

December 5, 1994

R.C. McMahan, President
Shell Pipe Line Corporation
Two Shell Plaza
P.O. Box 2648
Houston, TX 77252

Dear Mr. McMahan:

Thank you for your letter of October 17, 1994, commenting on the final rule that restricts the operating pressure of certain older pipelines to no more than 80 percent of an acceptable test or operating pressure (59 FR 29379; June 7, 1994). We expect this rule will achieve significant results by improving public safety and environmental protection nationwide.

Because your letter arrived more than 30 days after publication of the final rule, it does not qualify as a petition for reconsideration under agency procedures (49 CFR 106.35). So we are not addressing your comments that dispute the basis or direction of the final rule. We may, however, consider those comments in connection with any future rulemaking proceeding on pressure testing.

Nevertheless, I would like to speak to your concern about proof of a prior test or operation, since this matter involves compliance with the rule. You suggested that as proof we should allow operators to apply their judgment, based on documentation, records, and other data. In this regard, the final rule allows operators to demonstrate any prior test or operating pressure by logs made at the time the test or operations were conducted (49 CFR 195.406(a)(5)). As a general term, the word "logs" refers to any record related to a prior test or operation. Thus, the rule already allows operators to use any record (or documentation or data) to show that an acceptable test or operation has been conducted, as long as such records results directly from pipeline testing or operation.

When such records are not available, operators may apply for a waiver of the proof requirement (see 49 U.S.C. § 60118). Waiver applications may be based on whatever evidence an operator believes verifies that an acceptable test or operation was conducted.

I hope you find this information helpful. Please let me know if you have any further questions.

Sincerely,

George W. Tenley, Jr.
Associate Administrator for
Pipeline Safety

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