



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

APR - 6 2009

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

Ref. No.: PI-08-0003

Dear Mr. Stagg:

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

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

Our responses to your requests for interpretation are as follows:

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

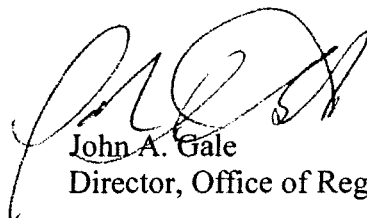
Answer - PHMSA regulations do not recognize an “idle” status for a hazardous liquid pipeline. The pipeline in the specified scenario does not meet the applicability provisions of § 195.1 and would not be subject to Part 195. However, you should be aware that ceasing normal operation

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

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

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

Sincerely,



John A. Gale
Director, Office of Regulations



Equistar Chemicals, LP
A LyondellBasell Company
Pipeline Office
PO Box 1847
Alvin, TX 77512-1847
Phone: 713.844.6972
Fax: 713.844.6930
franklin.staqq@equistar.com

Certified Mail 7007 0220 0000 1150 0845

Date: May 27, 2008

Office of Pipeline Safety
Pipeline and Hazardous Material Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Re: DOT Operator ID 25146

Sir,

The Certified May 22nd letter has been resent to the OPS Headquarters address listed on the website because the address listed in the regulations was different.

Equistar Chemicals, LP (Equistar) request a written interpretation per Title 49 CFR §190.11 (b) of CFR 49 § 195.1 Applicability.

Interpretation 1

Must **49 CFR 195.1 applicability** be satisfied before any subsequent part 195 rule is applied?

Interpretation 2

What criteria stated in 195.1 would an idle pipeline that is physically disconnected from any hazardous liquid and purged with nitrogen for several years satisfy to be regulated? (The pipeline is not in hazardous liquid service or engaged in transmission.)

Equistar Chemicals, LP is contesting PHMSA's authority to regulate a line that was formerly in interstate hazardous liquid service and is disconnected and purged with nitrogen. PHMSA wants to do a safety audit of this idle nitrogen purged line. The line in question has been disconnected from any product and purged with nitrogen for several years. Equistar asserts that the regional PHMSA's office application of the phrase that lines are either "active" or "abandoned" is incorrect. Equistar claims that lines can be "abandoned" for regulatory purposes but not be permanently abandoned. Since the applicability section of 195 does not apply, the line is non-regulated and therefore does not carry any regulatory burdens that can be audited from the date it was removed from hazardous liquid service.

Equistar did not want to abandon the line per 195.59 since it may be used at some future time. The pipeline has been disconnected from any hazardous liquid and is purged with nitrogen. Equistar

EQUISTAR

notified PHMSA the line was no longer hazardous and had committed to do a conversion of service should the line ever be put back in service prior to the audit request.

Your prompt response to the inquiry would be greatly appreciated. Please contact me if you need any additional information or clarification.

Sincerely,

A handwritten signature in cursive script that reads "Franklin Stagg". The signature is written in black ink on a light-colored background.

Franklin Stagg
Integrity Management Program Coordinator
franklin.stagg@equistar.com
713-858-1927 (cell)
713-844-6972 (office)

C:

Rodrick M. Seely
Regional Office:
Office of Pipeline Safety
8701 S. Gessner Ste 1110
Houston, TX 77074

Jon Jacobi
Regional Office:
Office of Pipeline Safety
8701 S. Gessner Ste 1110
Houston, TX 77074