

commission personnel as required by section (4). The address for the designated commission personnel is Pipeline Safety Program Manager, Missouri Public Service Commission, P.O./Box 360, Jefferson City, MO 65102. As required by subsection (4)(E), safety-related condition reports must be submitted concurrently to the Associate Administrator, Office of Pipeline Safety at [RSPA] PHMSA by mail or by telefacsimile (fax). If submitted by mail, the address is Information Resources Manager, Office of Pipeline Safety, [Research and Special Programs Administration] Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room [8417] 2103, 400 Seventh Street S.W./N.E., Washington, D.C. 20590. Safety-related condition reports may be submitted by fax as provided for in section (13).

(6) Distribution System—Federal Incident Report. (191.9)

(A) Except as provided in subsection (6)(C), each operator of a distribution pipeline system shall submit U.S. Department of Transportation Form [RSPA] PHMSA F 7100.1 to designated commission personnel in accordance with subsection (4)(D) following each incident required to be reported under section (3). *[A copy of Form RSPA F 7100.1 is printed at the end of this rule.]* The incident report form (revised March 2004) is incorporated by reference and is published by US DOT Office of Pipeline Safety, Room 2103, 400 7th St. SW, Washington DC 20590. The form is available at <http://ops.dot.gov/library/forms/forms.htm> or upon request from the pipeline safety program manager at the address given in section (5). The form does not include any amendments or additions to the March 2004 version.

(7) Distribution System—Annual Report. (191.11)

(A) Except as provided in subsection (7)(B), each operator of a distribution pipeline system shall submit an annual report for that system on U.S. Department of Transportation Form [RSPA] PHMSA F 7100.1-1. This report must be submitted each year as required by section (4) for the preceding calendar year. *[A copy of Form RSPA F 7100.1-1 is printed at the end of this rule.]* The annual report form (revised December 2005) is incorporated by reference and is published by US DOT Office of Pipeline Safety, Room 2103, 400 7th St. SW, Washington DC 20590. The form is available at <http://ops.dot.gov/library/forms/forms.htm> or upon request from the pipeline safety program manager at the address given in section (5). The form does not include any amendments or additions to the December 2005 version.

(9) Transmission and Gathering Systems—Federal Incident Report. (191.15)

(A) Except as provided in subsection (9)(C), each operator of a transmission or a gathering pipeline system shall submit U.S. Department of Transportation Form [RSPA] PHMSA F 7100.2 to designated commission personnel in accordance with subsection (4)(D) following each incident required to be reported under section (3). *[A copy of Form RSPA F 7100.2 is printed at the end of this rule.]* The incident report form (revised January 2002) is incorporated by reference and is published by US DOT Office of Pipeline Safety, Room 2103, 400 7th St. SW, Washington DC 20590. The form is available at <http://ops.dot.gov/library/forms/forms.htm> or upon request from the pipeline safety program manager at the address given in section (5). The form does not include any amendments or additions to the January 2002 version.

(10) Transmission and Gathering Systems—Annual Report. (191.17)

(A) Except as provided in subsection (10)(B), each operator of a transmission or a gathering pipeline system shall submit an annual report for that system on U.S. Department of Transportation Form [RSPA] PHMSA F 7100.2-1. As required by section (4), this report must be submitted each year for the preceding calendar year. *[A copy of Form RSPA F 7100.2-1 is printed at the end of this rule.]* The annual report form (revised December 2005) is incor-

porated by reference and is published by US DOT Office of Pipeline Safety, Room 2103, 400 7th St. SW, Washington DC 20590. The form is available at <http://ops.dot.gov/library/forms/forms.htm> or upon request from the pipeline safety program manager at the address given in section (5). The form does not include any amendments or additions to the December 2005 version.

