

January 30, 1995

Mr. Thomas J. Sullivan
U.S. Oil Company, Inc.
425 S. Washington Street
Combined Locks, WI 54113

Dear Mr. Sullivan:

This is a further response to your letter of November 4, 1994, to Donald E. Moore, regarding a petroleum terminal and associated pipelines in Green Bay, Wisconsin. You asked if we agree with your understanding of the law as presented in your letter.

Based on our reading of your letter, the diagrams enclosed with your letter, and additional information from Mr. Moore, we considered the jurisdiction of the regulation in 49 CFR Part 195 over the pipelines. The only pipeline currently excluded from those regulations is the one that transports calcium chloride.

With respect to in-plant piping, § 195.1(b)(6) excepts this piping from Part 195 only at production, refining, and manufacturing plants. The exception does not apply to piping in petroleum terminals. However, we recently revised § 195.1(b)(7) to clarify the application of Part 195 to piping at terminals (59 FR 33395; June 28, 1994). Section 195.1(b)(7)(ii) now provides an exception for terminal piping that is similar to the in-plant piping exception under § 195.1(b)(6).

Sincerely,

Cesar De Leon
Deputy Associate Administrator for
Pipeline Safety