

**DEPARTMENT OF COMMERCE**

Mr. Richard L. Beam, Associate Director  
Office of Pipeline Safety Regulations  
Material Transportation Bureau  
Department of Transportation  
Washington, D. C. 20590

Dear Mr. Beam:

I recently received a copy of your memorandum dated September 14, 1983, to Robert L. Paullin regarding a request for clarification of Section 192.614(b)(4). I was shocked to learn that this memorandum completely contradicted a position your office took on this matter in June, 1983. This turnaround concerns me greatly because the credibility of the Office of Pipeline Safety Regulation has been seriously questioned by myself and many of my state pipeline safety colleagues. I would expect that any verbal communication of positions would carry the same weight or importance as any written position.

Being a strong supporter of the Federal/State partnership in pipeline safety, I believe we must all work together to accomplish the task of fulfilling our responsibilities under the appropriate Federal and State pipeline safety laws. I would encourage your office to establish procedures to inform interested persons of actions your office intends to take regarding inquiries from those interested people prior to circulating such material throughout the country. This should help ensure that the issue being addressed was completely understood.

I do not believe my June 17, 1983, letter to Mr. Edward Ondak regarding Section 192.614(b)(4) was properly characterized or addressed in your September 4, 1983, answer to Mr. Paullin's request for clarification. I am willing to discuss this matter with you or your staff and if additional information or further clarification is required, I will be pleased to work with you.

I would appreciate your consideration in the matter and will indicate that we are not attempting to weaken the intent of the regulations but are recognizing that damage prevention programs are different from state to state. The Michigan damage prevention legislation (1974 PA 53) and the one call communication system (MISS DIG) is the heart of the damage prevention program in Michigan. This program, together with the cooperation of excavators and various utilities, has operated in an effective and efficient manner and it is my desire to see that continue.

Very truly yours,  
Michael J. Kidd, Supervisor  
Office of Gas Operations