

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-40.033

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo
TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency _____

☒ Proposed Rulemaking ☒ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking ☐ Withdrawal ☐ Adopt ☐ Amendment ☐ Rescission

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

DEC 20 2018

ADMINISTRATIVE RULES



Commissioners

RYAN A. SILVEY
Chairman

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://psc.mo.gov>

SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

December 20, 2018

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-40.033 Safety Standards – Liquefied Natural Gas Facilities

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Missouri Public Service Commission.

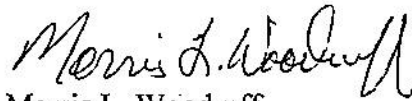
The Public Service Commission further certifies it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: sections 386.250, 386.310, and 393.140, RSMo.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Morris Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
Morris.Woodruff@psc.mo.gov

A handwritten signature in black ink, appearing to read "Morris L. Woodruff". The signature is fluid and cursive, with the first name "Morris" and last name "Woodruff" clearly distinguishable.

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

December 17, 2018

Mr. Ryan Silvey
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Proposed and Emergency Rulemaking*

Dear Ryan:

This office has received your proposed and emergency rule for 4 CSR 240-40.033 Safety Standards – Liquefied Natural Gas Facilities.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the rule's submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

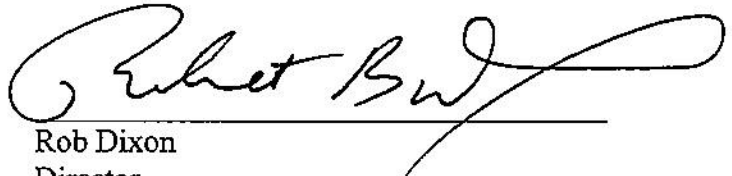
A handwritten signature in black ink, appearing to read "Jessie Eiler". The signature is fluid and cursive, with a large loop at the end.

Jessie Eiler
Deputy Counsel

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Rob Dixon, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rule, 4 CSR 240-40.033, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

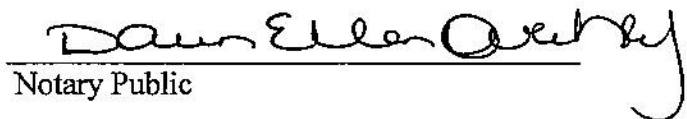


Rob Dixon
Director
Department of Economic Development

Subscribed and sworn to before me this 19th day of December, 2018 am
commissioned as a notary public within the County of Moniteau State of
Missouri, and my commission expires on Dec. 13, 2019



DAWN ELLEN OVERBEY
My Commission Expires
December 13, 2019
Moniteau County
Commission #15466865



Notary Public

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**Title 4—Rules of Department of Economic Development
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

PROPOSED RULE

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ADMINISTRATIVE RULES

4 CSR 240-40.033 Safety Standards – Liquefied Natural Gas Facilities

PURPOSE: This rule prescribes safety standards for liquefied natural gas facilities used in the transportation of gas by pipeline that is subject to the pipeline safety standards in 4 CSR 240-40.030. This rule adopts the federal regulations on this subject matter that apply to operators of liquefied natural gas facilities used in the transportation of gas by pipeline that is subject to the federal pipeline safety laws and pipeline safety standards.

(1) As set forth in the *Code of Federal Regulations* (CFR) dated October 1, 2017, 49 CFR part 193 is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR part 193. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, 2017 version of 49 CFR part 193 is available at www.gpo.gov/fdsys/search/showcitation.action.

(2) The commission adopts the federal pipeline safety regulations for liquefied natural gas facilities, 49 CFR part 193, as rules of the commission.

(3) For purposes of this rule, the following substitutions should be made for certain references in the federal pipeline safety regulations adopted by reference in section (2) of this rule:

(A) The references to “state agency” in sections 193.2017, 193.2019 and 193.2515 of 49 CFR part 193 should refer to “the commission” instead;

(B) The reference to “state procedures” in section 193.2017 should refer to “Commission procedures” instead.

(C) The reference in 49 CFR 193.2011 to “Part 191 of this subchapter” for reporting of incidents, safety-related conditions, and annual pipeline summary data for LNG plants or facilities should refer to “4 CSR 240-40.020” instead.

(D) The reference in 49 CFR 193.2605 to “Part 191.23 of this subchapter” for reporting requirements for safety related conditions should refer to “4 CSR 240-40.020(12)” instead.

(E) The reference in 49 CFR 193.2001 to “Part 192 of this chapter” for applicability of the standards should refer to “4 CSR 240-40.030” instead.

(F) The reference in 49 CFR 193.2629 to “§192.461 of this chapter” for protective coatings should refer to “4 CSR 240-40.030(9)(G)” instead.

(G) The references in 49 CFR 193.2629 and 193.2635 to “§192.463 of this chapter” for cathodic protection should refer to “4 CSR 240-40.030(9)(H)” instead.

JOINT COMMITTEE ON
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There are no investor-owned small business natural gas operators in Missouri at this time. The Commission also has safety jurisdiction over municipal gas systems.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

None identified.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Business owners that are ratepayers of natural gas operators owning LNG facilities may bear some cost related to the proposed rule. Businesses that are in the general area of the LNG facility will benefit from the Commission's safety oversight as provided by the proposed rule.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_X__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.