



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

AUG 14 2014

Mr. Paul Maguire, P.E.
Manager, Engineering Division
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

Dear Mr. Maguire:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) dated April 15, 2014, you asked whether a chlorine gas pipeline would be regulated under 49 CFR Part 192. You stated that a manufacturing facility plans to construct a pipeline to transport chlorine gas by pipeline from a chlorine gas production facility to an industrial manufacturing facility.

You stated that both the chlorine production facility and the manufacturing facility are located in an industrial complex. The manufacturing facility owns the real property on which its plant is located. The chlorine facility owns the real property on which its plant is located. A parcel of property owned by a third party is located between the two properties. The portion of the pipeline that will be built on the third party property is less than 1-mile in length. You noted that chlorine gas is not "natural gas" or a "hazardous liquid," and asked if the pipeline is regulated under the Part 192 requirements.

In addition, on May 12, 2014, you emailed the following additional information to my staff:

(1) The total length of the pipeline will be approximately 3,300 linear feet and the length of the pipeline on the third party property will be approximately 2,600 linear feet.

(2) The current plan is to use 8-inch, carbon steel, seamless, schedule 80 pipe and the buried portion of the pipeline will have all welded joints.

(3) There is an existing steel aboveground pipeline built in approximately 1942, and currently transports the chlorine in gas form. The existing pipeline will be decommissioned as soon as the new pipeline becomes operational.

Part 192 prescribes minimum safety requirements for pipeline facilities and the transportation of gas, including pipeline facilities and the transportation of gas within the limits of the outer continental shelf (§192.1).

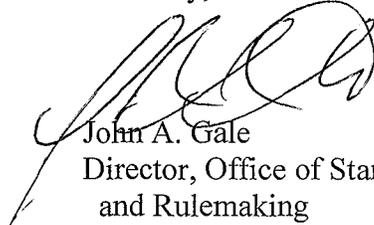
The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented 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.

Section 192.3 defines the term "gas" as natural gas, flammable gas, or gas which is toxic or corrosive.

Chlorine gas is both toxic and corrosive.¹ In addition, in § 192.1(b) there is no exclusion for the length of the pipeline. Therefore, the transportation of chlorine gas by pipeline (whether aboveground or underground) is subject to the Part 192 regulations. The pipeline will transport the chlorine gas off of the grounds of the chlorine production facility across a third party's property and deliver the gas to the manufacturing facility. As an industrial user of gas, the manufacturing facility is considered a large volume customer. Therefore, the pipeline would be regulated as a transmission pipeline. If the PUC of Nevada has limitations on its ability to assert authority over this pipeline due to the operator not meeting Nevada's definition of a "public utility" or similar reason, please inform PHMSA's Director of State Programs who will then coordinate with PHMSA's Western Region Office as necessary.

If we can be of further assistance, please contact Tewabe Asebe of my staff at (202) 366-5523.

Sincerely,



John A. Gale
Director, Office of Standards
and Rulemaking

¹ Centers for Disease Control and Prevention describes chlorine gas as a toxic gas with corrosive properties. Chlorine gas has also been used as a chemical warfare choking agent.

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BRIAN SANDOVAL
Governor

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION

ALAINA BURTENSHAW
Chairman

REBECCA WAGNER
Commissioner

DAVID NOBLE
Commissioner

CRYSTAL JACKSON
Executive Director

April 15, 2014

Mr. Jeff D. Weise
Associate Administrator for Pipeline Safety
PHMSA – Office of Pipeline Safety
1200 New Jersey Ave., SE (Room E22-330)
Washington, DC 20590-0001

APR 17 2014

Re: Jurisdictional Interpretation (49 CFR 192) Request regarding a Planned Underground Chlorine Gas Pipeline

Dear Mr. Weise:

The Public Utilities Commission of Nevada, Pipeline Safety Division, was contacted earlier this year by an attorney whose client is proposing to construct an underground pipeline for the purpose of transporting chlorine gas (See Attached Map). The proposed project would involve a manufacturing facility (the “Manufacturing Facility”) in Nevada that purchases chlorine gas from a nearby facility that produces chlorine gas (the “Chlorine Facility”). The Manufacturing Facility currently receives the chlorine gas through an above-ground pipeline that runs from the Chlorine Facility to the Manufacturing Facility. However, the Manufacturing Facility intends to construct a new, below-ground pipeline to deliver the chlorine gas. The pipeline will provide chlorine gas to only the Manufacturing Facility.

Both the Manufacturing Facility and the Chlorine Facility are located within an industrial complex. The Manufacturing Facility owns the real property on which its plant is located. The Chlorine Facility owns the real property on which its plant is located. A single parcel of property owned by a third party (the “Third Party Property”) is located between the properties owned by Manufacturing Facility and the Chlorine Facility. The portion of the pipeline that will be located on (and traverse across) the Third Party Property is less than one mile in length.

