

**Robin Carnahan**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

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NOV 29 2012

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-40.020

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

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Data

Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Fl, Gov.Ofc Bldg, JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Order of Rulemaking

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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NOV 29 2012

ADMINISTRATIVE RULES



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**ROBERT S. KENNEY**

**STEPHEN M. STOLL**

***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
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**WESS A. HENDERSON**  
Director of Administration  
and Regulatory Policy

**STEVEN C. REED**  
Secretary/General Counsel

**CHERLYN D. VOSS**  
Director of Regulatory Review

November 29, 2012

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-40.020 Incident, Annual and Safety-Related Condition Reporting Requirements

Dear Secretary Carnahan,

**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 has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo Supp. 2010, regarding user fees.

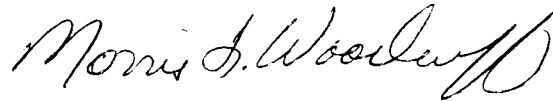
The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo Supp. 2010, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo Supp. 2010, by exempting any small business consisting of fewer than twenty-five full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: sections 386.250 and 386.310 and 393.140, RSMo 2000

Woodruff  
November 29, 2012  
Certification of Administrative Rule

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

Morris L. 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](mailto:morris.woodruff@psc.mo.gov)

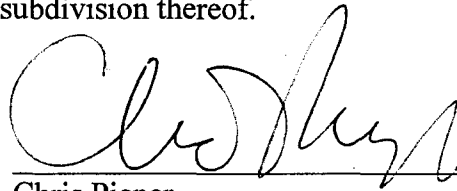
A handwritten signature in cursive script, reading "Morris L. Woodruff". The signature is written in dark ink and is positioned above the printed name and title.

Morris L. Woodruff  
Chief Regulatory Law Judge

**AFFIDAVIT  
PUBLIC COST**

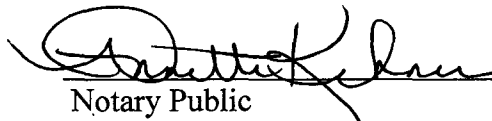
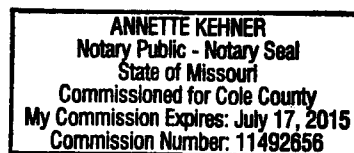
**STATE OF MISSOURI )**  
**)**  
**COUNTY OF COLE     )**

I, Chris Pieper, Acting 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 240-40.020, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Chris Pieper  
Acting Director  
Department of Economic Development

Subscribed and sworn to before me this 20<sup>th</sup> day of November, 2012, I am commissioned as a notary public within the County of COLE, State of Missouri, and my commission expires on 17 JULY 2015

  
Notary Public

# COPY

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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**

NOV 29 2012

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

## PROPOSED AMENDMENT

**4 CSR 240-40.020 Incident, Annual and Safety-Related Condition Reporting Requirements.** The Commission is amending sections (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), (12) and (13).

*PURPOSE: This amendment proposes to amend the rule to conform to amendments of 49 CFR part 191, to revise several section titles, to incorporate by reference current versions of report forms, and to remove references to LNG facilities.*

**(1) Scope. (191.1)**

(B) This rule does not apply to gathering of gas *[on private property outside of]* —

1. *[An area within the limits of any incorporated or unincorporated city, town or village]* **Through a pipeline that operates at less than zero (0) pound per square inch gauge (psig) (0 kPa); or**
2. *[Any designated residential or commercial area such as a subdivision, business or shopping center or community development]* **Through a pipeline that is not a regulated onshore gathering line (as determined in 4 CSR 240-40.030(1)(E) (192.8)).**

**(2) Definitions. (191.3)** As used in this rule and in the PHMSA Forms referenced in this rule —

(B) Commission means the Public Service Commission, Designated commission personnel means the Pipeline Safety Program Manager at the address contained in *[section (5) (191.7)]* **subsection (5)(E)** for required correspondence and means the list of staff personnel supplied to operators for required telephonic notices;

