Summary of Written Comments
Gas Safety Rules
Reply to January 28, 2005 Stakeholder Comments
For Proposed March 31, 2005 Adoption
UG-011073

Revised: March 11, 2005

RULE	STAKEHOLDER	STAKEHOLDER COMMENTS	RESPONSE
1) General Comments	Dan Meredith Senior Director, Safety & Engineering Cascade Natural Gas (CNG)	1) Cascade requests that the effective date for all modified rules include consideration for the effort required by all operators to implement practices which conform to the new requirements. Compliance with all the proposed rules will take considerable resources to implement considering the number and scope of the proposed rule changes. Operators should be given explicit instruction on the implementation date for all rules as a whole, or individually. We suggest that the effective date for all proposed rules be no sooner than one year from the final order in the docket, unless otherwise specifically designated, so that each operator can comply with the requirements.	Operators will have sufficient time to implement the proposed rules following adoption. If the rules are adopted by the Commission on March 31, 2005, they are not immediately in effect at that time. The Commission must compile in an Order all the changes from the current rules to the proposed adopted rules, and must update the rules based on comments received at the March 31, 2005, open meeting. The Order and the rules as adopted are then filed with the State Code Reviser's office. The Code Reviser must publish the proposed adopted rules in the Washington State Register. The rules are effective 30 days after publication. This detailed process must be completed by July 2005 with an effective date no later than August 5, 2005. For those rules that have a delayed

		2) Cascade requests that the "retroactivity" of all design rules be stated as part of the final rule. Some of the proposed design and construction rules state applicable dates, such as 480-93-115 Casing of pipelines. Other proposed design and construction rules do not state applicable dates, such as 480-93-100 Valves. The inclusion of the applicable date in 480-93-115 Casing of pipelines is a proposed change. This change was incorporated to clarify the interpretation of the rule. We suggest that all proposed design and construction rules explicitly state the applicable dates so operators can comply with the requirements.	effective date (for example, the valve rule) the rule is effective on the date specified in the rule. Those rules that are proposed to be retroactive have proposed language indicating retroactivity. For those rules that do not have language specific to "retroactivity" they are not.
2) WAC 480-93-005 Business District	Dan Meredith Senior Director, Safety & Engineering Cascade Natural Gas (CNG)	3) The proposed rule is too vague to apply effectively. Does a single building of any of the listed uses constitute a "majority" of the buildings regardless of the size of number of persons regularly in the building? It will be very difficult to effectively identify the use of every building that may be used for the listed purposes.	The intent of the proposed rule is to incorporate buildings in the rule such that a strip mall would be considered a business district, whereas a 7-Eleven that is a single building on a street corner is not a business district. The proposed definition is derived from the Gas Pipeline Technology Committee (GPTC).
	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	15) ***"Operator"*** - Based upon Staff's written response to PSE's previous written comments, PSE understands that the definition of operator in no way shall be construed to mean that a person or corporation performing construction or maintenance activities under contract with an operator will be considered an	As stated in previous comment summaries and at stakeholder workshops, the definition of "Operator" as defined in Chapter 480-93 WAC is based on language taken from the statutes.

		operator under this rule or for the purposes of chapter 480-93 WAC.	The Commission may not amend a statute by rule. However, the Commission's practice has been to focus on the entity who owns and/or operates the pipeline, not the company who constructed or maintains the pipeline for that owner or operator.
3) WAC 480-93-015 Odorization of gas	Raymond A. Allen, P.E. Corrosion Control Engineer Spokane, WA	I make reference to 480-93-005, items 14, 15 (c) and 21, WAC 480-93-015, item 2. I hope that a provision will be made in the coming updating of rules for Master Meter operators to either remove odorant level testing or OK the nose test for odorant acceptance levels. **<u>Raymond Allen's e-mail dated 8/12/2004</u>** I question the use of the term "SNIFF TEST" as defined in the proposed changes in Gas Pipeline Safety Rulemaking – Chapter 480-93- WAC. A SNIFF TEST has been defined as an odorant level test made without the use of an odorometer. Ed Ondak, DOT Western Regional Director, in a Pipeline Safety Seminar (March 1997) described the SNIFF TEST as follows: *"with a small stream of gas venting to the atmosphere the gas is pulled by hand to one's nose. The tester would make an odorant level determination."* This SNIFF TEST procedure as described above was	As stated previously, operators of master meter systems would be considered in compliance if they follow the requirements as outlined in CFR 192.625(f) which requires them to (1) receive written verification from their gas source that the gas has the proper concentrations of odorant and (2) perform periodic sniff tests at the extremities of their systems. In this context, the Commission would recognize the method you

