

July 16, 1976

Honorable James M. Norsworthy, Jr.
Mayor, Town of Jackson
Jackson, Louisiana 70748

Dear Mr. Mayor:

This refers to your request for a waiver from the requirements of 49 CFR 192.457(b) on behalf of the Town of Jackson, Louisiana, by letter dated June 23, 1976, which we have docketed as Pet. 76-10.

We have reviewed the information submitted and find for the following reasons that a waiver is not justified. Accordingly, the request is denied.

The main reason for the waiver appears to be the impending August 1, 1976, deadline and the consequent lack of time to complete an electrical survey and orderly plan of compliance. Without a showing of extreme circumstances, this reason cannot serve as the basis for a waiver because the deadline was established on June 21, 1971, to allow all operators at least 5 years to make the necessary arrangements for compliance. Also, we do not believe that the absence of underground facilities where gas might accumulate and the insulation of houses from the gas system are sufficient reasons for a waiver. There are many opportunities for fire or explosion due to a leaking gas system which would not be affected by those factors.

We note that the Town may choose to completely replace its gas system as an alternative to cathodically protecting the existing one. This course of action may provide sufficient grounds for a waiver from Section 192.457(b) if there is assurance that replacement is economically practicable for the Town and would begin and be completed within a reasonable period of time.

The enclosed statement of interpretations and enforcement policy may be helpful to you in reviewing your need for a waiver.

Sincerely,

Cesar DeLeon
Acting Director
Office of Pipeline
Safety Operations

Enclosure

TOWN OF JACKSON

June 23, 1976

Director
Office of Pipeline Safety Operations
400-7th Street, S.W.
Washington, D.C. 20590

Re: Request for waiver of compliance deadline regulations, Section 192.457(b),
Natural Gas Pipeline Safety Act of 1968; Town of Jackson, Louisiana

Dear Sir:

I am writing to you as Mayor of the Town of Jackson at the request of the Board of Trustees, the official governing body of the town, regarding the above captioned matter. My purpose in writing is to request a waiver of the August 1, 1976 deadline set out in Subsection B of Section 192.457 Federal Regulations issued under the authority of the Natural Gas Pipeline Safety Act of 1968. I understand that the cited regulation requires full cathodic protection of all gas pipelines within the Town of Jackson to be completed not later than August 1, 1976. Waiver is requested on the following basis:

1. Inappropriateness of regulation. The cited regulation requires compliance therewith not later than August 1, 1976. Compliance with the regulation within such a period of time would be a near, if not actual, impossibility. The town has experienced great difficulty in employing the services of a firm both qualified and willing to institute and complete a cathodic survey. The town is currently negotiating with two firms in an attempt to obtain such a survey, but to date, the town has no accurate indication of when such a survey, a prerequisite to cathodic protection could be instituted or completed. Additionally, the town has obtained engineering advice suggesting the possibility of following any of several divergent courses of action in eventually attaining compliance. One suggestion has been made that the cost of cathodic protection of the present system could be so prohibitive as to necessitate complete replacement of the town's gas system as a less expensive alternative.
2. Public benefits. The public would be served by having cathodic protection provided in an orderly manner after a thorough investigation of the various

alternatives and cost factors involved. Any attempt at compliance within the deadlines set out in the regulations would have to be achieved in violation of Louisiana's public bid laws, which are designed to keep public expenditures at a minimum. In addition to risking the possibility of being forced to accept something other than the most economical contract price for cathodic protection, the town would also face the possibility of having to make a hasty decision which might ultimately not turn out to be the best, considering all factors.

3. Assuring gas pipeline safety. There exist very few instances in the Town of Jackson in which large accumulations of gas would occur as a result of gas leakage. Although the town does have an underground sewer system there are no underground tunnels, subways, or other underground facilities of a similar type in which the dangers of gas leakage accumulations would be most prevalent. In addition, the town has already completed the process of insulation of all residences in the town which are served by its gas system, from the gas system itself.

The Town of Jackson is the owner and operator of the described gas system. Your attention to this request would be greatly appreciated. Please inform this office through me should you need additional information regarding this matter.

Yours very truly,

James M. Norsworthy, Jr.
Mayor, Town of Jackson