(C) Federal incident means any of the following events:

1. An event that involves a release of gas from a pipeline *[or of liquefied natural gas (LNG) or gas from an LNG facility and —]* **and that results in one or more of the following consequences:**
  - A. A death or personal injury necessitating inpatient hospitalization; *[or]*
  - B. Estimated property damage*[, including cost of gas lost, of the operator or others, or both,]* of fifty thousand dollars (\$50,000) or more, **including loss to the operator and others, or both, but excluding the cost of gas lost;**
  - C. **Unintentional estimated gas loss of three million cubic feet or more;**
2. *[An event that results in an emergency shutdown of an LNG facility; or*
3. *] An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraph[s] (2)(C)1. [or 2.];*

(E) LNG *[facility]* means *[a]* liquefied natural gas *[facility as defined in 193.2007 of 49 CFR part 193];*

JOINT COMMITTEE ON

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ADMINISTRATIVE RULES

(3) *[Telephonic]* **Immediate Notice of Federal Incidents.** (191.5)

(B) Each notice required by subsection (3)(A) *[shall]* **must** be made to the **National Response Center** either by telephone to 800-424-8802 or electronically at [www.nrc.uscg.mil](http://www.nrc.uscg.mil) and *[shall]* **must** include the following information:

1. Names of operator and person making report and their telephone numbers;
2. Location of the incident;
3. Time of the incident;
4. Number of fatalities and personal injuries, if any; and
5. All other significant facts known by the operator that are relevant to the cause of the incident or extent of the damages.

(4) *[Missouri Reporting Requirements]* **Immediate Notice of Missouri Incidents.**

(A) Within two (2) hours following discovery by the operator, or as soon thereafter as practicable if emergency efforts to protect life and property would be hindered, each gas operator *[shall]* **must** notify designated commission personnel by telephone of the following events within areas served by the operator:

1. An event that involves a release of gas involving the operator's actions or *[facilities]* **pipeline system**, or where there is a suspicion by the operator that the event may involve a release of gas involving the operator's actions or *[facilities]* **pipeline system**, and *[involves]* **results in one or more of the following consequences —**

- A. A death;
- B. A personal injury involving medical care administered in an emergency room or health care facility, whether inpatient or outpatient, beyond initial treatment and prompt release after evaluation by a health care professional; or
- C. Estimated property damage of **ten thousand dollars (\$10,000) or more**, including *[cost of gas lost,]* **loss** to the gas operator or others, or both, *[of ten thousand dollars (\$10,000) or more]* **and including the cost of gas lost; or**

2. An event that is significant, in the judgement of the operator, even though it did not meet the criteria of paragraph (4)(A)1.

(B) Exceeding the two (2)-hour notification time period in **subsection (4)(A)** requires submission of a written explanation of reasons with the operator's incident report **when submitting the report to designated commission personnel. See section (5) for report submission requirements.**

*[(C) Within thirty (30) days of a telephone notification made under subsection (4)(A) each gas operator shall submit U.S. Department of Transportation Form PHMSA F 7100.1 or PHMSA F 7100.2, as applicable, to designated commission personnel. These two (2) incident report forms for gas distribution systems (PHMSA F 7100.1, revised March 2004) and gas transmission and gathering systems (PHMSA F 7100.2, revised January 2002) are incorporated by reference. The forms are published by the U.S. Department of Transportation Office of Pipeline Safety, Room 2103, 400 7th St. SW, Washington DC 20590. The forms are 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 PHMSA F 7100.1 form does not include any amendments or additions to the March 2004 version. The PHMSA F 7100.2 form does not*

*include any amendments or additions to the January 2002 version. An incident report is required when an event causes the criteria listed in paragraphs (4)(A)1. or 2. to be met. Additional information required in subsections (6)(B) and (9)(B) (191.9[b] and 191.15[b]) shall apply.]*

*[(D) Federal incident and annual reports required by this rule shall be submitted in duplicate to designated commission personnel as follows:*

