. 18, 1993]

## § 195.111 Fracture propagation.

A carbon dioxide pipeline system must be designed to mitigate the effects of fracture propagation.

[Amdt. 195-45, 56 FR 26926, June 12, 1991]

## § 195.112 New pipe.

Any new pipe installed in a pipeline system must comply with the following:

(a) The pipe must be made of steel of the carbon, low alloy-high strength, or alloy type that is able to withstand the internal pressures and external loads and pressures anticipated for the pipeline system.

(b) The pipe must be made in accordance with a written pipe specification that sets forth the chemical requirements for the pipe steel and mechanical tests for the pipe to provide pipe suitable for the use intended.

(c) Each length of pipe with a nominal outside diameter of 114.3 mm (4½ in) or more must be marked on the pipe or pipe coating with the specification to which it was made, the specified minimum yield strength or grade, and the pipe size. The marking must be applied in a manner that does not damage the pipe or pipe coating and must remain visible until the pipe is installed.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-52, 59 FR 33396, June 28, 1994]

## § 195.114 Used pipe.

Any used pipe installed in a pipeline system must comply with §195.112 (a) and (b) and the following:

(a) The pipe must be of a known specification and the seam joint factor must be determined in accordance with §195.106(e). If the specified minimum yield strength or the wall thickness is not known, it is determined in accordance with §195.106 (b) or (c) as appropriate.

(b) There may not be any:

(1) Buckles;

(2) Cracks, grooves, gouges, dents, or other surface defects that exceed the

maximum depth of such a defect permitted by the specification to which the pipe was manufactured; or

(3) Corroded areas where the remaining wall thickness is less than the minimum thickness required by the tolerances in the specification to which the pipe was manufactured.

However, pipe that does not meet the requirements of paragraph (b)(3) of this section may be used if the operating pressure is reduced to be commensurate with the remaining wall thickness.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982]

#### § 195.116 Valves.

Each valve installed in a pipeline system must comply with the following:

(a) The valve must be of a sound engineering design.

(b) Materials subject to the internal pressure of the pipeline system, including welded and flanged ends, must be compatible with the pipe or fittings to which the valve is attached.

(c) Each part of the valve that will be in contact with the carbon dioxide or hazardous liquid stream must be made of materials that are compatible with carbon dioxide or each hazardous liquid that it is anticipated will flow through the pipeline system.

(d) Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in section 5 of API Standard 6D.

(e) Each valve other than a check valve must be equipped with a means for clearly indicating the position of the valve (open, closed, etc.).

(f) Each valve must be marked on the body or the nameplate, with at least the following:

(1) Manufacturer's name or trademark.

(2) Class designation or the maximum working pressure to which the valve may be subjected.

(3) Body material designation (the end connection material, if more than one type is used).

(4) Nominal valve size.

[Amdt. 195-22, 46 FR 38360, July 27, 1981 as amended by Amdt. 195-45, 56 FR 26926, June 12, 1991]

#### § 195.118 Fittings.

(a) Butt-welding type fittings must meet the marking, end preparation, and the bursting strength requirements of ASME/ANSI B16.9 or MSS Standard Practice SP-75.

(b) There may not be any buckles, dents, cracks, gouges, or other defects in the fitting that might reduce the strength of the fitting.

(c) The fitting must be suitable for the intended service and be at least as strong as the pipe and other fittings in the pipeline system to which it is attached.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982, as amended at 58 FR 14524, Mar. 18, 1993]

#### § 195.120 Passage of internal inspection devices.

(a) Except as provided in paragraphs (b) and (c) of this section, each new pipeline and each line section of a pipeline where the line pipe, valve, fitting or other line component is replaced; must be designed and constructed to accommodate the passage of instrumented internal inspection devices.

(b) This section does not apply to:

(1) Manifolds;

(2) Station piping such as at pump stations, meter stations, or pressure reducing stations;

(3) Piping associated with tank farms and other storage facilities;

(4) Cross-overs;

(5) Sizes of pipe for which an instrumented internal inspection device is not commercially available;

(6) Offshore pipelines, other than main lines 10 inches or greater in nominal diameter, that transport liquids to onshore facilities; and

(7) Other piping that the Administrator under § 190.9 of this chapter, finds in a particular case would be impracticable to design and construct to accommodate the passage of instrumented internal inspection devices.

(c) An operator encountering emergencies, construction time constraints and other unforeseen construction problems need not construct a new or

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replacement segment of a pipeline to meet paragraph (a) of this section, if the operator determines and documents why an impracticability prohibits compliance with paragraph (a) of this section. Within 30 days after discovering the emergency or construction problem the operator must petition, under §190.9 of this chapter, for approval that design and construction to accommodate passage of instrumented internal inspection devices would be impracticable. If the petition is denied, within 1 year after the date of the notice of the denial, the operator must modify that segment to allow passage of instrumented internal inspection devices.

[Amdt. 195-50, 59 FR 17281, Apr. 12, 1994]

## § 195.122 Fabricated branch connections.

Each pipeline system must be designed so that the addition of any fabricated branch connections will not reduce the strength of the pipeline system.

## § 195.124 Closures.

Each closure to be installed in a pipeline system must comply with the ASME Boiler and Pressure Vessel Code, section VIII, Pressure Vessels, Division 1, and must have pressure and temperature ratings at least equal to those of the pipe to which the closure is attached.

## § 195.126 Flange connection.

Each component of a flange connection must be compatible with each other component and the connection as a unit must be suitable for the service in which it is to be used.

## § 195.128 Station piping.

Any pipe to be installed in a station that is subject to system pressure must meet the applicable requirements of this subpart.

## § 195.130 Fabricated assemblies.

Each fabricated assembly to be installed in a pipeline system must meet the applicable requirements of this subpart.

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## § 195.132 Above ground breakout tanks.

Each above ground breakout tank must be designed to withstand the internal pressure produced by the hazardous liquid to be stored therein and any anticipated external loads.

## Subpart D—Construction

## § 195.200 Scope.

This subpart prescribes minimum requirements for constructing new pipeline systems with steel pipe, and for relocating, replacing, or otherwise changing existing pipeline systems that are constructed with steel pipe. However, this subpart does not apply to the movement of pipe covered by § 195.424.

## § 195.202 Compliance with specifications or standards.

Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

## § 195.204 Inspection—general.

Inspection must be provided to ensure the installation of pipe or pipeline systems in accordance with the requirements of this subpart. No person may be used to perform inspections unless that person has been trained and is qualified in the phase of construction to be inspected.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-52, 59 FR 33397, June 28, 1994]

## § 195.206 Material inspection.

No pipe or other component may be installed in a pipeline system unless it has been visually inspected at the site of installation to ensure that it is not damaged in a manner that could impair its strength or reduce its serviceability.

## § 195.208 Welding of supports and braces.

Supports or braces may not be welded directly to pipe that will be operated at a pressure of more than 100 p.s.i.g.

**§ 195.210 Pipeline location.**

(a) Pipeline right-of-way must be selected to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly.

(b) No pipeline may be located within 50 feet of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches of cover in addition to that prescribed in § 195.248.

**§ 195.212 Bending of pipe.**

(a) Pipe must not have a wrinkle bend.

(b) Each field bend must comply with the following:

(1) A bend must not impair the serviceability of the pipe.

(2) Each bend must have a smooth contour and be free from buckling, cracks, or any other mechanical damage.