(11) Report Forms. (191.19) Copies of the prescribed report forms are available without charge upon request from the [Information Resource Manager's] pipeline safety program manager at the address given in section (5) [191.7]. Additional copies in this prescribed format may be reproduced and used if in the same size and kind of paper. In addition, the information required by these forms may be submitted by any other means that is acceptable to the administrator or pipeline safety program manager. *[A copy of each report form is printed at the end of this rule.]*

(13) Filing Safety-Related Condition Reports. (191.25)

(A) Each report of a safety-related condition under subsection (12)(A) [191.23(a)] must be filed (received by the Associate Administrator, Office of Pipeline Safety at [RSPA] PHMSA and designated commission personnel as required by subsection (4)(E) in writing within five (5) working days (not including Saturday, Sunday, or federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than ten (10) working days after the day a representative of the operator discovers the possibility of a condition. Separate conditions may be described in a single report if they are closely related. To file a report by telefacsimile (fax), dial (202) 366-7128 for the Associate Administrator, Office of Pipeline Safety and (573) [751-1847] 522-1946 for designated commission personnel.

**AUTHORITY:** sections 386.250, 386.310 and 393.140, RSMo 2000. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2007.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before December 17, 2007, and should include a reference to Commission Case No. GX-2008-0032. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for December 17, 2007 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

A53 (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)), except that the number of tests must be at least equal to the minimum required in paragraph II.D. of this appendix to determine yield strength.

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under section (5) of 4 CSR 240-40.030. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than four inches (4") (102 millimeters) in diameter, at least one test weld must be made for each one hundred (100) lengths of pipe. On pipe four inches (4") (102 millimeters) or less in diameter, at least one test weld must be made for each four hundred (400) lengths of pipe. The weld must be tested in accordance with API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)). If the requirements of API Standard 1104 cannot be met, weldability may be established by making chemical tests for carbon and manganese, and proceeding in accordance with section IX of the *ASME Boiler and Pressure Vessel Code* (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)). The same number of chemical tests must be made as are required for testing a girth weld.

C. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and there are no defects which might impair the strength or tightness of the pipe.

D. Tensile properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as twenty-four thousand (24,000) psi (165 MPa) or less, or the tensile properties may be established by performing tensile tests as set forth in API Specification 5L (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)). All test specimens shall be selected at random and the following number of tests must be performed:

| Number of Tensile Tests—All Sizes |   |
|-----------------------------------|---|
| 10 lengths or less                | 1 set of tests for each length.                                 |
| 11 to 100 lengths                 | 1 set of tests for each 5 lengths, but not less than 10 tests.  |
| Over 100 lengths                  | 1 set of tests for each 10 lengths, but not less than 20 tests. |

If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in paragraph (2)(C)3. of 4 CSR 240-40.030. (192.55(c))

#### Appendix C to 4 CSR 240-40.030

##### Appendix C—Qualification of Welders for Low Stress Level Pipe

I. Basic test. The test is made on pipe twelve inches (12") (305 millimeters) or less in diameter. The test weld must be made with the pipe in a horizontal fixed position so that the test weld includes at least one section of overhead position welding. The beveling, root opening and other details must conform to the specifications of the procedure under which the welder is being qualified. Upon completion, the test weld is cut into four coupons and subjected to a root bend test. If, as a result of this test, two or more of the four coupons develop a crack in the weld material, or between the weld material and base metal, that is more than one-eighth inch (1/8") (3.2 millimeters) long in any direction, the weld is unacceptable. Cracks that occur on the corner of the specimen during testing are not considered. A welder who successfully passes a butt-weld qualification test under this section shall be qualified to weld on all pipe diameters less than or equal to twelve inches (12").