*1. Federal incident reports required by section(s) (6) or (9), or both, (191.9 or 191.15, or both) shall be submitted as soon as practicable but not more than thirty (30) days after detection of the incident. Upon receipt and processing of these reports, the designated commission personnel, within ten (10) days, shall transmit one (1) copy to the information resources manager at PHMSA; and*

*2. Annual reports required by section(s) (7) or (10), or both, (191.11 or 191.17, or both) shall be submitted no later than February 28 of each year. Upon receipt and processing these reports, the designated commission personnel shall transmit one (1) copy by March 15 to the information resources manager at PHMSA.]*

*[(E) Safety-related condition reports required by section (12) (191.23) shall be submitted concurrently to the Associate Administrator, Office of Pipeline Safety at PHMSA and to designated commission personnel. A safety-related condition report can be submitted to the addresses provided in section (5) (191.7) or by telefacsimile (fax) as provided for in section (13).]*

**(5) [Addressee for Written Reports] Report Submission Requirements. (191.7)**

*[Incident, annual, and safety-related condition reports shall be submitted to designated 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 PHMSA by mail or by telefacsimile (fax). If submitted by mail, the address is Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 2103, 400 7th St. SW, Washington, DC 20590. Safety-related condition reports may be submitted by fax as provided for in section (13).]*

**(A) Reports to PHMSA.**

**1. An operator must submit each report required by sections (6) – (11) electronically to the Pipeline and Hazardous Materials Safety Administration at <http://opsweb.phmsa.dot.gov> unless an alternative reporting method is authorized in accordance with subsection (5)(D).**

**2. A copy of each online submission to PHMSA must also be submitted concurrently to designated commission personnel. The copy submitted to designated commission personnel must be clearly marked to indicate the date of the online submission to PHMSA.**

**(B) Missouri Incident Reports.**

**1. This subsection applies to events that meet the criteria in subsection (4)(A) but are not a Federal incident reported under subsection (5)(A). Within thirty (30) days of a telephone**

notification made under subsection (4)(A), each gas operator must submit U.S. Department of Transportation Form PHMSA F 7100.1 or PHMSA F 7100.2, as applicable, to designated commission personnel. Additional information required in subsections (6)(B) and (9)(B) for Federal incidents is also required for these events.

2. The incident report forms for gas distribution systems (PHMSA F 7100.1, revised June 2011) and gas transmission and gathering pipeline systems (PHMSA F 7100.2, revised June 2011) are incorporated by reference. The forms are published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The forms are available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The PHMSA F 7100.1 form does not include any amendments or additions to the June 2011 version. The PHMSA F 7100.2 form does not include any amendments or additions to the June 2011 version.

(C) Safety-related Conditions. An operator must submit concurrently to PHMSA and designated commission personnel a safety-related condition report required by section (12) (191.23). A safety-related condition report can be submitted to the addresses provided in subsections (5)(D)-(E) or by telefacsimile (fax) as provided for in section (13).

**(D) Alternative Reporting Method.**

(1) If electronic reporting imposes an undue burden and hardship, an operator may submit a written request for an alternative reporting method to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The request must describe the undue burden and hardship. PHMSA will review the request and may authorize, in writing, an alternative reporting method. An authorization will state the period for which it is valid, which may be indefinite. An operator must contact PHMSA at 202-366-8075, or electronically to [informationresourcesmanager@dot.gov](mailto:informationresourcesmanager@dot.gov) or make arrangements for submitting a report that is due after a request for alternative reporting is submitted, but before an authorization or denial is received.

(2) A copy of each report using an alternate reporting method must also be submitted concurrently to designated commission personnel. The copy submitted to designated commission personnel must be clearly marked to indicate the date of submission to PHMSA.

(E) Address for Designated Commission Personnel. The address for the designated commission personnel is Pipeline Safety Program Manager, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. The email address for designated commission personnel is [PipelineSafetyProgramManager@psc.mo.gov](mailto:PipelineSafetyProgramManager@psc.mo.gov).