(3) On pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend unless—

(i) The bend is made with an internal bending mandrel; or

(ii) The pipe is 323.8 mm (12¾ in) or less nominal outside diameter or has a diameter to wall thickness ratio less than 70.

(c) Each circumferential weld which is located where the stress during bending causes a permanent deformation in the pipe must be nondestructively tested either before or after the bending process.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-52, 59 FR 33396, June 28, 1994]

**§ 195.214 Welding: General.**

(a) Welding must be performed by a qualified welder in accordance with welding procedures qualified to produce welds meeting the requirements of this subpart. The quality of the test welds used to qualify the procedure shall be determined by destructive testing.

(b) Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record

must be retained and followed whenever the procedure is used.

[Amdt. 195-38, 51 FR 20297, June 4, 1986]

**§ 195.216 Welding: Miter joints.**

A miter joint is not permitted (not including deflections up to 3 degrees that are caused by misalignment).

**§ 195.222 Welders: Qualification of welders.**

Each welder must be qualified in accordance with section 3 of API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code, except that a welder qualified under an earlier edition than listed in § 195.3 may weld but may not requalify under that earlier edition.

[Amdt. 195-32, 49 FR 36860, Sept. 20, 1984, as amended by Amdt. 195-38, 51 FR 20297, June 4, 1986]

**§ 195.224 Welding: Weather.**

Welding must be protected from weather conditions that would impair the quality of the completed weld.

**§ 195.226 Welding: Arc burns.**

(a) Each arc burn must be repaired.

(b) An arc burn may be repaired by completely removing the notch by grinding, if the grinding does not reduce the remaining wall thickness to less than the minimum thickness required by the tolerances in the specification to which the pipe is manufactured. If a notch is not repairable by grinding, a cylinder of the pipe containing the entire notch must be removed.

(c) A ground may not be welded to the pipe or fitting that is being welded.

**§ 195.228 Welds and welding inspection: Standards of acceptability.**

(a) Each weld and welding must be inspected to insure compliance with the requirements of this subpart. Visual inspection must be supplemented by nondestructive testing.

(b) The acceptability of a weld is determined according to the standards in section 6 of API Standard 1104. However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if the Appendix to API Standard 1104 applies to the

weld, the acceptability of the weld may be determined under that appendix.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-52, 59 FR 33397, June 28, 1994]

**§ 195.230 Welds: Repair or removal of defects.**

(a) Each weld that is unacceptable under § 195.228 must be removed or repaired. Except for welds on an offshore pipeline being installed from a pipelay vessel, a weld must be removed if it has a crack that is more than 8 percent of the weld length.

(b) Each weld that is repaired must have the defect removed down to sound metal and the segment to be repaired must be preheated if conditions exist which would adversely affect the quality of the weld repair. After repair, the segment of the weld that was repaired must be inspected to ensure its acceptability.

(c) Repair of a crack, or of any defect in a previously repaired area must be in accordance with written weld repair procedures that have been qualified under § 195.214. Repair procedures must provide that the minimum mechanical properties specified for the welding procedure used to make the original weld are met upon completion of the final weld repair.

[Amdt. 195-29, 48 FR 48674, Oct. 20, 1983]

**§ 195.234 Welds: Nondestructive testing.**

(a) A weld may be nondestructively tested by any process that will clearly indicate any defects that may affect the integrity of the weld.

(b) Any nondestructive testing of welds must be performed—

(1) In accordance with a written set of procedures for nondestructive testing; and

(2) With personnel that have been trained in the established procedures and in the use of the equipment employed in the testing.

(c) Procedures for the proper interpretation of each weld inspection must be established to ensure the acceptability of the weld under § 195.228.

(d) During construction, at least 10 percent of the girth welds made by each welder during each welding day

must be nondestructively tested over the entire circumference of the weld.

(e) All girth welds installed each day in the following locations must be nondestructively tested over their entire circumference, except that when nondestructive testing is impracticable for a girth weld, it need not be tested if the number of girth welds for which testing is impracticable does not exceed 10 percent of the girth welds installed that day:

(1) At any onshore location where a loss of hazardous liquid could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water, and any offshore area;

(2) Within railroad or public road rights-of-way;

(3) At overhead road crossings and within tunnels;

(4) Within the limits of any incorporated subdivision of a State government; and

(5) Within populated areas, including, but not limited to, residential subdivisions, shopping centers, schools, designated commercial areas, industrial facilities, public institutions, and places of public assembly.

(f) When installing used pipe, 100 percent of the old girth welds must be nondestructively tested.

(g) At pipeline tie-ins, including tie-ins of replacement sections, 100 percent of the girth welds must be nondestructively tested.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-35, 50 FR 37192, Sept. 21, 1985; Amdt. 195-52, 59 FR 33397, June 28, 1994]

**§ 195.236 External corrosion protection.**

Each component in the pipeline system must be provided with protection against external corrosion.

**§ 195.238 External coating.**

(a) No pipeline system component may be buried or submerged unless that component has an external protective coating that—

(1) Is designed to mitigate corrosion of the buried or submerged component;

(2) Has sufficient adhesion to the metal surface to prevent underfilm migration of moisture;



(3) Is sufficiently ductile to resist cracking;

(4) Has enough strength to resist damage due to handling and soil stress; and

(5) Supports any supplemental cathodic protection.

In addition, if an insulating-type coating is used it must have low moisture absorption and provide high electrical resistance.

(b) All pipe coating must be inspected just prior to lowering the pipe into the ditch or submerging the pipe, and any damage discovered must be repaired.

#### § 195.242 Cathodic protection system.

(a) A cathodic protection system must be installed for all buried or submerged facilities to mitigate corrosion that might result in structural failure. A test procedure must be developed to determine whether adequate cathodic protection has been achieved.

(b) A cathodic protection system must be installed not later than 1 year after completing the construction.

#### § 195.244 Test leads.

(a) Except for offshore pipelines, electrical test leads used for corrosion control or electrolysis testing must be installed at intervals frequent enough to obtain electrical measurements indicating the adequacy of the cathodic protection.

(b) Test leads must be installed as follows:

(1) Enough looping or slack must be provided to prevent test leads from being unduly stressed or broken during backfilling.

(2) Each lead must be attached to the pipe so as to prevent stress concentration on the pipe.

(3) Each lead installed in a conduit must be suitably insulated from the conduit.

#### § 195.246 Installation of pipe in a ditch.

(a) All pipe installed in a ditch must be installed in a manner that minimizes the introduction of secondary stresses and the possibility of damage to the pipe.

(b) Except for pipe in the Gulf of Mexico and its inlets, all offshore pipe in water at least 3.7 m (12 ft) deep but

not more than 61 m (200 ft) deep, as measured from the mean low tide, must be installed so that the top of the pipe is below the natural bottom unless the pipe is supported by stanchions, held in place by anchors or heavy concrete coating, or protected by an equivalent means.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-52, 59 FR 33397, June 28, 1994; 59 FR 36256, July 15, 1994]

#### § 195.248 Cover over buried pipeline.

(a) Unless specifically exempted in this subpart, all pipe must be buried so that it is below the level of cultivation. Except as provided in paragraph (b) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table:

Location	Cover (inches)	
	For normal excavation	For rock excavation <sup>1</sup>
Industrial, commercial, and residential areas .....	36	30
Crossings of inland bodies of water with a width of at least 100 ft from high water mark to high water mark .....	48	18
Drainage ditches at public roads and railroads .....	36	36
Deepwater port safety zone .....	48	24
Gulf of Mexico and its inlets and other offshore areas under water less than 3.7 m (12 ft) deep as measured from the mean low tide .....	36	18
Any other area .....	30	18

<sup>1</sup>Rock excavation is any excavation that requires blasting or removal by equivalent means.

