

lines in rural locations and certain offshore pipelines (§ 192.1). As defined in § 192.3, "gathering line" means "a pipeline that transports gas from a current production facility to a transmission line or main." Although Part 192 does not define "production facility," it does define "transmission line" and "main." However, under § 192.3, the definition of "transmission line" refers to a pipeline "other than a gathering line." Also, the definition of "main" refers to a "distribution line," which means a "pipeline other than a gathering or transmission line."

The absence of a production facility definition and the circular logic of the definitions of gathering line, transmission line, and distribution line have made it difficult to determine the beginning and end of gathering lines covered by part 192. It is also difficult to determine which pipelines are exempt from part 192 as rural gathering lines. Inspectors from RSPA's five regional offices have often disagreed with pipeline operators across the nation over whether pipelines are gathering or transmission lines. In 1986, RSPA asked the National Association of Pipeline Safety Representatives (NAPSR), an association of state pipeline safety officials, for comments on the gathering line problem. Responses from NAPSR members showed that in the 30 states where gathering lines exist, there are at least 2,800 gathering operators and 111,000 miles of gathering lines (as interpreted by the states). NAPSR members from five states, with about 54 percent of gathering-line operators and 75 percent of the mileage, said they had disagreements with operators over classifying rural pipelines as gathering lines or transmission lines. Members from three of these States said the disagreements were too numerous to list. One NAPSR member recalled many disagreements with two major gas gathering and transmission pipeline operators over where a gathering line ends. Another NAPSR member related continuing disagreements over the classification of various segments of pipeline operated by one of the largest gas gathering line operators in the United States.

The difficulty of identifying gas gathering lines not only affects government enforcement of the Part 192 safety standards, but it also affects other program areas. RSPA annually collects user fees from gas pipeline operators to recoup regulatory program costs. However, by law, these fees are only assessable for costs related to transmission lines. In addition, the Pipeline Safety Improvement Act of

2002 (Pub. L. 107-355; Dec. 17, 2002) requires operators to provide to RSPA, certain geospatial data and other information for use in the National Pipeline Mapping System. However, gathering and distribution lines are specifically excluded from this requirement.

Seeking to resolve the gas gathering line interpretive problem, RSPA proposed to amend the Part 192 gathering line definition (Docket PS-122; 56 FR 48505; Sept. 25, 1991).¹ However, because the public response was generally unfavorable; with industry commenters disputing the significance of the problem and alleging wholesale reclassification of lines, RSPA delayed final action pending the collection and consideration of further information. Meanwhile, Congress amended the pipeline safety law, directing RSPA to define the term "gathering line" for both gas and hazardous liquid pipelines, and define as "regulated gathering line" those rural gathering lines that, because of specific physical characteristics, should be regulated.² In furtherance of the

¹ The proposal was: "Gathering line" means, except as provided in paragraph (4), any pipeline or part of a connected series of pipelines used to transport gas from a well or the first production facility where gas is separated from produced hydrocarbons, whichever is farther downstream, to an applicable endpoint described in paragraph (1), (2), or (3) below:

- (1) The inlet of the first natural gas processing plant used to remove liquified petroleum gases or other natural gas liquids.
- (2) If there is no natural gas processing plant, the point where custody of the gas is transferred to others who transport it by pipeline to:
 - (i) a distribution center;
 - (ii) a gas storage facility; or
 - (iii) an industrial consumer.
- (3) If there is no natural gas processing plant or point where custody of the gas is so transferred, the last point downstream where gas produced in the same production field or two adjacent production fields is commingled.
- (4) A gathering line does not include any part of a pipeline that transports gas downstream—
 - (i) from the end points in (1), (2), or (3) in this Section;
 - (ii) from a production facility, if no end point exists; or
 - (iii) in any interstate transmission facility subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act (15 U.S.C. 717 et seq.).

² The specific provisions are in 49 U.S.C. 60101(b):

Gathering Lines.—(1)(A) Not later than October 24, 1994, the Secretary shall prescribe standards defining the term "gathering line". (B) In defining "gathering line" for gas, the Secretary—(i) shall consider functional and operational characteristics of the lines to be included in the definition; and (ii) is not bound by a classification the Commission establishes under the Natural Gas Act (15 U.S.C. 717 et seq.). (2)(A) Not later than October 24, 1995, the Secretary, if appropriate, shall prescribe standards defining the term "regulated gathering line". In defining the term, the Secretary shall consider factors such as location, length of line

proceeding begun in 1991 and the Congressional directive, RSPA opened an internet discussion of the gathering line issue, which focused on a definition offered by Gas Processors Association (Docket No. RSPA-98-4868; 64 FR 12147; Mar. 11, 1999). The discussion, which involved 100 participants, included a comprehensive treatment by the American Petroleum Institute for a coalition of trade associations.³ However, RSPA and NAPSR were concerned that the coalition's suggested gathering line definition was based on certain "furthestmost downstream" points that are subject to change. As a stopgap, while continuing to decide on a suitable alternative to the 1991 gathering line proposal, RSPA published an advisory bulletin interpreting the end of gas gathering based on court precedent and

from the well site, operating pressure, throughput, and the composition of the transported gas or hazardous liquid, as appropriate, in deciding on the types of lines that functionally are gathering but should be regulated under this chapter because of specific physical characteristics. (B)(i) The Secretary also shall consider diameter when defining "regulated gathering line" for hazardous liquid. (ii) The definition of "regulated gathering line" for hazardous liquid may not include a crude oil gathering line that has a nominal diameter of not more than 6 inches, is operated at low pressure, and is located in a rural area that is not unusually sensitive to environmental damage.

³ The coalition suggested the following definition of "gathering line":

(a) means any pipeline or part of a connected series of pipelines used to

(1) transport gas from the furthestmost downstream point in a production operation to the furthestmost downstream of the following endpoints, with possible intermediate deliveries to other production operations, pipeline facilities, farm taps, or residential/commercial/industrial end users:

(A) the inlet of the furthestmost downstream natural gas processing plant, other than a natural gas processing plant located on a transmission line,

(B) the outlet of the furthestmost downstream gathering line gas treatment facility,

(C) the furthestmost downstream point where gas produced in the same production field or separate production fields is commingled,

(D) the outlet of the furthestmost downstream compressor station used to lower gathering line operating pressure to facilitate deliveries into the pipeline from production operations or to increase gathering line pressure for delivery to another pipeline, or

(E) the connection to another pipeline downstream of:

(i) the furthestmost downstream endpoint identified in (A), (B), (C) or (D), or (in the absence of such endpoint)

(ii) the furthestmost downstream production operation; or

(2) transport gas from a point other than in a production operation exclusively to points in or adjacent to one or more production operations or gathering facility sites for use as fuel, gas lift, or gas injection gas within those operations; and

(b) does not include a natural gas processing plant.