**(6) Distribution System – Federal Incident Report. (191.9)**

(A) Except as provided in subsection (6)(C), each operator of a distribution pipeline system *[shall]* **must** submit U.S. Department of Transportation Form PHMSA F 7100.1 *[to designated commission personnel in accordance with subsection (4)(D) following each]* **as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A).** The incident report form (revised *[March 2004]* **June 2011**) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, *[Room 2103, 400 7th St. SW]* **PHP-10, 1200 New Jersey**



Avenue SE, Washington DC 20590-0001. The form is available at [\[http://ops.dot.gov/library/forms/forms.htm\]](http://ops.dot.gov/library/forms/forms.htm) [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[March 2004] June 2011* version.

(C) The incident report required by this section need not be submitted with respect to master meter systems *[or LNG facilities]*.

(7) Distribution system – Annual Report and Mechanical Fitting Failure Reports. *[(191.11)]*

(A) Annual Report. (191.11)

1. Except as provided in *[subsection (7)(B)]* paragraph (7)(B)3., each operator of a distribution pipeline system *[shall]* **must** submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.1-1. This report must be submitted each *[year as required by section (4)]* year, **not later than March 15**, for the preceding calendar year. **See the report submission requirements in subsection (5)(A).**

2. The annual report form (revised *[December 2005] January 2011*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, *[Room 2103, 400 7th St. SW] PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001*. The form is available at [\[http://ops.dot.gov/library/forms/forms.htm\]](http://ops.dot.gov/library/forms/forms.htm) [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[December 2005] January 2011* version.

**3. The annual report requirement in this subsection does not apply to a master meter system or to a petroleum gas system which serves fewer than one hundred (100) customers from a single source.**

*[(B) The annual report required by this section need not be submitted with respect to —*

*1. Petroleum gas systems which serve fewer than one hundred (100) customers from a single source;*

*2. Master meter systems; or*

*3. LNG facilities.]*

(B) Mechanical Fitting Failure Reports. (191.12)

1. Each mechanical fitting failure, as required by 4 CSR 240-40.030(17)(E) (192.1009), **must be submitted on a Mechanical Fitting Failure Report Form (U.S. Department of Transportation Form PHMSA F 7100.1-2). An operator must submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 15 of the following year (for example, all mechanical failure reports for calendar year 2012 must be submitted no later than March 15, 2013). Alternatively, an operator may elect to submit its reports throughout the year. In addition, an operator must also report this information to designated commission personnel.**

2. The Mechanical Fitting Failure Report Form (January 2011) is incorporated by reference and is published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at

**www.phmsa.dot.gov/pipeline/library/forms or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the January 2011 version.**

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

(A) *[Except as provided in subsection (9)(C), each]* **Transmission and gathering. Each operator of a transmission or a gathering pipeline system [shall] must submit U.S. Department of Transportation Form PHMSA F 7100.2 [to designated commission personnel in accordance with subsection (4)(D) following each] as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A).** The incident report form (revised *[January 2002]* **June 2011**) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, *[Room 2103, 400 7th St. SW]* **PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001.** The form is available at *[http://ops.dot.gov/library/forms/forms.htm]* **www.phmsa.dot.gov/pipeline/library/forms** or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[January 2002]* **June 2011** version.

(B) **Supplemental report.** When additional related information is obtained after a report is submitted under subsection (9)(A), the operator *[shall] must* make a supplemental report, as soon as practicable, with a clear reference by date *[and subject]* to the original report.

*[(C) The incident report required by subsection (9)(A) need not be submitted with respect to LNG facilities.]*

**(10) Transmission and Gathering Systems – Annual Report. (191.17)**

(A) *[Except as provided in subsection (10)(B), each]* **Transmission and gathering. Each operator of a transmission or a gathering pipeline system [shall] must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F7100.2-1. [As required by section (4), this] This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A).** The annual report form (revised *[December 2005]* **June 2011**) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, *[Room 2103, 400 7th St. SW]* **PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001.** The form is available at *[http://ops.dot.gov/library/forms/forms.htm]* **www.phmsa.dot.gov/pipeline/library/forms** or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[December 2005]* **June 2011** version.