(b) Except for the Gulf of Mexico and its inlets, less cover than the minimum required by paragraph (a) of this section and § 195.210 may be used if—

(1) It is impracticable to comply with the minimum cover requirements; and

(2) Additional protection is provided that is equivalent to the minimum required cover.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982 as amended by Amdt. 195-52, 59 FR 33397, June 28, 1994; 59 FR 36256, July 15, 1994]

**§ 195.250 Clearance between pipe and underground structures.**

Any pipe installed underground must have at least 12 inches of clearance between the outside of the pipe and the extremity of any other underground structure, except that for drainage tile the minimum clearance may be less than 12 inches but not less than 2 inches. However, where 12 inches of clearance is impracticable, the clearance may be reduced if adequate provisions are made for corrosion control.

**§ 195.252 Backfilling.**

Backfilling must be performed in a manner that protects any pipe coating and provides firm support for the pipe.

**§ 195.254 Above ground components.**

(a) Any component may be installed above ground in the following situations, if the other applicable requirements of this part are complied with:

- (1) Overhead crossings of highways, railroads, or a body of water.
- (2) Spans over ditches and gullies.
- (3) Scraper traps or block valves.
- (4) Areas under the direct control of the operator.
- (5) In any area inaccessible to the public.

(b) Each component covered by this section must be protected from the forces exerted by the anticipated loads.

**§ 195.256 Crossing of railroads and highways.**

The pipe at each railroad or highway crossing must be installed so as to adequately withstand the dynamic forces exerted by anticipated traffic loads.

**§ 195.258 Valves: General.**

(a) Each valve must be installed in a location that is accessible to authorized employees and that is protected from damage or tampering.

(b) Each submerged valve located offshore or in inland navigable waters must be marked, or located by conventional survey techniques, to facilitate quick location when operation of the valve is required.

**§ 195.260 Valves: Location.**

A valve must be installed at each of the following locations:

(a) On the suction end and the discharge end of a pump station in a manner that permits isolation of the pump station equipment in the event of an emergency.

(b) On each line entering or leaving a breakout storage tank area in a manner that permits isolation of the tank area from other facilities.

(c) On each mainline at locations along the pipeline system that will minimize damage or pollution from accidental hazardous liquid discharge, as appropriate for the terrain in open country, for offshore areas, or for populated areas.

(d) On each lateral takeoff from a trunk line in a manner that permits shutting off the lateral without interrupting the flow in the trunk line.

(e) On each side of a water crossing that is more than 100 feet wide from high-water mark to high-water mark unless the Administrator finds in a particular case that valves are not justified.

(f) On each side of a reservoir holding water for human consumption.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982; Amdt. 195-50, 59 FR 17281, Apr. 12, 1994]

**§ 195.262 Pumping equipment.**

(a) Adequate ventilation must be provided in pump station buildings to prevent the accumulation of hazardous vapors. Warning devices must be installed to warn of the presence of hazardous vapors in the pumping station building.

(b) The following must be provided in each pump station:

(1) Safety devices that prevent overpressuring of pumping equipment, including the auxiliary pumping equipment within the pumping station.

(2) A device for the emergency shutdown of each pumping station.

(3) If power is necessary to actuate the safety devices, an auxiliary power supply.

(c) Each safety device must be tested under conditions approximating actual operations and found to function properly before the pumping station may be used.

(d) Except for offshore pipelines, pumping equipment must be installed on property that is under the control of

the operator and at least 15.2 m (50 ft) from the boundary of the pump station.

(e) Adequate fire protection must be installed at each pump station. If the fire protection system installed requires the use of pumps, motive power must be provided for those pumps that is separate from the power that operates the station.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-52, 59 FR 33397, June 28, 1994]

#### **§ 195.264 Above ground breakout tanks.**

For above ground breakout tanks—

(a) A means must be provided for containing hazardous liquids in the event of spillage or tank failure.

(b) Tank areas must be adequately protected against unauthorized entry.

(c) Normal and emergency relief venting must be provided for each tank.

#### **§ 195.266 Construction records.**

A complete record that shows the following must be maintained by the operator involved for the life of each pipeline facility:

(a) The total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.

(b) The amount, location; and cover of each size of pipe installed.

(c) The location of each crossing of another pipeline.

(d) The location of each buried utility crossing.

(e) The location of each overhead crossing.

(f) The location of each valve and corrosion test station.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-34, 50 FR 34474, Aug. 26, 1985]

### **Subpart E—Pressure Testing**

#### **§ 195.300 Scope.**

This subpart prescribes minimum requirements for the pressure testing of steel pipelines. However, this subpart does not apply to the movement of pipe under § 195.424.

[Amdt. 195-51, 59 FR 29384, June 7, 1994]

#### **§ 195.302 General requirements.**

(a) Except as otherwise provided in this section and in § 195.304(b), no operator may operate a pipeline unless it has been pressure tested under this subpart without leakage. In addition, no operator may return to service a segment of pipeline that has been replaced, relocated, or otherwise changed until it has been pressure tested under this subpart without leakage.

(b) Except for pipelines converted under § 195.5, the following pipelines may be operated without pressure testing under this subpart:

(1) Any hazardous liquid pipeline whose maximum operating pressure is established under § 195.406(a)(5) that is—

(i) An interstate pipeline constructed before January 8, 1971;

(ii) An interstate offshore gathering line constructed before August 1, 1977;

(iii) An intrastate pipeline constructed before October 21, 1985; or

(iv) A low-stress pipeline constructed before August 11, 1994 that transports HVL.

(2) Any carbon dioxide pipeline constructed before July 12, 1991, that—

(i) Has its maximum operating pressure established under § 195.406(a)(5); or

(ii) Is located in a rural area as part of a production field distribution system.

(3) Any low-stress pipeline constructed before August 11, 1994 that does not transport HVL.

(c) Except for onshore pipelines that transport HVL, the following compliance deadlines apply to pipelines under paragraphs (b)(1) and (b)(2)(i) of this section that have not been pressure tested under this subpart:

(1) Before December 7, 1997, for each pipeline each operator shall—

(i) Plan and schedule testing according to this paragraph; or

(ii) Establish the pipeline's maximum operating pressure under § 195.406(a)(5).

(2) For pipelines scheduled for testing, each operator shall—

(i) Before December 7, 1999, pressure test—

(A) Each pipeline identified by name, symbol, or otherwise that existing records show contains more than 50

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percent by mileage of electric resistance welded pipe manufactured before 1970; and

(B) At least 50 percent of the mileage of all other pipelines; and

(ii) Before December 7, 2002, pressure test the remainder of the pipeline mileage.

[Amdt. 195-51, 59 FR 29384, June 7, 1994, as amended by Amdt. 195-53, 59 FR 35471, July 12, 1994; Amdt. 195-51B, 61 FR 43027, Aug. 20, 1996]

### § 195.303 Test pressure.

The test pressure for each pressure test conducted under this subpart must be maintained throughout the part of the system being tested for at least 4 continuous hours at a pressure equal to 125 percent, or more, of the maximum operating pressure and, in the case of a pipeline that is not visually inspected for leakage during the test, for at least an additional 4 continuous hours at a pressure equal to 110 percent, or more, of the maximum operating pressure.

