

December 9, 1974

Mr. C. W. Hendry, Jr.
Chief and Oil and Gas Administration
Florida Department of Natural Resources
Bureau of Geology
903 West Tennessee Street
Tallahassee, FL 32304

Dear Mr. Hendry:

Thank you for your letter of October 29, 1974, requesting an opportunity to discuss with us the establishment by your agency of environmentally protective regulations for intrastate petroleum pipelines. You also question whether we have jurisdiction over intrastate petroleum pipelines, and, if so, the extent of that jurisdiction.

The Office of Pipeline Safety administers liquid pipeline safety regulations (49 CFR Part 195) under the authority of Title 18 United States Code, Sections 831-835. This authority applies to all common, contract, and private pipeline carriers engaged in interstate or foreign commerce who transport petroleum, petroleum products, or other hazardous liquids. The regulations apply to all pipelines operated by such carriers regardless of whether a particular pipeline is interstate or intrastate. Moreover, the interstate nature of a shipment will qualify an otherwise intrastate carrier as an interstate carrier for purposes of the regulations.

Except to the extent our regulations are designed to prevent discharges from pipelines, they are not for environmentally protective purposes. Thus, any subjects you might choose to regulate would most likely not be covered by Part 195. As long as any requirements you may develop would not unduly burden interstate commerce, conflict with Federal laws and regulations, or be preempted by Federal environmental or other statutes, we see no problem with them.

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