		approved by T.A. Bell, WUTC representative on April 16, 1997 for Master Meter Operators. Also, WUTC recommended Form 10 is titled "SNIFF TEST" and/or "ODOROMETER TEST, ODORIZATION CHECK REPORT." Please consider reserving the term SNIFF TEST for Master Meter Operations. The proposed changes appear to require Master Meter Operators to make monthly checks with an odorometer. This would require operators to purchase an odorometer costing hundreds of dollars and maintain a trained operator or hire a trained person to make monthly odorant tests. In either case, it would cost each operator about $500 per year. I contend Master Meter Operators have no control over the odorant injection and additionally that the gas supplier is required by OPS to supply odorized gas. Some form of exemption is recommended for the Master Meter Operators from making their questionable test.	describe for performing sniff tests and would not require the use of an odorometer or other testing instrumentation. The proposed rule language has been redrafted to address the issue. See above comment concerning methods for conducting sniff tests. With respect to the required testing interval, the draft rule language has been re-drafted to address those Master Meter operators who comply with CFR 192.625(f).
4) WAC 480-93-017 Filing requirements for design, specification, and construction procedures	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	PSE understands from discussion at the stakeholder workshops in February 2003 and December 2003 that subsection (2) of this rule does not preclude an operator from conducting day-to-day operations without making notification to the Commission. These daily activities may include purchasing new brands or models of gas components such as valves, regulators, gaskets, and other pipe fittings and granting variances or waivers to standard construction practices that are not mandated by state or	The intent of section (2) is to have all plans and procedures on file with the Commission. The plans are reviewed by Commission staff prior to construction of a project. Section (2) does state that it is "prior to the initiation of construction activity." The proposed rule

		federal regulations. This intent is not clear in the proposed rule language.	does not ask for companies to submit all day to day activities to the Commission for review, nor does it intend to hinder daily activities.
5) WAC 480-93-018 Maps, drawings, and records of gas facilities	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	In Appendix A of the CR-102 Notice filed in June 2004, the rule summary for 480-93-018 identified only one addition to the rule. However, other requirements, found in subsection (2), were added to the rule. It appears that this new subsection came, in part, from existing language in 480-93-180. As stated in previously submitted comments to the docket, PSE believes the language in subsection (2) is contrary to the statutory authority provided in RCW 80.28.207 and opposes the inclusion of "reports" in this subsection. Staff has not sufficiently addressed PSE's comments nor did staff identify this rule modification in the CR-102 filing. This requirement may discourage operators from preparing reports that are not required by the regulations. Therefore, PSE proposes language be added to the rule to clarify that the reports that shall be made available are limited to those that are specifically required by WAC 480-93 and 49 CFR Part 192. In addition, PSE requests that the duplicative language found in subsection (1) and (2) be deleted from subsection (1). Based upon the above comments, the following changes should be made to WAC 480-93-018: 1) Each operator must prepare~~,~~and maintain~~, and make available to the commission, all~~ maps,…	The word "record" includes all documents as referenced in RCW 80.28.207. We believe that a report is a record and do not find the language in WAC 480-93-018 to be contrary to the statute. Attachment A to the CR-102 form identifies that changes were made to the rule but did not identify the particular language changes. These were identified in the particular rules published with the CR-102. Sections (1) and (2) of this rule have been re-drafted to more clearly reflect the requirements of RCW 80.28.207 and RCW 80.04.070.