[Amdt. 195-51, 59 FR 29384, June 7, 1994]

### § 195.304 Testing of components.

(a) Each pressure test under § 195.302 must test all pipe and attached fittings, including components, unless otherwise permitted by paragraph (b) of this section.

(b) A component, other than pipe, that is the only item being replaced or added to the pipeline system need not be hydrostatically tested under paragraph (a) of this section if the manufacturer certifies that either—

(1) The component was hydrostatically tested at the factory; or

(2) The component was manufactured under a quality control system that ensures each component is at least equal in strength to a prototype that was hydrostatically tested at the factory.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-51, 59 FR 29385, June 7, 1994; Amdt. 195-52, 59 FR 33397, June 28, 1994]

### § 195.306 Test medium.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, water must be used as the test medium.

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(b) Except for offshore pipelines, liquid petroleum that does not vaporize rapidly may be used as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas;

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The test section is kept under surveillance by regular patrols during the test; and

(4) Continuous communication is maintained along entire test section.

(c) Carbon dioxide pipelines may use inert gas or carbon dioxide as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas;

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure that produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The maximum hoop stress during the test does not exceed 80 percent of specified minimum yield strength;

(4) Continuous communication is maintained along entire test section; and

(5) The pipe involved is new pipe having a longitudinal joint factor of 1.00.

(d) Air or inert gas may be used as the test medium in low-stress pipelines.

[Amdt. 195-22, 46 FR 38360, July 27, 1991, as amended by Amdt. 195-45, 56 FR 26926, June 12, 1991; Amdt. 195-51, 59 FR 29385, June 7, 1994; Amdt. 195-53, 59 FR 35471, July 12, 1994; Amdt. 195-51A, 59 FR 41260, Aug. 11, 1994]

### § 195.308 Testing of tie-ins.

Pipe associated with tie-ins must be pressure tested, either with the section to be tied in or separately.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by 195-51, 59 FR 29385, June 7, 1994]

### § 195.310 Records.

(a) A record must be made of each pressure test required by this subpart, and the record of the latest test must

be retained as long as the facility tested is in use.

(b) The record required by paragraph (a) of this section must include:

- (1) The pressure recording charts;
- (2) Test instrument calibration data;
- (3) The name of the operator, the name of the person responsible for making the test, and the name of the test company used, if any;
- (4) The date and time of the test;
- (5) The minimum test pressure;
- (6) The test medium;
- (7) A description of the facility tested and the test apparatus;
- (8) An explanation of any pressure discontinuities, including test failures, that appear on the pressure recording charts; and
- (9) Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that shows the elevation and test sites over the entire length of the test section.

[Amdt. 195-34, 50 FR 34474, Aug. 26, 1985, as amended by Amdt. 195-51, 59 FR 29385, June 7, 1994]

## Subpart F—Operation and Maintenance

### § 195.400 Scope.

This subpart prescribes minimum requirements for operating and maintaining pipeline systems constructed with steel pipe.

### § 195.401 General requirements.

(a) No operator may operate or maintain its pipeline systems at a level of safety lower than that required by this subpart and the procedures it is required to establish under § 195.402(a) of this subpart.

(b) Whenever an operator discovers any condition that could adversely affect the safe operation of its pipeline system, it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator may not operate the affected part of the system until it has corrected the unsafe condition.

(c) Except as provided in § 195.5, no operator may operate any part of any of the following pipelines unless it was designed and constructed as required by this part:

(1) An interstate pipeline, other than a low-stress pipeline, on which construction was begun after March 31, 1970, that transports hazardous liquid.

(2) An interstate offshore gathering line, other than a low-stress pipeline, on which construction was begun after July 31, 1977, that transports hazardous liquid.

(3) An intrastate pipeline, other than a low-stress pipeline, on which construction was begun after October 20, 1985, that transports hazardous liquid.

(4) A pipeline on which construction was begun after July 11, 1991, that transports carbon dioxide.

(5) A low-stress pipeline on which construction was begun after August 10, 1994.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-33, 50 FR 15899, Apr. 23, 1985; Amdt. 195-33A, 50 FR 39008, Sept. 26, 1985; Amdt. 195-36, 51 FR 15008, Apr. 22, 1986; Amdt. 195-45, 56 FR 26926, June 12, 1991; Amdt. 195-53, 59 FR 35471, July 12, 1994]

### § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

(b) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 *et seq.*) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) Making construction records, maps, and operating history available as necessary for safe operation and maintenance.

(2) Gathering of data needed for reporting accidents under subpart B of this part in a timely and effective manner.

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart.

(4) 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.

(5) Analyzing pipeline accidents to determine their causes.

(6) Minimizing the potential for hazards identified under paragraph (c)(4) of this section and the possibility of recurrence of accidents analyzed under paragraph (c)(5) of this section.

(7) Starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406, consider the hazardous liquid or carbon dioxide in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices.

(8) In the case of a pipeline that is not equipped to fail safe, monitoring from an attended location pipeline pressure during startup until steady state pressure and flow conditions are reached and during shut-in to assure operation within limits prescribed by § 195.406.

(9) In the case of facilities not equipped to fail safe that are identified under paragraph 195.402(c)(4) or that control receipt and delivery of the hazardous liquid or carbon dioxide, detecting abnormal operating conditions by monitoring pressure, temperature, flow or other appropriate operational data and transmitting this data to an attended location.

(10) Abandoning pipeline facilities, including safe disconnection from an

operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards.

(11) Minimizing the likelihood of accidental ignition of vapors in areas near facilities identified under paragraph (c)(4) of this section where the potential exists for the presence of flammable liquids or gases.

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or carbon dioxide pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication.

(13) Periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

(14) Taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and, a rescue harness and line.

(d) *Abnormal operation.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded:

(1) Responding to, investigating, and correcting the cause of:

(i) Unintended closure of valves or shutdowns;

(ii) Increase or decrease in pressure or flow rate outside normal operating limits;

(iii) Loss of communications;

(iv) Operation of any safety device;

(v) Any other malfunction of a component, deviation from normal operation, or personnel error which could cause a hazard to persons or property.

(2) Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation.

(3) Correcting variations from normal operation of pressure and flow equipment and controls.

(4) Notifying responsible operator personnel when notice of an abnormal operation is received.

(5) Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

(e) *Emergencies.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:

(1) Receiving, identifying, and classifying notices of events which need immediate response by the operator or notice to fire, police, or other appropriate public officials and communicating this information to appropriate operator personnel for corrective action.

(2) Prompt and effective response to a notice of each type emergency, including fire or explosion occurring near or directly involving a pipeline facility, accidental release of hazardous liquid or carbon dioxide from a pipeline facility, operational failure causing a hazardous condition, and natural disaster affecting pipeline facilities.

(3) Having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency.

(4) Taking necessary action, such as emergency shutdown or pressure reduction, to minimize the volume of hazardous liquid or carbon dioxide that is released from any section of a pipeline system in the event of a failure.

(5) Control of released hazardous liquid or carbon dioxide at an accident scene to minimize the hazards, including possible intentional ignition in the cases of flammable highly volatile liquid.

(6) Minimization of public exposure to injury and probability of accidental ignition by assisting with evacuation of residents and assisting with halting traffic on roads and railroads in the affected area, or taking other appropriate action.

