

Mr. Terry Fronterhouse
Chief, Pipeline Safety
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix AZ 85007

Dear Mr. Fronterhouse:

I am responding to your letter of May 30, 1995, concerning the cover requirements of 49 CFR 192.327. You asked us to authorize the Commission to waive this regulation in certain circumstances without case-by-case review by this agency.

As you know, each state waiver of a federal pipeline safety regulation is subject to our review. Unfortunately, the laws governing this matter do not permit us to waive our review authority. However, I think the idea of independent state waiver action in certain circumstances merits consideration as a possible legislative proposal. Perhaps the issue can be discussed at the upcoming state regional meetings.

Meanwhile, as part of the President's regulatory reinvention initiative, we will consider revising the gas pipeline cover regulation to allow less cover when pipelines are otherwise adequately protected. The comparable regulation for hazardous liquid pipelines already provides such latitude (49 CFR 195.248(b)). Making the two regulations alike in this respect would lessen the burden of the gas regulation without compromising public safety.

I look forward to meeting with you and the other state pipeline safety representatives.

Sincerely,

Richard B. Felder
Associate Administrator for Pipeline Safety