

August 13, 1976

Mr. Ralph Nery
State of North Carolina
Utilities Commission
Raleigh, North Carolina 27602

Dear Mr. Nery:

This refers to the Commission's Order in Docekt G-9, granting the Piedmont Natural Gas Company (PNGC) and extension of the August 1 1976 deadline for compliance with 49 CFR 192.457(b).

We have reviewed the Order and substantiating information and object to the granting of the waiver for the following reasons. In general, the PNGC appears not to have made an effort to comply with Section 192.457(b) to meet the August 1 deadline due to a variety of excuses such as costs and lack of qualified personnel.

We do not find that any of the excuses justify the waiver. A waiver is intended for situations where a pipeline safety standard of general applicability is inappropriate in a specific situation. The PNGC has not presented any cogent reasons to show that the standard is inappropriate. In fact, they apparently plan to make an effort to meet the Federal standard. The various causes advanced by the PNGC may of course be considered by the Commission in determining the nature of its enforcement actions. Both OPSO and State agency compliance efforts include discretionary action to defer imposition of penalty or other section while an operator executes a plan of compliance.

Therefore, in accordance with Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672 (e)) the Commission's action is hereby stayed. The Commission may appeal this decision and request an opportunity for a hearing within 60 days from the date of this letter.

Sincerely,
SIGNED
Cesar DeLeon
Acting Director
Office of Pipeline
Safety Operations