(7) Notifying fire, police, and other appropriate public officials of hazard-

ous liquid or carbon dioxide pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid.

(8) In the case of failure of a pipeline system transporting a highly volatile liquid, use of appropriate instruments to assess the extent and coverage of the vapor cloud and determine the hazardous areas.

(9) Providing for a post accident review of employee activities to determine whether the procedures were effective in each emergency and taking corrective action where deficiencies are found.

(f) *Safety-related condition reports.* The manual required by paragraph (a) of this section must include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of § 195.55.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982, as amended by Amdt. 195-24, 47 FR 46852, Oct. 21, 1982; Amdt. 195-39, 53 FR 24951, July 1, 1988; Amdt. 195-45, 56 FR 26926, June 12, 1991; Amdt. 195-46, 56 FR 31090, July 9, 1991; Amdt. 195-49, 59 FR 6585, Feb. 11, 1994; Amdt. 195-55, 61 FR 18518, Apr. 26, 1996]

#### § 195.403 Training.

(a) Each operator shall establish and conduct a continuing training program to instruct operating and maintenance personnel to:

(1) Carry out the operating and maintenance, and emergency procedures established under § 195.402 that relate to their assignments;

(2) Know the characteristics and hazards of the hazardous liquids or carbon dioxide transported, including, in the case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions;

(3) Recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and hazardous liquid or carbon dioxide spills, and to take appropriate corrective action;

(4) Take steps necessary to control any accidental release of hazardous liquid or carbon dioxide and to minimize the potential for fire, explosion, toxicity, or environmental damage;

(5) Learn the proper use of firefighting procedures and equipment, fire suits, and breathing apparatus by utilizing, where feasible, a simulated pipeline emergency condition; and

(6) In the case of maintenance personnel, to safely repair facilities using appropriate special precautions, such as isolation and purging, when highly volatile liquids are involved.

(b) At intervals not exceeding 15 months, but at least once each calendar year, each operator shall:

(1) Review with personnel their performance in meeting the objectives of the training program set forth in paragraph (a) of this section; and

(2) Make appropriate changes to the training program as necessary to insure that it is effective.

(c) Each operator shall require and verify that its supervisors maintain a thorough knowledge of that portion of the procedures established under § 195.402 for which they are responsible to insure compliance.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982, as amended by Amdt. 195-24, 47 FR 46852, Oct. 21, 1982; Amdt. 195-45, 56 FR 26926, June 12, 1991]

**§ 195.404 Maps and records.**

(a) Each operator shall maintain current maps and records of its pipeline systems that include at least the following information:

(1) Location and identification of the following pipeline facilities:

- (i) Breakout tanks;
- (ii) Pump stations;
- (iii) Scraper and sphere facilities;
- (iv) Pipeline valves;
- (v) Cathodically protected facilities;
- (vi) Facilities to which § 195.402(c)(9) applies;
- (vii) Rights-of-way; and
- (viii) Safety devices to which § 195.428 applies.

(2) All crossings of public roads, railroads, rivers, buried utilities, and foreign pipelines.

(3) The maximum operating pressure of each pipeline.

(4) The diameter, grade, type, and nominal wall thickness of all pipe.

(b) Each operator shall maintain for at least 3 years daily operating records that indicate—

(1) The discharge pressure at each pump station; and

(2) Any emergency or abnormal operation to which the procedures under § 195.402 apply.

(c) Each operator shall maintain the following records for the periods specified:

(1) The date, location, and description of each repair made to pipe shall be maintained for the useful life of the pipe.

(2) The date, location, and description of each repair made to parts of the pipeline system other than pipe shall be maintained for at least 1 year.

(3) A record of each inspection and test required by this subpart shall be maintained for at least 2 years or until the next inspection or test is performed, whichever is longer.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-34, 50 FR 34474, Aug. 26, 1985]

**§ 195.406 Maximum operating pressure.**

(a) Except for surge pressures and other variations from normal operations, no operator may operate a pipeline at a pressure that exceeds any of the following:

(1) The internal design pressure of the pipe determined in accordance with § 195.106. However, for steel pipe in pipelines being converted under § 195.5, if one or more factors of the design formula (§ 195.106) are unknown, one of the following pressures is to be used as design pressure:

(i) Eighty percent of the first test pressure that produces yield under section N5.0 of appendix N of ASME B31.8, reduced by the appropriate factors in §§ 195.106 (a) and (e); or

(ii) If the pipe is 323.8 mm (12¾ in) or less outside diameter and is not tested to yield under this paragraph, 1379 kPa (200 psig).

(2) The design pressure of any other component of the pipeline.

(3) Eighty percent of the test pressure for any part of the pipeline which



has been pressure tested under subpart E of this part.

(4) Eighty percent of the factory test pressure or of the prototype test pressure for any individually installed component which is excepted from testing under § 195.304.

(5) For pipelines under §§ 195.302(b)(1) and (b)(2)(i) that have not been pressure tested under subpart E of this part, 80 percent of the test pressure or highest operating pressure to which the pipeline was subjected for 4 or more continuous hours that can be demonstrated by recording charts or logs made at the time the test or operations were conducted.

(b) No operator may permit the pressure in a pipeline during surges or other variations from normal operations to exceed 110 percent of the operating pressure limit established under paragraph (a) of this section. Each operator must provide adequate controls and protective equipment to control the pressure within this limit.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-33, 50 FR 15899, Apr. 23, 1985; 50 FR 38660, Sept. 24, 1985; Amdt. 195-51, 59 FR 29385, June 7, 1994; Amdt. 195-52, 59 FR 33397, June 28, 1994]

#### **§ 195.408 Communications.**

(a) Each operator must have a communication system to provide for the transmission of information needed for the safe operation of its pipeline system.

(b) The communication system required by paragraph (a) of this section must, as a minimum, include means for:

(1) Monitoring operational data as required by § 195.402(c)(9);

(2) Receiving notices from operator personnel, the public, and public authorities of abnormal or emergency conditions and sending this information to appropriate personnel or government agencies for corrective action;

(3) Conducting two-way vocal communication between a control center and the scene of abnormal operations and emergencies; and

(4) Providing communication with fire, police, and other appropriate public officials during emergency conditions, including a natural disaster.

#### **§ 195.410 Line markers.**

(a) Except as provided in paragraph (b) of this section, each operator shall place and maintain line markers over each buried pipeline in accordance with the following:

(1) Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.

(2) The marker must state at least the following on a background of sharply contrasting color:

(i) The word "Warning," "Caution," or "Danger" followed by the words "Petroleum (or the name of the hazardous liquid transported) Pipeline," or "Carbon Dioxide Pipeline," all of which, except for markers in heavily developed urban areas, must be in letters at least one inch high with an approximate stroke of one-quarter inch.

(ii) The name of the operator and a telephone number (including area code) where the operator can be reached at all times.

(b) Line markers are not required for buried pipelines located—

(1) Offshore or at crossings of or under waterways and other bodies of water; or

(2) In heavily developed urban areas such as downtown business centers where—

(i) The placement of markers is impractical and would not serve the purpose for which markers are intended; and

(ii) The local government maintains current substructure records.

(c) Each operator shall provide line marking at locations where the line is above ground in areas that are accessible to the public.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-27, 48 FR 25208, June 6, 1983; Amdt. 195-54, 60 FR 14650, Mar. 20, 1995]

#### **§ 195.412 Inspection of rights-of-way and crossings under navigable waters.**

(a) Each operator shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way. Methods of

inspection include walking, driving, flying or other appropriate means of traversing the right-of-way.