(B) *[The annual report required by subsection (10)(A) need not be submitted with respect to LNG facilities.] (Reserved)*

**(11) [Report Forms. (191.19)] National Registry of Pipeline and LNG Operators (191.22)**

*[Copies of the prescribed report forms are available without charge upon request from the pipeline safety program manager at the address given in section (5). 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) OPID Request.**

**(1) Effective January 1, 2012, each operator of a gas pipeline or gas pipeline facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request (U.S. Department of Transportation Form PHMSA F 1000.1) through the National Registry of Pipeline and LNG Operators at <http://opsweb.phmsa.dot.gov> unless an alternative reporting method is authorized in accordance with subsection (5)(D). A copy of each submission to PHMSA must also be submitted concurrently to designated commission personnel – see addresses in subsection (5)(E).**

**(2) The OPID Assignment Request form (December 2011) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the December 2011 version.**

**(B) OPID Validation. An operator who has already been assigned one or more OPID by January 1, 2011, must validate the information associated with each OPID through the National Registry of Pipeline and LNG Operators at <http://opsweb.phmsa.dot.gov>, and correct that information as necessary, no later than September 30, 2012 (PHMSA Advisory Bulletin ADB-2012-04 extended the deadline from June 30, 2012 to September 30, 2012).**

**(C) Changes. Each operator of a gas pipeline or gas pipeline facility must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at <http://opsweb.phmsa.dot.gov> of certain events. A copy of each online notification must also be submitted concurrently to designated commission personnel – see addresses in subsection (5)(E).**

**1. An operator must notify PHMSA of any of the following events not later than sixty (60) days before the event occurs:**

**A. Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe, that costs \$10 million or more. If sixty (60) day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable; or**

**B. Construction of ten (10) or more miles of a new pipeline.**

**2. An operator must notify PHMSA of any of the following events not later than sixty (60) days after the event occurs:**

**A. A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this rule covering pipeline facilities operated under multiple OPIDs;**

**B. A change in the name of the operator;**

**C. A change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, or pipeline facility; or**

**D. The acquisition or divestiture of fifty (50) or more miles of a pipeline or pipeline system subject to 4 CSR 240-40.030.**

**(D) Reporting. An operator must use the OPID issued by PHMSA for all reporting requirements covered under 4 CSR 240-40.020 and 40.030, and for submissions to the National Pipeline Mapping System.**

(12) Reporting Safety-Related Conditions. (191.23)

(A) Except as provided in subsection (12)(B), each operator *[shall]* **must** report in accordance with section (13) (191.25) the existence of any of the following safety-related conditions involving facilities in service:

1. In the case of the pipeline *[(other than an LNG facility)]* that operates at a hoop stress of twenty percent (20%) or more of its specified minimum yield strength, general corrosion that has reduced the wall thickness to less than that required for the maximum allowable operating pressure and localized corrosion pitting to a degree where leakage might result;

2. Unintended movement or abnormal loading by environmental causes, for instance, an earthquake, landslide or flood, that impairs the serviceability of a pipeline *[or the structural integrity or reliability of an LNG facility that contains, controls or processes gas or LNG];*

*[3. Any crack or other material defect that impairs the structural integrity or reliability of an LNG facility that contains, controls or processes gas or LNG;]*

*[4.]* 3. Any material defect or physical damage that impairs the serviceability of a pipeline that operates at a hoop stress of twenty percent (20%) or more of its specified minimum yield strength;

*[5.]* 4. Any malfunction or operating error that causes the pressure of a pipeline *[or LNG facility that contains or processes gas or LNG]* to rise above its maximum allowable operating pressure *[(or working pressure for LNG facilities)]* plus the buildup allowed for operation of pressure limiting or control devices;

*[6.]* 5. A leak in a pipeline *[or LNG facility that contains or processes gas or LNG]* that constitutes an emergency; **and**

*[7. Inner tank leakage, ineffective insulation or frost heave that impairs the structural integrity of an LNG storage tank; and]*

*[8.]* 6. Any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a twenty percent (20%) or more reduction in operating pressure or shutdown of operation of a pipeline *[or an LNG facility that contains or processes gas or LNG]*.

