

PI-99-0102  
5/19/99  
Mr. Philip Sher  
Gas Pipeline Safety Unit  
State of Connecticut  
Department of Public Utility Control  
10 Franklin Square  
New Britain, CT 06051

Dear Mr. Sher:

This responds to your letter of April 5, 1999, asking whether the safety standards in 49 CFR Part 192 apply to gas pipelines owned and operated by an Indian tribe known as the Mashantucket Pequot Tribal Nation (MPTN). The tribe receives gas from a local distribution company and transports it to public parts of the reservation and then along a public highway to non-public parts of the reservation and to an MFITN hotel located outside the reservation.

Pipeline safety standards issued under 49 USC Chapter 601, such as the standards in 49 CFR Part 192, apply to persons who own or operate pipeline facilities (§ 60118(a)). Chapter 601 contains the following definition of "person": "person", in addition to its meaning under Section 1 of Title 1 (except as to societies), includes a State, a municipality, and a trustee, receiver, assignee, or personal representative of a person." And 1 USC § 1 states that the word "person" includes corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals. Because Indian tribes are not among the entities included in the Chapter 601 definition of "person," the safety standards in 49 CFR Part 192 do not apply to MPTN, no matter if MPTN's facilities are located on or off the reservation or in public or non-public parts of the reservation.

However, if an independent contractor that comes under the Chapter 601 definition of "person" were to operate MPTN's pipeline facilities, that contractor would have to meet all requirements of 49 CFR Part 192 applicable to the MPTN facilities. Part 192 requirements governing design, construction, initial inspection, and initial testing would not apply to facilities in existence when the contractor assumes operating responsibility for the facilities. Any new or replacement facilities installed during operation by the independent contractor would have to meet those requirements.

I hope this information meets your needs. Please let me know if we can provide any further assistance.

Sincerely,

Richard D. Huriaux, P.E.  
Manager, Regulations  
Office of Pipeline Safety