		2) Each operator must make books, records, reports, and other information <u>required by WAC 480-93 and 49 CFR Part 192</u> available…	We disagree with the proposed language changes based on the explanation above. We disagree with the proposed language changes based on the explanation above.
6) WAC 480-93-020 Proximity considerations	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	PSE previously submitted comments regarding the clarity of this rule. Staff indicated in their written response that they agreed with PSE's comments and redrafted the rule. However, it appears the only change was to delete "intended for human occupancy" from (1)(a)(i) and (1)(b)(i) and to substitute "an outside area" in subsections (1)(a)(ii) and (1)(b)(ii) with "high occupancy structure or area". This rule requires additional changes for clarity and readability. The leading sentence structure in (1) is grammatically incorrect and confusing. In addition, as stated previously, "pounds per square inch gauge" is used when "psig" is a defined term under section –005 of this chapter and "building" is used unnecessarily in (a)(ii) and (b)(ii) because it is already covered in (a)(i) and (b)(i). Furthermore, "high occupancy structure" is not necessary in (a)(ii) or (b)(ii) because a structure would be covered by the inclusion of building in (a)(i) and (b)(i). Removing the reference to the high occupancy structure clarifies that the focus of this subsection is high occupancy areas. The following changes should be made to WAC 480-93-	The intent of the proposed term "high occupancy structure or area" is to capture outdoor areas of public assembly such as outdoor playgrounds, outdoor theater, etc… Other suggested changes have been eliminated from the rule. The term "building" and the term "psig", have been used as suggested. We agree with the change.

		020: 1) Each operator must submit a written request and receive commission approval prior to: ~~operating any gas pipeline facility that has the following characteristics:~~ a) Operating or intending to operate <u>any gas pipeline facility</u> at greater than five hundred ~~pounds per square inch gauge (~~psig~~)~~ that… ii) A ~~building or~~ high occupancy ~~structure or~~ area,.. b) Operating or intending to operate <u>any gas pipeline facility</u> at…. ii) A ~~building or~~ high occupancy ~~structure or~~ area,…	The change has been made. We agree to delete "building." We disagree with the suggestion, to change the defined term of "high occupancy structure or area" to "high occupancy area." The change has been made. We agree to delete "building." We disagree with the suggestion to change the defined term of "high occupancy structure or area" to "high occupancy area."
7) WAC 480-93-080 Welder and joiner identification and qualification certificates	Dan Meredith Senior Director, Safety & Engineering Cascade Natural Gas (CNG)	Paragraph (2) should be clarified to indicate that it is intended to apply to heat fusion joining only and not to joining of plastic pipe with mechanical fittings.	The proposed rule has been redrafted to remove the term "fuses" and replace it with the term "joints." The intent of the rule is that it applies to all methods of joining plastic pipe. The requirement mirrors those in CFR 49 Part 192.285.

