

US Department of Transportation
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

JUL 30 1999

Mr. Raymond K. Vawter
Executive Secretary Iowa Utilities Board
350 Maple Street
Des Moines IA 50319

Dear Mr. Vawter:

We have considered your letter of June 15, 1999, transmitting a waiver of 49 CFR 192.150 for replacements of nine sections of the Villisca-Clarinda Lateral operated by IES Utilities, Inc. The replacements must be designed and constructed to accommodate the passage of instrumented internal inspection devices unless we find that such design and construction is impracticable. You asked that we consider the waiver to be, a recommendation for that finding on the nine replacement sections.

Under our procedures for making findings of impracticability (49 CFR 190.9), the Iowa Utilities Board may recommend the disposition of petitions for such findings on intrastate pipelines under the Board's safety jurisdiction. The procedures provide that if we do not "reverse or modify a recommendation made by a state agency within 10 business days of its receipt, the recommended disposition shall constitute the Administrator's decision on the petition." Inasmuch as we did not reverse or modify the Board's recommendation on the IES Utilities petition within 10 business days after receiving the recommendation, the Board's recommendation now constitutes our decision on the petition.

Sincerely,
Richard B. Felder
Associate Administrator for Pipeline Safety