

November 30, 1989

Mr. Joe C. Hugo  
Western Utility Company, Inc.  
Pinedale, Wyoming 82941

Dear Mr. Hugo:

I am responding to your November 16, 1989, letter to our Western Region Chief asking us to waive the drug testing requirements of 49 CFR Part 40 for the Western Utility Company's propane/air system in Pinedale, Wyoming. Because this system is under the safety jurisdiction of a State agency - the Wyoming Public Service Commission - that has certified under the Natural Gas Pipeline Safety Act of 1968 (Act) to enforce the Federal gas pipeline safety standards, your waiver application must be considered first by that agency.

Although you sent a copy of your letter to the Commission, you should be sure your application is prepared and submitted in accordance with the Commission's procedures.

Also please note that Part 40, which is referenced in 49 CFR Part 199, contains only some of the drug testing requirements. Your letter indicated you may be seeking a waiver of the broader requirements of Part 199.

Because the anti-drug rules are so new, a State agency has not yet granted a waiver of the drug testing requirements. If the Commission grants you a waiver, it must notify us of the decision. The Act then authorizes us to review the matter and determine whether the waiver may take effect. I should point out, however, that in reviewing any such waiver, we will carefully weight the grounds for the waiver against the public's need and desire to be assured of drug-free gas pipeline transportation.

Sincerely,

George W. Tenley, Jr.  
Acting Director  
Office of Pipeline Safety