	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	PSE understands that the requirements in subsections (2)(b) and (2)(c) are intended to ensure compliance with the requirements in 49 CFR §192.285.	We agree.
8) 480-93-100 Valves	Dan Meredith Senior Director, Safety & Engineering Cascade Natural Gas (CNG)	It is unclear if the intent of this rule is to require the retroactive installation of service valves in accordance with the program established in subsection (2). This must be clarified to allow operators to comply with the rule. If the rule is intended to require retroactive installation, additional time should be allowed after the program is established to install the valves.	The proposed rule has been redrafted to clarify that pre-existing services will not be required to have valves installed. Valves on pre-existing services meeting the requirements of section (2)(a) through (2)(f) must be maintained annually.
9) 480-93-110 Corrosion control	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	PSE understands that subsection (2) of this proposed rule only applies to tests, surveys and inspections required by 49 CFR Subpart I. This clarification should be added to the rule language so that it cannot be interpreted that this WAC rule covers tests, surveys and inspections that might be performed in conjunction with an integrity management assessment conducted in accordance with 49 CFR Subpart O. Subsection (2) also contains a grammatical error that PSE noted previously but no change was made. PSE also recommends that an additional 30 days for remediation may not be sufficient because of the permitting environment operators face in many regions of their service territory. PSE recommends an additional 60 days be allowed with the documentation of the justification still a required element of the rule.	Subsection (2) of the proposed rule applies to any cathodic protection deficiency found and must be remediated within the 90 day requirement. This applies to any tests or survey required by WAC's or CFR's. Disagree. The proposed rule adds an additional 30 days to the 90 day requirement to provide operators a reasonable timeframe for acquiring permits. 120 days is sufficient to address permitting

			issues that a company may encounter. The rules do provide for waiver requests for extreme circumstances.
		PSE requests the following revisions to 480-93-110: 2) Each operator must complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by any test, survey, or inspection <u>required by 49 CFR Subpart I, and chapter 480-93 WAC</u>. An additional ~~thirty~~ <u>sixty</u> days may be allowed for remedial action if, due to circumstances beyond the operator's control<u>,</u> ~~if~~ it is…	We disagree with the suggested language change. See explanation above. The word "if" has been deleted as suggested.
10) 480-93-124 Pipeline markers	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	PSE previously recommended revising the language in this section for clarity and ease of understanding by operators. However, the proposed rule language in subsection (1) is still confusing and unclear. This subsection contains unrelated topics and PSE does not believe it was Staff's intent to change the existing rule requirements relating to separation of pipeline markers. As noted in previous comments, when referring to railroad, road, and other crossings or at single point locations such as fence lines, the requirement to place markers approximately five hundred yards apart does not make sense. The **current** language in WAC 480-93-124 is more clear. It specifically states that markers required by 192.707(a) shall be placed 500 yards apart. This requirement would apply to long sections of a pipeline where damage or interference could possibly occur	This rule has been redrafted. Section (1) is now two sections. Section (2) explains the exceptions to 49 CFR Part 192.707 (b). Subsection (2) (b) identifies those pipelines not exempted by 192.707(b) and sections (i), (ii) (iii) and (iv) refer to placement of the markers.

		[192.707(a)(2)]. This clarity was lost during the revision of this rule. PSE is requesting that the requirement for pipeline markers to be placed approximately 500 yards apart be deleted from subsection (1) and put in a separate subsection that includes clarification on when this requirement applies. The following changes should be made to 480-93-124 for clarity and readability. These changes do not alter the intent of the rule. 1) ….~~For buried pipelines, operators must place pipeline markers approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline.~~ … a) Pipeline markers installed in accordance with 49CFR § 192.707(a)(2) and WAC 480-93-124(2)(a)shall be placed approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline.	
		2d) On both sides of ~~all~~ railroad crossings. 4) Operators must replace markers that are reported damaged ~~and~~ or missing within forty-five days.	The suggested change has been made. The suggested change has been made.
11) WAC 480-93-130 Multistage pressure regulation	Kaaren Daugherty, PE Consulting Engineer, Standards and	In Attachment A to the CR-102 notice filed in June 2004, WAC 480-93-130 was listed as being deleted. Because of this error, Staff's intent in making the revision to the rule	Attachment A to the July CR-102 form was incorrect. The actual rule was not deleted. The rule

	Compliance Puget Sound Energy (PSE)	that changes "when practical to do so" to "where feasible" is not stated. As previously stated in written comments, PSE believes that this seemingly minor word change could be interpreted very broadly. PSE is concerned that it is not always practical for installations to meet the separation requirement although it might be feasible to do so. PSE again requests that, at a minimum the term "feasible" be removed and replaced with existing rule language. The following revisions to WAC 480-93-130 should be made: 1) Where gas… …. Operators must ensure ~~where feasible,~~ there is a minimum of fifty feet of separation between regulator stages when practical to do so.	text attached to the CR-102 form reflects that the rule was not intended to be deleted. The language "where feasible" has been deleted and replaced with the original language "when practical to do so" The intent of the rule requires an operator to install a regulator station where the most protection is available. The current rule language "when practical to do" has been reinserted.
12) WAC 480-93-155 Increasing maximum allowable operating pressure	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy	In Attachment A to the CR-102 notice filed in June 2004, WAC 480-93-155 was identified as being revised for clarity. However, the proposed language affects the intent of the rule.	Attachment A to the CR-102 identifies that changes were made to the rule but did not identify the particular language changes. These were identified in the

	(PSE)		proposed rules provided with the July CR-102 at WSR 04-15-141.
		PSE previously asked for clarification on the change under subsection (1). Staff's response indicates that Staff believes the proposed rule language clearly identifies what is required from an operator prior to an uprate. PSE agrees that the listed items must be reviewed prior to performing an uprate and that the plan should include a summary of this review. PSE also agrees with the rule language that permits Staff to request any documentation necessary for them to assess the uprate. This provision eliminates the administrative burden and costly reproduction of documents. However, the rule as most recently proposed would require a significant amount of documents to be submitted with the written plan of procedures and a new subsection (1)(f) was added to the list of items previously required to be reviewed. This is a significant change from the existing rule language and the reason for this change has not been sufficiently communicated to operators. PSE has performed numerous uprates under the requirements of the existing rule and we do not believe it was Staff's intent to change these requirements.	The intent of the proposed rule language requires that an operator provide to the Commission for review the actual documentation pertaining to the parameters of the uprate. PSE's proposal would provide a summary of the review (possibly a check list approach). This method is not sufficient to evaluate a proposed uprate request from an operator. The intent of section 1(f) is to verify that no Appendix C welders have welded on the pipeline if it will operate at a hoop stress of 20% or more of SMYS.
		Regarding the last subsection, PSE understands that staff would allow the pressure to be raised during an uprate using natural gas as an alternate to a pressure test conducted in accordance with 49 CFR subpart J. The proposed language is very confusing and unclear as to what pressure is required to substantiate a higher MAOP. It is also unclear if this rule provision complies with the requirements of 49 CFR § 192.555. PSE has provided alternate language that would more clearly convey the intended requirements.	We don't believe this is a significant change from the current rule. The current rule requires that a company provide the Commission with "…complete written plans…..". In order to expedite a company filing, the proposed rule identifies what "complete written plans" and documentation is needed to support a company's

			request for an uprate.
		In addition to utilizing terms that are defined in –005 (psig and MAOP), the following revisions would add clarity and readability to WAC 480-93-155 without changing the intent of the existing rule (with the exception of (1)(f) and (3) added by Staff):	Subsection (2) has been redrafted to remove the referenced to Part 192.503(c).
		1) At least forty-five days before uprating to a ~~maximum allowable operating pressure (~~MAOP~~)~~ greater than sixty ~~pounds per square inch gauge (~~psig~~)~~, each operator must submit to the commission for review a written plan of procedures including all applicable specifications ~~with drawings~~ and a map of the affected pipeline systems. At a minimum, the plan must include a review of the following:	The rule has been redrafted using the terms as defined in the definition section, i.e. psig and MAOP. MAOP and psig have been abbreviated as suggested.
		a) ~~A list of all~~ All affected..	We disagree with the suggested language. Intent of the rule is based on our discussion of the rule above. We disagree with the deletion of the words "A list of all" . The intent of the proposed rule language is to provide to the Commission a list of all affected gas facilities that are impacted by the uprate. See intent of the rule above.
		f) Where the pipeline is being uprated to an MAOP that produces a hoop stress greater than ~~of over~~ twenty..	We disagree with the suggested language change. The proposed language would not include the