(b) Except for offshore pipelines, each operator shall, at intervals not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-24, 47 FR 46852, Oct. 21, 1982; Amdt. 195-52, 59 FR 33397, June 28, 1994]

**§ 195.413 Underwater inspection and reburial of pipelines in the Gulf of Mexico and its inlets.**

(a) Except for gathering lines of 114.3 mm (4½ in) nominal outside diameter or smaller, each operator shall, in accordance with this section, conduct an underwater inspection of its pipelines in the Gulf of Mexico and its inlets. The inspection must be conducted after October 3, 1989 and before November 16, 1992.

(b) If, as a result of an inspection under paragraph (a) of this section, or upon notification by any person, an operator discovers that a pipeline it operates is exposed on the seabed or constitutes a hazard to navigation, the operator shall—

(1) Promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1-800-424-8802 of the location, and, if available, the geographic coordinates of that pipeline;

(2) Promptly, but not later than 7 days after discovery, mark the location of the pipeline in accordance with 33 CFR part 64 at the ends of the pipeline segment and at intervals of not over 500 yards long, except that a pipeline segment less than 200 yards long need only be marked at the center; and

(3) Within 6 months after discovery, or not later than November 1 of the following year if the 6 month period is after November 1 of the year that the discovery is made, place the pipeline so that the top of the pipe is 36 inches below the seabed for normal excavation or 18 inches for rock excavation.

[Amdt. 195-47, 56 FR 63771, Dec. 5, 1991, as amended by Amdt. 195-52, 59 FR 33396, June 28, 1994]

**§ 195.414 Cathodic protection.**

(a) No operator may operate a hazardous liquid interstate pipeline after March 31, 1973, a hazardous liquid intrastate pipeline after October 19, 1988, or a carbon dioxide pipeline after July 12, 1993 that has an effective external surface coating material, unless that pipeline is cathodically protected. This paragraph does not apply to breakout tank areas and buried pumping station piping. For the purposes of this subpart, a pipeline does not have an effective external coating, and shall be considered bare, if its cathodic protection current requirements are substantially the same as if it were bare.

(b) Each operator shall electrically inspect each bare hazardous liquid interstate pipeline, other than a low-stress pipeline, before April 1, 1975; each bare hazardous liquid intrastate pipeline, other than a low-stress pipeline, before October 20, 1990; each bare carbon dioxide pipeline before July 12, 1994; and each bare low-stress pipeline before July 12, 1996 to determine any areas in which active corrosion is taking place. The operator may not increase its established operating pressure on a section of bare pipeline until the section has been so electrically inspected. In any areas where active corrosion is found, the operator shall provide cathodic protection. Section 195.416(f) and (g) apply to all corroded pipe that is found.

(c) Each operator shall electrically inspect all breakout tank areas and buried pumping station piping on hazardous liquid interstate pipelines, other than low-stress pipelines, before April 1, 1973; on hazardous liquid intrastate pipelines, other than low-stress pipelines, before October 20, 1988; on carbon dioxide pipelines before July 12, 1994; and on low-stress pipelines before July 12, 1996 as to the need for cathodic protection, and cathodic protection shall be provided where necessary.

[Amdt. 195-45, 56 FR 26926, June 12, 1991, as amended by Amdt. 195-53, 59 FR 35471, July 12, 1994]

**§ 195.416 External corrosion control.**

(a) Each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, conduct tests

on each buried, in contact with the ground, or submerged pipeline facility in its pipeline system that is under cathodic protection to determine whether the protection is adequate.

(b) Each operator shall maintain the test leads required for cathodic protection in such a condition that electrical measurements can be obtained to ensure adequate protection.

(c) Each operator shall, at intervals not exceeding 2½ months, but at least six times each calendar year, inspect each of its cathodic protection rectifiers.

(d) Each operator shall, at intervals not exceeding 5 years, electrically inspect the bare pipe in its pipeline system that is not cathodically protected and must study leak records for that pipe to determine if additional protection is needed.

(e) Whenever any buried pipe is exposed for any reason, the operator shall examine the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, that the surface of the pipe is generally pitted, or that corrosion has caused a leak, it shall investigate further to determine the extent of the corrosion.

(f) Any pipe that is found to be generally corroded so that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances must either be replaced with coated pipe that meets the requirements of this part or, if the area is small, must be repaired. However, the operator need not replace generally corroded pipe if the operating pressure is reduced to be commensurate with the limits on operating pressure specified in this subpart, based on the actual remaining wall thickness.

(g) If localized corrosion pitting is found to exist to a degree where leakage might result, the pipe must be replaced or repaired, or the operating pressure must be reduced commensurate with the strength of the pipe based on the actual remaining wall thickness in the pits.

(h) The strength of the pipe, based on actual remaining wall thickness, for paragraphs (f) and (g) of this section may be determined by the procedure in ASME B31G manual for Determining

the Remaining Strength of Corroded Pipelines or by the procedure developed by AGA/Battelle—A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe (with RSTRENG disk). Application of the procedure in the ASME B31G manual or the AGA/Battelle Modified Criterion is applicable to corroded regions (not penetrating the pipe wall) in existing steel pipelines in accordance with limitations set out in the respective procedures.

(i) Each operator shall clean, coat with material suitable for the prevention of atmospheric corrosion, and maintain this protection for, each component in its pipeline system that is exposed to the atmosphere.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-24, 47 FR 46852, Oct. 21, 1982; Amdt. 195-31, 49 FR 36384, Sept. 17, 1984; Amdt. 195-52, 59 FR 33397, June 28, 1994]

#### § 195.418 Internal corrosion control.

(a) No operator may transport any hazardous liquid or carbon dioxide that would corrode the pipe or other components of its pipeline system, unless it has investigated the corrosive effect of the hazardous liquid or carbon dioxide on the system and has taken adequate steps to mitigate corrosion.

(b) If corrosion inhibitors are used to mitigate internal corrosion the operator shall use inhibitors in sufficient quantity to protect the entire part of the system that the inhibitors are designed to protect and shall also use coupons or other monitoring equipment to determine their effectiveness.

(c) The operator shall, at intervals not exceeding 7½ months, but at least twice each calendar year, examine coupons or other types of monitoring equipment to determine the effectiveness of the inhibitors or the extent of any corrosion.

(d) Whenever any pipe is removed from the pipeline for any reason, the operator must inspect the internal surface for evidence of corrosion. If the pipe is generally corroded such that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances, the operator shall investigate adjacent

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pipe to determine the extent of the corrosion. The corroded pipe must be replaced with pipe that meets the requirements of this part or, based on the actual remaining wall thickness, the operating pressure must be reduced to be commensurate with the limits on operating pressure specified in this subpart.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-20B, 46 FR 38922, July 30, 1981; Amdt. 195-24, 47 FR 46852, Oct. 21, 1982; Amdt. 195-45, 56 FR 26927, June 12, 1991]

### § 195.420 Valve maintenance.

(a) Each operator shall maintain each valve that is necessary for the safe operation of its pipeline systems in good working order at all times.

(b) Each operator shall, at intervals not exceeding 7½ months, but at least twice each calendar year, inspect each mainline valve to determine that it is functioning properly.

