

*Worst case discharge* means the largest foreseeable discharge of oil, including a discharge from fire or explosion, in adverse weather conditions. This volume will be determined by each pipeline operator for each response zone and is calculated according to § 194.105.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-3, 63 FR 37505, July 13, 1998]

**§ 194.7 Operating restrictions and interim operating authorization.**

(a) After February 18, 1993, an operator of a pipeline for which a response plan is required under § 194.101, may not handle, store, or transport oil in that pipeline unless the operator has submitted a response plan meeting the requirements of this part.

(b) After August 18, 1993, an operator must operate its onshore pipeline facilities in accordance with the applicable response plan.

(c) After August 18, 1993, the operator of a pipeline line section described in § 194.103(c), may continue to operate the pipeline for two years after the date of submission of a response plan, pending approval or disapproval of that plan, only if the operator has submitted the certification required by § 194.119(e).

**Subpart B—Response Plans**

**§ 194.101 Operators required to submit plans.**

(a) Except as provided in paragraph (b) of this section, or unless RSPA grants a request from the OSC to require an operator of the following pipelines to submit a response plan or the pipeline is covered by § 194.103, each operator of an onshore pipeline facility shall prepare a response plan and submit the response plan to RSPA, as provided in § 194.119.

(b) *Exception.* An operator need not submit a response plan for:

(1) A pipeline that is 6½ inches (168 millimeters) or less in outside nominal diameter, is 10 miles (16 kilometers) or less in length, and all of the following conditions apply to the pipeline:

(i) The pipeline has not experienced a release greater than 1,000 barrels (159 cubic meters) within the previous five years,

(ii) The pipeline has not experienced at least two reportable releases, as defined in § 195.50, within the previous five years,

(iii) A pipeline containing any electric resistance welded pipe, manufactured prior to 1970, does not operate at a maximum operating pressure established under § 195.406 that corresponds to a stress level greater than 50 percent of the specified minimum yield strength of the pipe, and

(iv) The pipeline is not in proximity to navigable waters, public drinking water intakes, or environmentally sensitive areas.

(2)(i) A line section that is greater than 6½ inches in outside nominal diameter and is greater than 10 miles in length, where the operator determines that it is unlikely that the worst case discharge from any point on the line section would adversely affect, within 12 hours after the initiation of the discharge, any navigable waters, public drinking water intake, or environmentally sensitive areas.

(ii) A line section that is 6½ inches (168 millimeters) or less in outside nominal diameter and is 10 miles (16 kilometers) or less in length, where the operator determines that it is unlikely that the worst case discharge from any point on the line section would adversely affect, within 4 hours after the initiation of the discharge, any navigable waters, public drinking water intake, or environmentally sensitive areas.

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**§ 194.103 Significant and substantial harm; operator's statement.**

(a) Each operator shall submit a statement with its response plan, as required by §§ 194.107 and 194.113, identifying which line sections in a response zone can be expected to cause significant and substantial harm to the environment in the event of a discharge of oil into or on the navigable waters or adjoining shorelines.

(b) If an operator expects a line section in a response zone to cause significant and substantial harm, then the entire response zone must, for the purpose of response plan review and approval, be treated as if it is expected to