

NOTICE OF  
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: \_\_\_\_\_ Date filed: \_\_\_\_\_  
 State Admin Rule Filing Key: 156922  
 Utah Admin. Code ref. (R no.): R746-409

Agency Information

1. Agency: PUBLIC SERVICE COMMISSION - Administration  
 Room no.: \_\_\_\_\_  
 Building: HEBER M WELLS BLDG  
 Street address 1: 160 E 300 S  
 Street address 2: \_\_\_\_\_  
 City, state, zip: SALT LAKE CITY UT 84111-2316  
 Mailing address 1: PO BOX 45585  
 Mailing address 2: \_\_\_\_\_  
 City, state, zip: SALT LAKE CITY UT 84111-5585

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Sheri Bintz	801-530-6714	801-530-6796	sbintz@utah.gov	<input type="checkbox"/>
Melanie Reif	801-530-6709	801-530-6796	mreif@utah.gov	<input type="checkbox"/>

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):  
 Pipeline Safety

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The purpose of this proposed amendment is to: a. Update the date of the referenced U.S. Department of Transportation pipeline safety regulations to September 1, 2015; b. Identify that penalties for violations of Pipeline Safety regulations fall under the jurisdiction of Title 54, Chapter 13, Part 8; c. Delete unnecessary and duplicative requirements; and d. Consolidate,

update, and clarify reporting and operating requirements.

#### Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No  Yes

#### Rule Summary

6. Summary of the rule or change:

1) Currently R746-409 adopts the Federal Pipeline Safety regulations codified in CFR Title 49, Parts 190, 191, 192, 198, and 199, as amended October 1, 2010. The rule change updates the amendment date to September 1, 2015. Substantive changes between the October 1, 2010 and September 1, 2015 amendment dates include: requirements for operators to implement control room management procedures and distribution integrity management programs; and modifications to requirement pertaining to post-construction inspection, leak surveys, qualifying of plastic pipe joining and transportation of pipe. 2) Currently R746-409 does not specify that penalties for violations of Pipeline Safety regulations fall under the jurisdiction of Title 54, Chapter 13, Part 8. The rule change corrects this omission. 3) The rule change adds six definitions for clarity. 4) The rule change formalizes current "State Reportable Incident" criteria and reporting requirements; 5) The rule change clarifies access requirements for inspections occurring "during normal business hours" and "outside of normal business hours." 6) The rule change clarifies and consolidates telephonic notification and written reporting requirements and introduces a toll-free telephone number and an e-mail address for the Division of Public Utilities. 7) The rule change consolidates the requirements for written plans pursuant to federal regulations.

#### Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected:  No  Yes

The proposed rule change should not result in any costs to the Division of Public Utilities because the Division mainly enforces pipeline safety rules and the rule change reflects current requirements.

B) Local government:

Affected:  No  Yes

This rule applies to natural gas public utilities operated by local governments. Since local governments are already expected to operate pursuant to the federal regulations and state requirements incorporated or formalized in this rule change, no anticipated costs are expected. Negligible savings may occur due to streamlining of reporting requirements.

C) Small businesses:

Affected:  No  Yes

("small business" means a business employing fewer than 50 persons)

This rule applies to operators of natural gas master meter systems and pipeline facilities. Since small businesses are already expected to operate pursuant to the federal regulation and state requirements incorporated or formalized in this rule change, no anticipated costs are expected. Negligible savings may occur due to streamlining of reporting requirements.

D) Persons other than small businesses, businesses, or local government entities:

Affected:  No  Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Since persons are already expected to operate pursuant to the federal regulation and state requirements incorporated or formalized in this rule change, no anticipated costs are expected. Negligible savings may occur due to streamlining of reporting requirements.

#### Compliance Cost Information

##### 8. Compliance costs for affected persons:

There will be a negligible compliance costs for affected persons because this rule change follows practices and requirements already in place at the federal and state level.

#### Department Head Comments

##### 9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This proposed rule change adopts and formalizes current operating practices and requirements therefore negligible costs or savings should result.

##### B) Name and title of department head commenting on the fiscal impacts:

Thad LeVar, Chair

#### Citation Information

##### 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

54-13-2, 54-13-4, 54-13-8, 54-13-3

#### Incorporated Materials

##### 11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

<p>Official Title of Materials Incorporated (from title page)CFR - Part 198          Publishergovernment printing office          Date Issued (mm/dd/yyyy)09/01/2015          Issue, or version (including partial dates)          ISBN Number          ISSN Number          Cost of Incorporated Reference          Adds, updates, removesAdds</p>
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<p>Official Title of Materials Incorporated (from title page)CFR - Part 192          Publishergovernment printing office          Date Issued (mm/dd/yyyy)09/01/2015          Issue, or version (including partial dates)          ISBN Number          ISSN Number          Cost of Incorporated Reference          Adds, updates, removesAdds</p>
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Official Title of Materials Incorporated (from title page) CFR - Part 191  
 Publisher government printing office  
 Date Issued (mm/dd/yyyy) 09/01/2015  
 Issue, or version (including partial dates)  
 ISBN Number  
 ISSN Number  
 Cost of Incorporated Reference  
 Adds, updates, removes Adds

Official Title of Materials Incorporated (from title page) CFR - Part 190  
 Publisher government printing office  
 Date Issued (mm/dd/yyyy) 09/01/2015  
 Issue, or version (including partial dates)  
 ISBN Number  
 ISSN Number  
 Cost of Incorporated Reference  
 Adds, updates, removes Adds

Official Title of Materials Incorporated (from title page) CFR - Part 199  
 Publisher government printing office  
 Date Issued (mm/dd/yyyy) 09/01/2015  
 Issue, or version (including partial dates)  
 ISBN Number  
 ISSN Number  
 Cost of Incorporated Reference  
 Adds, updates, removes Adds

#### Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 12/31/2015

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

#### Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/30/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the

effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

#### Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):  
 natural gas pipeline safety, incident reporting, written plans, rules and procedures

#### File Information

15. Attach an RTF document containing the text of this rule change (filename):  
 No document is associated with this filing.

#### To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

#### Agency Authorization

Agency head or designee, and title:	Melanie Reif Administrative Law Judge	Date (mm/dd/yyyy):
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