

Mr. Timothy C. Kent  
Cook's Gas, Inc.  
305 Parkway  
Homestead, FL 33030

Dear Mr. Kent:

Your letter of September 20, 1979, asks whether regulations in 49 CFR Part 192 that apply to "pipelines" apply to propane distribution systems that are not "in or affecting interstate or foreign commerce."

As you have indicated, the definitions of the terms "pipeline" and "transportation of gas" in Section 192.3 provide that if a system is not "in or affecting interstate or foreign commerce" then it is not subject to the safety standards for "pipelines" in Part 192. Because of the difficulty in determining whether a system affects commerce, the section in Part 192 that provides for the regulation of propane systems, section 192.11, was specifically drafted to cover all systems that are "in or affecting interstate or foreign commerce." Thus, if any of your systems are described by the language of section 192.11(a) (i.e., if a system serves 10 or more customers or is located in a public place), then it is "in or affecting interstate or foreign commerce."

Whether a system is "in or affecting interstate or foreign commerce" is not the only test to apply in deciding if a system is subject to Part 192. To be subject to the safety standards, a system also must be one that is used in the "transportation of gas." Based on a statutory interpretation, a system is not used in the "transportation of gas", and thus not subject to Part 192 even though it may affect commerce, if it serves a single customer and is either owned by that customer or entirely located on the customer's property. Examples of this situation are systems located on church property, farms, residences, and business premises.

We have enclosed a copy of Parts 191 and 192.

Sincerely,

/signed/

Cesar DeLeon  
Associate Director for  
Pipeline Safety Regulations  
Materials Transportation Bureau

Enclosure