(c) Each operator shall provide protection for each valve from unauthorized operation and from vandalism.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982, as amended by Amdt. 195-24, 47 FR 46852, Oct. 21, 1982]

### § 195.422 Pipeline repairs.

(a) Each operator shall, in repairing its pipeline systems, insure that the repairs are made in a safe manner and are made so as to prevent damage to persons or property.

(b) No operator may use any pipe, valve, or fitting, for replacement in repairing pipeline facilities, unless it is designed and constructed as required by this part.

### § 195.424 Pipe movement.

(a) No operator may move any line pipe, unless the pressure in the line section involved is reduced to not more than 50 percent of the maximum operating pressure.

(b) No operator may move any pipeline containing highly volatile liquids where materials in the line section involved are joined by welding unless—

(1) Movement when the pipeline does not contain highly volatile liquids is impractical;

(2) The procedures of the operator under § 195.402 contain precautions to protect the public against the hazard

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in moving pipelines containing highly volatile liquids, including the use of warnings, where necessary, to evacuate the area close to the pipeline; and

(3) The pressure in that line section is reduced to the lower of the following:

(i) Fifty percent or less of the maximum operating pressure; or

(ii) The lowest practical level that will maintain the highly volatile liquid in a liquid state with continuous flow, but not less than 50 p.s.i.g. above the vapor pressure of the commodity.

(c) No operator may move any pipeline containing highly volatile liquids where materials in the line section involved are not joined by welding unless—

(1) The operator complies with paragraphs (b) (1) and (2) of this section; and

(2) That line section is isolated to prevent the flow of highly volatile liquid.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 46 FR 38922, July 30, 1981]

### § 195.426 Scraper and sphere facilities.

No operator may use a launcher or receiver that is not equipped with a relief device capable of safely relieving pressure in the barrel before insertion or removal of scrapers or spheres. The operator must use a suitable device to indicate that pressure has been relieved in the barrel or must provide a means to prevent insertion or removal of scrapers or spheres if pressure has not been relieved in the barrel.

[Amdt. 195-22, 46 FR 38360, July 27, 1981; 47 FR 32721, July 29, 1982]

### § 195.428 Overpressure safety devices.

(a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7½ months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is

adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

(b) In the case of relief valves on pressure breakout tanks containing highly volatile liquids, each operator shall test each valve at intervals not exceeding 5 years.

[Amdt. 195-22, 46 FR 38360, July 27, 1981, as amended by Amdt. 195-24, 47 FR 46852, Oct. 21, 1982]

#### **§ 195.430 Firefighting equipment.**

Each operator shall maintain adequate firefighting equipment at each pump station and breakout tank area. The equipment must be—

(a) In proper operating condition at all times;

(b) Plainly marked so that its identity as firefighting equipment is clear; and

(c) Located so that it is easily accessible during a fire.

#### **§ 195.432 Breakout tanks.**

Each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, inspect each breakout tank (including atmospheric and pressure tanks).

[Amdt. 195-24, 47 FR 46852, Oct. 21, 1982]

#### **§ 195.434 Signs.**

Each operator shall maintain signs visible to the public around each pumping station and breakout tank area. Each sign must contain the name of the operator and an emergency telephone number to contact.

#### **§ 195.436 Security of facilities.**

Each operator shall provide protection for each pumping station and breakout tank area and other exposed facility (such as scraper traps) from vandalism and unauthorized entry.

#### **§ 195.438 Smoking or open flames.**

Each operator shall prohibit smoking and open flames in each pump station area and each breakout tank area where there is a possibility of the leakage of a flammable hazardous liquid or of the presence of flammable vapors.

#### **§ 195.440 Public education.**

Each operator shall establish a continuing educational program to enable the public, appropriate government organizations and persons engaged in excavation-related activities to recognize a hazardous liquid or a carbon dioxide pipeline emergency and to report it to the operator or the fire, police, or other appropriate public officials. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking population in the operator's operating areas.

[Amdt. 195-45, 56 FR 26927, June 12, 1991]

#### **§ 195.442 Damage prevention program.**

(a) After September 20, 1995, and except for pipelines listed in paragraph (c) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations. An operator may comply with any of the requirements of paragraph (b) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section.

(b) The damage prevention program required by paragraph (a) of this section must, at a minimum:

(1) Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

(2) Provide for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (b)(1) of this section of the following, as often as needed to make them aware of the damage prevention program:

(i) The program's existence and purpose; and

(ii) How to learn the location of underground pipelines before excavation activities are begun.

(3) Provide a means of receiving and recording notification of planned excavation activities.

(4) If the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings.

(5) Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.

(6) Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

(i) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

(ii) In the case of blasting, any inspection must include leakage surveys.

(c) A damage prevention program under this section is not required for the following pipelines:

(1) Pipelines located offshore.

(2) Pipelines to which access is physically controlled by the operator.

[Amdt. 195-54, 60 FR 14651, Mar. 20, 1995]

#### APPENDIX A TO PART 195—DELINEATION BETWEEN FEDERAL AND STATE JURISDICTION—STATEMENT OF AGENCY POLICY AND INTERPRETATION

In 1979, Congress enacted comprehensive safety legislation governing the transportation of hazardous liquids by pipeline, the Hazardous Liquids Pipeline Safety Act of 1979, 49 U.S.C. 2001 *et seq.* (HLPESA). The HLPESA expanded the existing statutory authority for safety regulation, which was limited to transportation by common carriers in interstate and foreign commerce, to transportation through facilities used in or affecting interstate or foreign commerce. It also added civil penalty, compliance order, and injunctive enforcement authorities to the existing criminal sanctions. Modeled largely on the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1671 *et seq.* (NGPSA), the HLPESA provides for a national hazardous liquid pipeline safety program with nationally uniform minimal standards and with enforcement administered through a Federal-State partnership. The HLPESA leaves to exclusive Federal regulation and enforcement

the "interstate pipeline facilities," those used for the pipeline transportation of hazardous liquids in interstate or foreign commerce. For the remainder of the pipeline facilities, denominated "intrastate pipeline facilities," the HLPESA provides that the same Federal regulation and enforcement will apply unless a State certifies that it will assume those responsibilities. A certified State must adopt the same minimal standards but may adopt additional more stringent standards so long as they are compatible. Therefore, in States which participate in the hazardous liquid pipeline safety program through certification, it is necessary to distinguish the interstate from the intrastate pipeline facilities.

In deciding that an administratively practical approach was necessary in distinguishing between interstate and intrastate liquid pipeline facilities and in determining how best to accomplish this, DOT has logically examined the approach used in the NGPSA. The NGPSA defines the interstate gas pipeline facilities subject to exclusive Federal jurisdiction as those subject to the economic regulatory jurisdiction of the Federal Energy Regulatory Commission (FERC). Experience has proven this approach practical. Unlike the NGPSA however, the HLPESA has no specific reference to FERC jurisdiction, but instead defines interstate liquid pipeline facilities by the more commonly used means of specifying the end points of the transportation involved. For example, the economic regulatory jurisdiction of FERC over the transportation of both gas and liquids by pipeline is defined in much the same way. In implementing the HLPESA DOT has sought a practicable means of distinguishing between interstate and intrastate pipeline facilities that provide the requisite degree of certainty to Federal and State enforcement personnel and to the regulated entities. DOT intends that this statement of agency policy and interpretation provide that certainty.

