



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JAN 7 2003

Mr. Martin C. Bettmann
Pipeline Safety Program Manager
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

Dear Mr. Bettmann:

We have considered your letter of October 1, 2002, notifying us that the Commission granted the Montana-Dakota Utilities Company (MDU) a waiver from compliance with 49 CFR § 192.59(a)(1) for UPONOR plastic pipe that MDU installed between July and November 2000. Section 192.59(a)(1) states that new plastic pipe is qualified for use if it is manufactured in accordance with a listed specification, which includes ASTM D2513.

According to the waiver, after installation, MDU learned from UPONOR that the plastic pipe did not qualify under ASTM D2513 because the pipe resin lacked the PPI long-term hydrostatic stress rating. Subsequently, the resin received the required rating. MDU submitted documentation of extensive testing done by Chevron Phillips Chemical Company on the resin and various sizes of pipe produced from the resin indicating that the pipe installed by MDU does meet the subject ASTM D2513 requirements.

The order granting the waiver indicates the Commission has concluded that the pipe MDU installed meets 49 CFR § 192.59(a)(1). Nonetheless, the order establishes certain additional random sampling, testing, and reporting requirements. We have no objection to the Commission's order.

Sincerely,

Stacey L. Gerard
Associate Administrator
for Pipeline Safety