

Transportation Safety Institute who assessed the integrity of this method of testing electrofusion joints.

The Staff filed a memorandum in this docket on October 20, 1994 (Staff memorandum). The Staff recommends that the Commission waive compliance, in part, by MPS from 49 C.F.R. 192.286(a) and (b), which corresponds to 4 CSR 240-40.030(6)(H)1. and 2. The specific waiver recommended by Staff is to allow MPS to use paragraphs 9.4.2 through and including 9.4.5 of the ASTM F 1055-87 to qualify personnel to make joints in plastic pipe using the electrofusion process. Staff states that such a waiver "is not inconsistent with gas safety" in accordance with 49 U.S.C. Section 1672(d). Staff notes that the federal waiver provision provides that the United States Secretary of Transportation must receive written notice at least sixty (60) days prior to the effective date of any waiver. Thus, Staff recommends that the effective date of the order be set seventy-five (75) days from the date the order is issued and that the notice be transmitted by certified mail and that the receipt date be noted on the official case file. Staff further recommends that a copy of the Application For Waiver, First Amended Application For Waiver, the Staff memorandum and the Commission's order be sent to the United States Secretary of Transportation so that all justification is provided to that Office.

The Commission has reviewed the Application For Waiver and First Amended Application For Waiver filed by MPS and the Staff memorandum filed on October 20, 1994. The Commission finds that MPS should be granted a waiver from 49 C.F.R. 192.285(a) and (b), which correspond to 4 CSR 240-40.030(6)(H)1. and 2., to the extent that such waiver is necessary to allow MPS to use paragraphs 9.4.2 through and including 9.4.5 of the ASTM F 1055-87 to qualify personnel to make joints on plastic natural gas pipe using the electrofusion process. The Commission finds that the granting of such a waiver is not inconsistent with gas safety.

The Commission will direct its Records Department to send a copy of the Application for Waiver, First Amended Application For Waiver, the Staff memorandum and the Commission's order to the United States Department of Transportation in the manner recommended by Staff. The Records Department should send a copy of these documents sent by certified mail to:

George W. Tenley, Jr.
Associate Administrator
Office of Pipeline Safety
400 Seventh Street, S.W., Room 2335
Washington, D.C. 20590

IT IS THEREFORE ORDERED:

1. That the Application For Waiver filed in this case by Missouri Public Service be granted hereby as set forth herein.
2. That the Records Department be directed hereby to notify the United States Department of Transportation as provided herein.
3. That this order shall become effective on the 31st day of January, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,
Kincheloe and Crumpton, CC., concur.