#### Appendix E to 4 CSR 240-40.030

##### Appendix E. Table of Contents—Safety Standards—Transportation of Gas by Pipeline.

#### 4 CSR 240-40.030(1) General

(A) *[Scope of rule] What Is the Scope of this Rule?* (192.1)

(D) *Incorporation By Reference of the Federal Regulation at 49 CFR 192.7.* (192.7)

(E) *Gathering Lines.* (192.8 and 192.9)

(G) *[General.] What General Requirements Apply to Pipelines Regulated under this Rule?* (192.13)

#### 4 CSR 240-40.030(5) Welding of Steel in Pipelines

(C) *[Qualification of] Welding Procedures.* (192.225)

#### 4 CSR 240-40.030(9) Requirements for Corrosion Control

(B) *[Applicability to Converted Pipelines.] How Does this Subsection Apply to Converted Pipelines and Regulated Onshore Gathering Lines?* (192.452)

(N) *Internal Corrosion Control—General and Monitoring.* (192.475 and 192.477)

(O) *Internal Corrosion Control—[Monitoring. (192.477)] Design and Construction of Transmission Line.* (192.476)

(W) *Direct Assessment.* (192.490)

#### 4 CSR 240-40.030(12) Operations

(K) *Public [Education] Awareness.* (192.616)

#### 4 CSR 240-40.030(13) Maintenance

(T) *Pressure Limiting and Regulating Stations—[Testing] Capacity of Relief Devices.* (192.743)

#### 4 CSR 240-40.030(16) *[Waivers of Compliance.] Pipeline Integrity Management for Transmission Lines.*

#### 4 CSR 240-40.030(17) Waivers of Compliance.

**AUTHORITY:** sections 386.250, 386.310 and 393.140, RSMo 2000. Original rule filed Feb. 23, 1968, effective March 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2007.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**AUTHORITY:** sections 386.250 [and] 386.310 [RSMo Supp. 1997] and 393.140, RSMo [1994] 2000. Original rule filed Nov. 29, 1989, effective April 2, 1990. Rescinded and readopted: Filed Jan. 9, 1996, effective Aug. 30, 1996. Rescinded and readopted: Filed April 9, 1998, effective Nov. 30, 1998. Amended: Filed Oct. 15, 2007.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before December 17, 2007, and should include a reference to Commission Case No. GX-2008-0032. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for December 17, 2007 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 123—Modular Units  
PROPOSED AMENDMENT**

**4 CSR 240-123.010 Definitions.** The commission is amending section (1).

**PURPOSE:** The proposed amendment clarifies the terms used in this chapter.

(1) The following definitions, as well as those set out in section 700.010, RSMo 2000 shall apply to this chapter:

(D) Code means the standards relating to manufactured homes, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the [American National Standards Institute,] International Code Council, in its entirety, (for a copy of this 2006 publication, contact the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795), the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(H) Detailed plan means a detailed set of plans and specifications of each modular unit and manufacturer supplied component produced by a manufacturer;

(J) Purchase agreement or bill of sale means a writing reflecting the terms of transfer of property between a dealer and the purchaser;

[(J)](K) Replacement seal means a seal which has been issued to replace a lost, mutilated or otherwise unserviceable seal or approved insignia; [and]

[(K)](L) Seal as defined by section 700.010, RSMo 2000 includes replacement seal/./; and

(M) Installation instructions means a detailed installation manual for the supporting, fastening, bolting of the floors, roof section(s), end walls, fastening down to foundation, electrical connections, water crossovers and any other such operation that will be needed to properly set up a modular unit.

**AUTHORITY:** section 700.040, RSMo 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before December 17, 2007, and should include a reference to Commission Case No. MX-2008-0033. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for December 17, 2007 at 1:00 p.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 123—Modular Units  
PROPOSED AMENDMENT**

**4 CSR 240-123.020 Administration and Enforcement.** The commission is amending section (3) and adding section (4).

**PURPOSE:** The proposed amendment clarifies parties who are responsible for repairs of substandard units and setup of units when the manufacturer is unable to do so.

(3) The dealer or [S]selling agent shall assume responsibility of repairs due to nonconformance of standards if the manufacturer either goes out of business, avoids [process or is judgment proof] service of process, files bankruptcy, fails to satisfy a judgment, or becomes insolvent.