

**Research and
Special Programs
Administration**

Mr. Peter A. Cistaro
Vice President, Gas Distribution
Public Service Electric and Gas Company
PO Box 570
Newark, NH 07102

Dear Mr. Cistaro:

Thank you for your letter concerning a compliance action against your company by the New Jersey Board of Public Utilities (NJBPU). The action involves an alleged failure to run leakage surveys outside business districts as frequently as required by 49 CFR 192.723(b)(2).

As you know, NJBPU has submitted a current certification under 49 U.S.C §60105. While this certification is in effect, NJBPU has exclusive authority to enforce the safety regulations in 49 CFR Part 192 against intrastate pipeline facilities regulated by NJBPU, subject to monitoring and oversight of program performance by our agency. In keeping with this statutory division of state and federal authority, we do not intercede in enforcement actions by certified state agencies or otherwise do anything that might invalidate such actions.

I believe you recognize our policy in this regard. However, we will be happy to consider your analysis of § 192.723(b)(2) after the NJBPU proceeding is closed. If the analysis is meritorious, we will issue whatever interpretation appears necessary for proper application of the regulation in the future.

Sincerely,

Richard B. Felder
Associate Administrator for Pipeline Safety

cc: NJBPU

Furrow:jmd:64046:2-15-96
cc: DPS-1,2,20,10,NJBPU,EasternRegion
StateMailing,EMailTSI,RdgFile