

October 27, 1981

Mr. Cody Stuart
Manager, Gas & Service Safety
Public Service Commission
P.O. Box C-400
Markham & Victory Streets
Little Rock, Arkansas 72203

Dear Mr. Stuart:

Your letter of August 21, 1981, proposing a change in 49 CFR 192.459 has been forwarded by Mr. Aubry for our response.

We share your concern that operators participating in "one-call" systems should not be required in every instance to continually monitor a contractor during all phases of construction. This issue, or the extent to which an operator should have to monitor a contractor's activity to prevent or check for damage to a pipeline, is under consideration in our current rulemaking proceeding on damage prevention programs (Docket PS-59, 44 FR 65792). We expect that a final rule on this matter will be issued soon.

The interpretation to which you refer is not consistent with the meaning of section 192.459. This section requires operators to visually inspect a pipeline for corrosion whenever the operator has knowledge that the pipeline is exposed. In most cases, the information an operator receives under a "one-call" system about a proposed excavation would not give the operator knowledge that a pipeline is or will be exposed by the excavation. Under these circumstances, an inspection to detect corrosion would not be required by section 192.459.

At the same time, even if an operator were to learn through participation in a "one-call" system that a buried pipeline is or will be exposed, the operator's obligation under section 192.459 is only to inspect for external corrosion and take any remedial actions required, not to continually check the pipeline for equipment damage.

Since the operator to which you refer has misinterpreted the provisions of section 192.459 and the issue of monitoring for

damage prevention purposes will be decided in Docket PS-59, we do not believe there is a need to amend section 192.459 as you have suggested.

Sincerely,

Melvin A. Judah
Acting Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau