

ORDER NO. 13 188

ENTERED MAY 23 2013

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 569

In the Matter of a Rulemaking to Adopt  
Federal Pipeline Safety Regulation  
Amendments.

ORDER

**DISPOSITION: MODIFICATIONS TO RULES ADOPTED**

This proceeding was convened to update the Commission's gas safety rules to be current with the federal gas pipeline safety regulations and to comply with US Department of Transportation (USDOT) certification requirements. Per ORS 757.039(3), the Commission has agreements with USDOT to enforce federal pipeline safety regulations pertaining to pipeline facilities in Oregon. As a condition of those agreements, the Commission must annually certify to USDOT that the Commission adopted or is in the process of adopting all current federal pipeline safety regulations applicable to intrastate gas pipelines and liquefied natural gas facilities. The federal amendments being adopted are from the Code of Federal Regulations, CFR Title 49, Part 191 (amendments through No. 22), Part 192 (amendments through No. 117), Part 199 (amendments through No. 25), and Part 40 (amendments through No. 29).

On March 15, 2013, the Public Utility Commission of Oregon filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. On March 25, 2013, notice was provided to all interested persons on the service lists maintained pursuant to OAR 860-001-0030(1)(b) and to certain legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the April 2013 *Oregon Bulletin*.

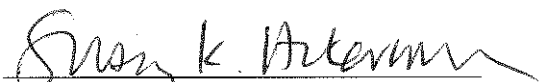
As specified in the notice, the deadline for filing written comments was close of business, April 23, 2013. No written comments were received. The proposed modifications to OAR 860-024-0020 and 860-024-0021 should be adopted.


**ORDER**

IT IS ORDERED that:

1. The modifications to Oregon Administrative Rules 860-024-0020 and 860-024-0021, as shown in Appendix A, are adopted.
2. The rule changes become effective upon filing with the Secretary of State.

Made, entered, and effective MAY 23 2013.

  
**Susan K. Ackerman**  
Chair

  
**John Savage**  
Commissioner

  
**Stephen M. Bloom**  
Commissioner



A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

**Gas****860-024-0020****Gas Pipeline Safety**

Every gas operator must construct, operate, and maintain natural gas and other gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. ~~1422~~ — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on ~~July 13, 1998~~ **April 4, 2011**.

(2) 49 CFR, Part 192, and amendments through No. ~~115117~~ — Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards in effect on ~~November 26, 2010~~ **August 15, 2011**.

(3) 49 CFR, Part 199, and amendments through No. ~~2425~~ — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on ~~March 28, 2008~~ **February 17, 2009**.

**(4) 49 CFR, Part 40, and amendments through No. 29 – Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on October 3, 2012.**

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 757.039

**860-024-0021****Liquefied Natural Gas Safety**

Every gas operator must construct, operate, and maintain liquefied natural gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. ~~1422~~ — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on ~~July 13, 1998~~ **April 4, 2011**.

(2) 49 CFR, Part 193, and amendments through No. 23 — Liquefied Natural Gas Facilities; Minimum Safety Standards in effect on November 26, 2010.

(3) 49 CFR, Part 199, and amendments through No. ~~2425~~ — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on ~~March 28, 2008~~ **February 17, 2009**.

**(4) 49 CFR, Part 40, and amendments through No. 29 – Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on October 3, 2012.**

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 757.039