

TENNESSEE REGULATORY AUTHORITY



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

October 29, 2010

Mr. Jeffrey D. Wiese, Associate Administrator for Pipeline Safety
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, Second Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Re: Application of Memphis Light Gas and Water A Division of the City of
Memphis for a Waiver with Respect to 49 CFR Part 192.7, Appendix B and
ASTM D 2513, Docket No. 08-00124

Dear Mr. Wiese:

The Tennessee Regulatory Authority ("TRA") is in receipt of your letter dated October 22, 2010 to Larry Borum of the TRA with respect to your request for additional time to complete technical analysis and consultation regarding the above-captioned application for waiver. As indicated in your letter, the TRA sent to the Pipeline and Hazardous Materials Safety Administration (PHMSA) its notification letter, received on August 26, 2010, reporting that the TRA had approved the waiver request filed by Memphis Light Gas and Water ("MLGW") and would consider the waiver effective if either approved by PHMSA or no action was taken by PHMSA in sixty (60) days. Your letter, sent prior to the expiration of the sixty days, would appear to constitute action within sixty days as contemplated in the applicable rule and in the TRA's order of August 3, 2010. As such, the TRA will not consider the waiver effective at this time but instead will await further notification from PHMSA within the next sixty days at the completion of PHMSA's analysis and consultation.

A copy of this letter is being sent to Memphis Light Gas and Water notifying it of the request for additional time to be provided to PHMSA with respect to MLGW's waiver application. We are also sending to MLGW a copy of your letter of October 22, 2010. A copy of your letter to Larry Borum and of this letter will be placed in TRA Docket No. 08-00124. Please notify the TRA as soon as practicable of PHMSA's position regarding MLGW's waiver request.

Thank you for your assistance in this regard.

Very truly yours,

J. Richard Collier

J. Richard Collier

General Counsel

(615) 741-3191 ext. 170

c: Fred E. Jones, Jr., Esq., Memphis Light Gas and Water
Docket No. 08-00124

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www.state.tn.us/tra



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

OCT 22 2010

Mr. Larry K. Borum, Chief
Gas Pipeline Safety Division
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

RE: TRA Docket Number 08-00124

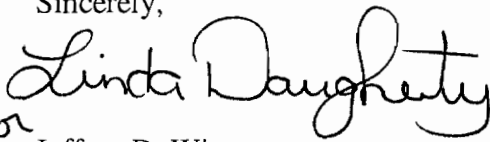
Dear Mr. Borum:

On August 26, 2010, the Pipeline and Hazardous Materials Safety Administration (PHMSA) received your letter notifying us that, pending PHMSA's approval, the Tennessee Regulatory Authority (TRA) intends to grant a waiver of 49 USC 60118(a) to the Memphis Light Gas and Water (MLGW) to continue its use in operations of polyethylene pipe that has an unprotected storage period in excess of two years prior to installation.

PHMSA has until October 25, 2010, to approve or object to the waiver. PHMSA requests that the TRA extend the 60-day review period for an additional 60 days until December 23, 2010, and delay the effective date of the waiver to allow for additional technical analysis and consultation among PHMSA and the TRA staff. If the TRA does not extend the review period and delay the effective date of the waiver in order to ensure all technical and safety issues are addressed, then this letter serves as PHMSA's notice of objection to the waiver.

If you wish to discuss this or any other pipeline safety matter related to this request, my staff would be pleased to assist you. Please call John Gale, Director of Regulations (202-366-0434) for regulatory matters or Jeffery Gilliam, Director of Engineering, Research, and Development (202-603-1550), for technical matters specific to this request.

Sincerely,


for

Jeffrey D. Wiese
Associate Administrator for Pipeline Safety