In 1981, DOT decided that the inventory of liquid pipeline facilities identified as subject to the jurisdiction of FERC approximates the HLPESA category of "interstate pipeline facilities." Administrative use of the FERC inventory has the added benefit of avoiding the creation of a separate Federal scheme for determination of jurisdiction over the same regulated entities. DOT recognizes that the FERC inventory is only an approximation and may not be totally satisfactory without some modification. The difficulties stem from some significant differences in the economic regulation of liquid and of natural gas pipelines. There is an affirmative assertion of jurisdiction by FERC over natural gas pipelines through the issuance of certificates of public convenience and necessity prior to commencing operations. With liquid pipelines, there is only a rebuttable presumption

of jurisdiction created by the filing by pipeline operators of tariffs (or concurrences) for movement of liquids through existing facilities. Although FERC does police the filings for such matters as compliance with the general duties of common carriers, the question of jurisdiction is normally only aired upon complaint. While any person, including State or Federal agencies, can avail themselves of the FERC forum by use of the complaint process, that process has only been rarely used to review jurisdictional matters (probably because of the infrequency of real disputes on the issue). Where the issue has arisen, the reviewing body has noted the need to examine various criteria primarily of an economic nature. DOT believes that, in most cases, the formal FERC forum can better receive and evaluate the type of information that is needed to make decisions of this nature than can DOT.

In delineating which liquid pipeline facilities are interstate pipeline facilities within the meaning of the HLPSSA, DOT will generally rely on the FERC filings; that is, if there is a tariff or concurrence filed with FERC governing the transportation of hazardous liquids over a pipeline facility or if there has been an exemption from the obligation to file tariffs obtained from FERC, then DOT will, as a general rule, consider the facility to be an interstate pipeline facility within the meaning of the HLPSSA. The types of situations in which DOT will ignore the existence or non-existence of a filing with FERC will be limited to those cases in which it appears obvious that a complaint filed with FERC would be successful or in which blind reliance on a FERC filing would result in a situation clearly not intended by the HLPSSA such as a pipeline facility not being subject to either State or Federal safety regulation. DOT anticipates that the situations in which there is any question about the validity of the FERC filings as a ready reference will be few and that the actual variations from reliance on those filings will be rare. The following examples indicate the types of facilities which DOT believes are interstate pipeline facilities subject to the HLPSSA despite the lack of a filing with FERC and the types of facilities over which DOT will generally defer to the jurisdiction of a certifying state despite the existence of a filing with FERC.

*Example 1.* Pipeline company P operates a pipeline from "Point A" located in State X to "Point B" (also in X). The physical facilities never cross a state line and do not connect with any other pipeline which does cross a state line. Pipeline company P also operates another pipeline between "Point C" in State X and "Point D" in an adjoining State Y. Pipeline company P files a tariff with FERC for transportation from "Point A" to "Point B" as well as for transportation from "Point C" to "Point D." DOT

will ignore filing for the line from "Point A" to "Point B" and consider the line to be intrastate.

*Example 2.* Same as in example 1 except that P does not file any tariffs with FERC. DOT will assume jurisdiction of the line between "Point C" and "Point D."

*Example 3.* Same as in example 1 except that P files its tariff for the line between "Point C" and "Point D" not only with FERC but also with State X. DOT will rely on the FERC filing as indication of interstate commerce.

*Example 4.* Same as in example 1 except that the pipeline from "Point A" to "Point B" (in State X) connects with a pipeline operated by another company transports liquid between "Point B" (in State X) and "Point D" (in State Y). DOT will rely on the FERC filing as indication of interstate commerce.

*Example 5.* Same as in example 1 except that the line between "Point C" and "Point D" has a lateral line connected to it. The lateral is located entirely with State X. DOT will rely on the existence or non-existence of a FERC filing covering transportation over that lateral as determinative of interstate commerce.

*Example 6.* Same as in example 1 except that the certified agency in State X has brought an enforcement action (under the pipeline safety laws) against P because of its operation of the line between "Point A" and "Point B". P has successfully defended against the action on jurisdictional grounds. DOT will assume jurisdiction if necessary to avoid the anomaly of a pipeline subject to neither State or Federal safety enforcement. DOT's assertion of jurisdiction in such a case would be based on the gap in the state's enforcement authority rather than a DOT decision that the pipeline is an interstate pipeline facility.

*Example 7.* Pipeline Company P operates a pipeline that originates on the Outer Continental Shelf. P does not file any tariff for that line with FERC. DOT will consider the pipeline to be an interstate pipeline facility.

*Example 8.* Pipeline Company P is constructing a pipeline from "Point C" (in State X) to "Point D" (in State Y). DOT will consider the pipeline to be an interstate pipeline facility.

*Example 9.* Pipeline company P is constructing a pipeline from "Point C" to "Point E" (both in State X) but intends to file tariffs with FERC in the transportation of hazardous liquid in interstate commerce. Assuming there is some connection to an interstate pipeline facility, DOT will consider this line to be an interstate pipeline facility.

*Example 10.* Pipeline Company P has operated a pipeline subject to FERC economic regulation. Solely because of some statutory economic deregulation, that pipeline is no

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longer regulated by FERC. DOT will continue to consider that pipeline to be an interstate pipeline facility.

As seen from the examples, the types of situations in which DOT will not defer to the FERC regulatory scheme are generally clear-cut cases. For the remainder of the situations where variation from the FERC scheme would require DOT to replicate the forum already provided by FERC and to consider economic factors better left to that agency, DOT will decline to vary its reliance on the FERC filings unless, of course, not doing so would result in situations clearly not intended by the HLPsa.

[Amdt. 195-33, 50 FR 15899, Apr. 23, 1985]

## PARTS 196-197—[RESERVED]

## PART 198—REGULATIONS FOR GRANTS TO AID STATE PIPELINE SAFETY PROGRAMS

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AUTHORITY: 49 U.S.C. 60105, 60106, 60114; and 49 CFR 1.53.

SOURCE: 55 FR 38691, Sept. 20, 1990, unless otherwise noted.

### Subpart A—General

#### § 198.1 Scope.

This part prescribes regulations governing grants-in-aid for State pipeline safety compliance programs.

#### § 198.3 Definitions.

As used in this part:

*Adopt* means establish under State law by statute, regulation, license, cer-

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tification, order, or any combination of these legal means.

*Excavation activity* means an excavation activity defined in § 192.614(a) of this chapter, other than a specific activity the State determines would not be expected to cause physical damage to underground facilities.

*Excavator* means any person intending to engage in an excavation activity.

*One-call notification system* means a communication system that qualifies under this part and the one-call damage prevention program of the State concerned in which an operational center receives notices from excavators of intended excavation activities and transmits the notices to operators of underground pipeline facilities and other underground facilities that participate in the system.

*Person* means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

*Underground pipeline facilities* means buried pipeline facilities used in the transportation of gas or hazardous liquid subject to the pipeline safety laws (49 U.S.C. 60101 *et seq.*).

*Secretary* means the Secretary of Transportation or any person to whom the Secretary of Transportation has delegated authority in the matter concerned.

*Seeking to adopt* means actively and effectively proceeding toward adoption.

*State* means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

[55 FR 38691, Sept. 20, 1990, as amended by Amdt. 198-2, 61 FR 18518, Apr. 26, 1996]

### Subpart B—Grant Allocation

SOURCE: Amdt. 198-1, 58 FR 10988, Feb. 23, 1993, unless otherwise noted.

#### § 198.11 Grant authority.

The pipeline safety laws (49 U.S.C. 60101 *et seq.*) authorize the Administrator to pay out funds appropriated or