

Fahn, Patrick J.

From: Moch, Alan G.
Sent: Monday, July 14, 2008 12:09 PM
To: Jeffcoat-Sacco, Illona
Cc: Fahn, Patrick J.; Hanson, Kevin J.
Subject: Whiting Oil and Gas Line Determination

Importance: High

Illona,

As per your request and in response to Whiting's letter dated June 27, 2008 requesting determination as to whether or not the subject gas pipeline outlined in their letter and attachments could be defined as an "incidental gathering line" under section 2.2.1.2.6 of API's Recommended Practice 80, Guidelines for the Definition of Onshore Gas Gathering Lines, the answer is no. The line in question does not meet the definition of a gathering line under 49 CFR Part 192.8, which reads as follows (emphasis on applicable sections is my own):

*"a) An operator must use API RP 80 (incorporated by reference, see §192.7), to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore gathering line. **The determination is subject to the limitations listed below.** After making this determination, an operator must determine if the onshore gathering line is a regulated onshore gathering line under paragraph (b) of this section.*

(1) The beginning of gathering, under section 2.2(a)(1) of API RP 80, may not extend beyond the furthestmost downstream point in a production operation as defined in section 2.3 of API RP 80. This furthestmost downstream point does not include equipment that can be used in either production or transportation, such as separators or dehydrators, unless that equipment is involved in the processes of "production and preparation for transportation or delivery of hydrocarbon gas" within the meaning of "production operation."

(2) The endpoint of gathering, under section 2.2(a)(1)(a) of API RP 80, may not extend beyond the first downstream natural gas processing plant, unless the operator can demonstrate, using sound engineering principles, that gathering extends to a further downstream plant.

(3) If the endpoint of gathering, under section 2.2(a)(1)(c) of API RP 80, is determined by the commingling of gas from separate production fields, the fields may not be more than 50 miles from each other, unless the Administrator finds a longer separation distance is justified in a particular case (see 49 CFR §190.9).

(4) The endpoint of gathering, under section 2.2(a)(1)(d) of API RP 80, may not extend beyond the furthestmost downstream compressor used to increase gathering line pressure for delivery to another pipeline."

The limitations exerted over RP 80 by Part 192.8 prevent RP 80 from defining this line as "incidental gathering" because a line cannot be incidental gathering if it is not even a gathering line.

Therefore, if the line is not a gathering line, and if the line is not a distribution main or service line, then it is a transmission line. Since this transmission line starts and ends within the confines of the state of ND, it can further be defined as an intrastate natural gas transmission line (subject to the jurisdiction of the Commission's gas pipeline safety program).

Thank you.

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