(B) A report is not required for any safety-related condition that —

1. Exists on a master meter system or a customer-owned service line;  
2. Is an incident or results in an incident before the deadline for filing the safety-related condition report;

3. Exists on a pipeline *[(other than an LNG facility)]* that is more than two hundred twenty (220) yards (200 meters) from any building intended for human occupancy or outdoor place of assembly, except that reports are required for conditions within the right-of-way of an active railroad, paved road, street or highway; or

4. Is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing the safety-related condition report, except that reports are required for conditions under paragraph (12)(A)1. other than localized corrosion pitting on an effectively coated and cathodically protected pipeline.

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

(A) Each report of a safety-related condition under subsection (12)(A) must be filed (received by the Associate Administrator, Office of Pipeline Safety at PHMSA and designated commission *[personnel as required by subsection (4)(E)]* **personnel**) 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. **See the report submission requirements in subsection (5)(C).** To file a report by telefacsimile (fax), dial (202) 366-7128 for the Associate Administrator, Office of Pipeline Safety and (573) 522-1946 for designated commission personnel.

(B) The report must be titled Safety-Related Condition Report and provide the following information:

1. Name and principal address of the operator;
2. Date of report;
3. Name, job title and business telephone number of the person submitting the report;
4. Name, job title and business telephone number of the person who determined that the condition exists;
5. Date the condition was discovered and date the condition was first determined to exist;
6. Location of the condition, with reference to the state (and town, city, or county), and as appropriate, nearest street address, survey station number, milepost, landmark or name of pipeline;
7. Description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored; and
8. The corrective action taken (including reduction of pressure or shutdown) before the report is submitted and the planned follow-up or future corrective action, including the anticipated schedule for starting and concluding such action.

*AUTHORITY: sections 386.250 and 386.310 and 393.140, RSMo 2000. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. Amended: Filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Feb. 8, 1985, effective Aug. 11, 1985. Rescinded and readopted: Filed May 17, 1989, effective Dec. 15, 1989. Amended: Filed Oct. 7, 1994, effective May 28, 1995. Amended: Filed April 9, 1998, effective Nov. 30, 1998. Amended: Filed December 14, 2000, effective May 30, 2001. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed \_\_\_\_\_, 2012, effective \_\_\_\_, 2013.*

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

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Steven C. Reed, 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 February 1, 2013, and should include a reference to Commission Case No. GX-2013-0092. 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 rule is scheduled for February 5, 2013, at 10:00 a.m., in Room 305 of the Governor Office Building, 200 Madison St., 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 rule, and may be asked to respond to Commission questions. 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.*

# **Small Business Regulator Fairness Board**

## **Small Business Impact Statement**

**Date:** August 31, 2012

**Rule Number:** 4 CSR 240-40.020

**Name of Agency Preparing Statement:** Missouri Public Service Commission

**Name of Person Preparing Statement:** Natelle Dietrich

**Phone Number:** 573-751-7427

**Email:** natelle.dietrich@psc.mo.gov

**Name of Person Approving Statement:** Natelle Dietrich

**Please describe the methods your agency considered or used to reduce the impact on small businesses** *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

Since the proposed rule adopts already-effective federal rules there is no impact imposed on small businesses from promulgation of the state rule/

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

N/A

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

None

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

None that do not have to comply with the already-effective federal rules.

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

N/A

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

None that do not comply with the already-effective federal rules.

**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.*