The interpretation question is: “Does this proposed chlorine gas pipeline have to comply with 49 CFR 192, or because it is not natural gas, nor a hazardous liquid, is it not covered by 49 CFR 192?” Nevada does not have any current laws and/or regulations that would make this pipeline a jurisdictional facility except for our adoption of 49 CFR 192.

Should you have any questions, please do not hesitate to call me at (775) 684-6143 or Clark Stoner at (775) 684-6139. Your assistance on this interpretation question is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Maguire", with a horizontal line extending to the right.

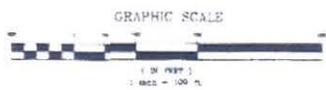
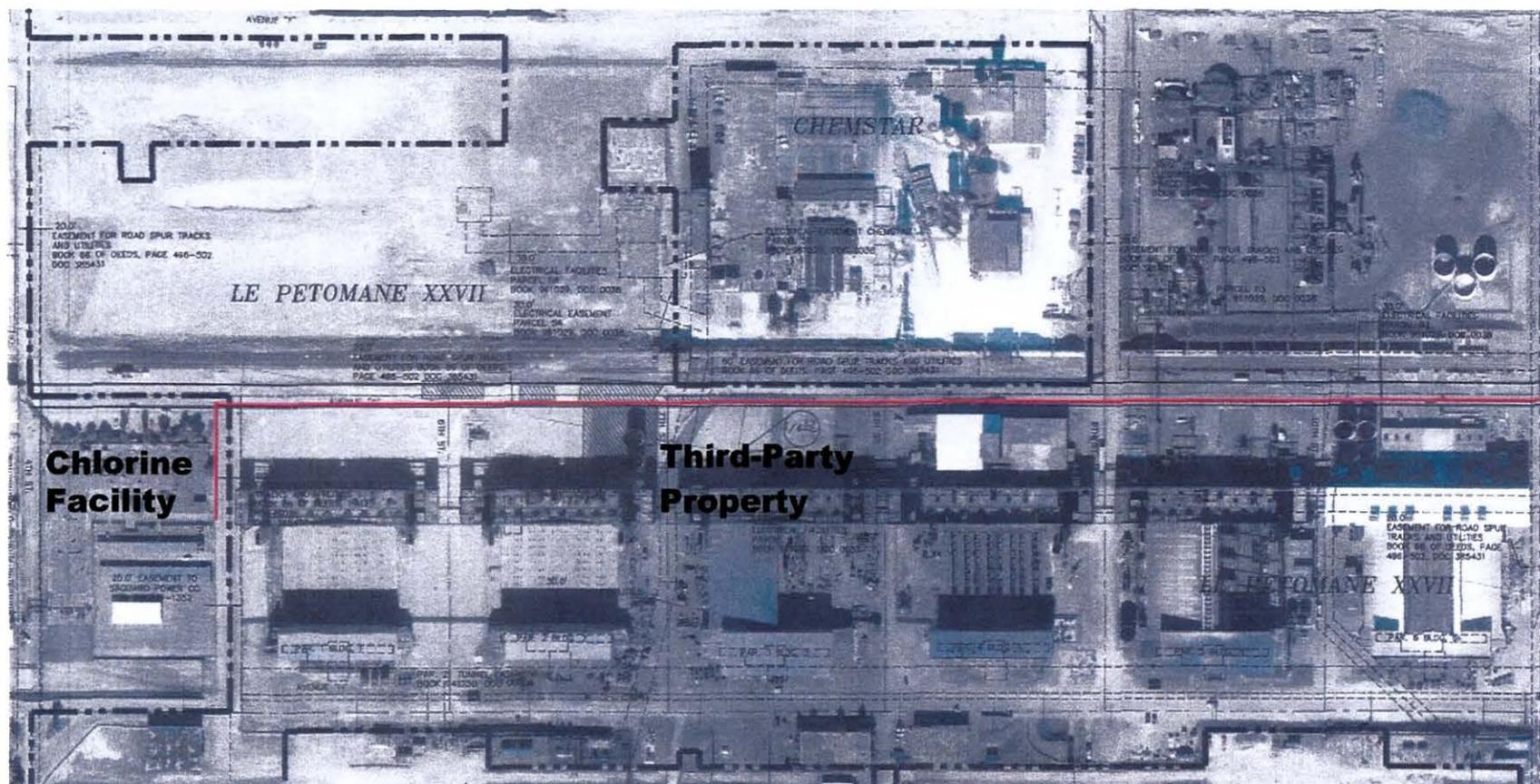
Paul Maguire, P.E.
Manager, Engineering Division

cc: Anne-Marie Cuneo, DRO
Clark Stoner, Senior Gas Pipeline Engineer
Sam Crano, Assistant Staff Counsel
Pipeline Safety Personnel
file/database
Zach Barrett PHMSA - via email

APR 17 2014

BOUNDARY TOPO

BLACK MOUNTAIN INDUSTRIAL PARK CHLORINE LINE



LEGEND

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	BOUNDARY LINE
	MATCHLINE
	EASEMENT LINE
	ECA PARCEL