

Mr. Terry Fronterhouse
Chief of Pipeline Safety
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007-2996

Dear Mr. Fronterhouse:

This responds to your letter of December 14, 1999, concerning a request by the Arizona Fueling Facilities Corporation for a finding under 49 CFR 195.120(b)(7). This regulation permits us to find that particular piping is impracticable to design and construct to accommodate the passage of instrumented internal inspection devices.

The request involves fueling hydrant pits under construction at gates A24, A28, and A29 at Terminal 4, N-1 Concourse, of the Sky Harbor International Airport. Although you recommended that we grant the request, we believe the request is unnecessary. Fuel distribution systems on airport grounds are akin to in-plant piping systems that are excluded from Part 195 under § 195.1(b)(7) or terminal facilities that are excluded under § 195.1(b)(8). Because of the similarity, we do not think such systems come under the safety standards in 49 CFR Part 195.

Also, please note that requests for findings under § 195.120(b)(7) are not handled like waiver requests. Under our procedures in 49 CFR 190.9, after receiving a state agency recommendation on a request for finding involving an intrastate pipeline, we have only 10 business days to change the recommendation or else it becomes the final decision.

Sincerely,

Richard B. Felder
Associate Administrator for Pipeline Safety

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