		g) Maintenance records of all affected regulator~~s~~ stations and system relief… h) Where applicable, relief valve capacities compared to regulator flow capacities at the proposed MAOP ~~, with calculations~~;… i) …whichever is longer.~~; and~~ ~~(j)~~ (2) Each operator shall provide, upon request, ~~A~~any ~~additional~~ records… ~~(2)~~ (3) Uprates must be based… …conduct a new pressure test, or, where allowed by 49 CFR § 192.503(c), increase the pressure during the final pressure increment of the uprate to a pressure that complies with 49 CFR § 192.619(a)(2)(ii).~~conduct a pressure test in conjunction with the uprate~~.	20%, only the percentage greater than 20%. Suggested change has been made. We disagree with the suggested change. Requiring operators to submit calculations which support a Company's request to increase a MAOP is needed in order to provide the Commission the ability to analyze the request in its entirety. The change has been made. We disagree with the suggested change. Subsection (2) has been redrafted to remove the reference to Part 192.503(c). The suggested change to subsection (3) has not been made.

13) WAC 480-93-170 Tests and reports for pipelines	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	In subsection (1), PSE is repeating comments submitted previously regarding reference to the percent of specified minimum yield strength. The proposed language is technically incorrect. PSE made similar comments elsewhere in these rules and requests Staff makes this change universal. In subsection (2), PSE is repeating comments submitted previously regarding the modifier "intended for human occupancy" because the definition of building in –005 makes this unnecessary. Regarding subsection (10) of this section, PSE acknowledges that the language was revised, but it is inconsistent with the other calibration language found elsewhere in these rules and would require accuracy checks only when calibration is not required. PSE believes this is not Staff's intent and requests clarification to the language. The following revisions should be made to 480-93-170. These revisions add clarity without changing the intent of the rule. 1) … MAOP <u>that produces a hoop stress</u> in excess of… a) … as defined in 49 CFR ~~Part~~ <u>§</u> 192.5, or within one hundred yards of a building ~~intended for human occupancy~~, must… 10) Pressure testing equipment must be maintained~~,~~ checked for accuracy, <u>and</u> calibrated~~, or where calibration is not possible, checked for accuracy~~ according…	The proposed rule has been redrafted to incorporate PSE's suggested language change in section (1). The term "intended for human occupancy" has been deleted. Section (10) has been redrafted to incorporate consistent calibration language, and the language is consistent with calibration language proposed in WAC 480-93-015, 480-93-110, 480-93-170 and 480-93-188. The suggested change has been made. "Intended for human occupancy" has been deleted. The proposed rule language pertaining to "calibration" has been drafted to be consistent through Chapter 480-93 WAC. Those rules are identified above.

14) WAC 480-93-178 Protection of plastic pipe	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	PSE reiterates comments previously submitted regarding subsection (4) of this section. PSE strongly opposes the minimum twelve-inch parallel separation from all utilities. Staff's response to previously submitted comments indicates operators have the opportunity to provide other means of protection if they identify that it is not possible to install facilities with the required clearance. However, PSE understands from the proposed rule language that in all cases where it *is possible* to install with 12-inches clearance, an operator is required to do so or would be out of compliance. PSE believes this rule is technically unwarranted and will have significant negative impact on joint trench construction and our builder community. As stated previously, the requirement is far more stringent than the Common Ground Alliance approved Best Practice 2-12. In addition, PSE's existing operating standards on file with the Commission already include very stringent and well-accepted clearance requirements. In the spirit of cooperation and alignment with industry best practices, PSE believes subsection (4) should be limited to mains and the language revised as follows:	The Commission can cite incidents, that demonstrate why adequate separation of utilities should be addressed. PSE's understanding that the proposed rule language requires 12 inches of clearance "in all cases" is incorrect. The rule language clearly allows operators to take alternative measures if the minimum separation requirements can't be met. We disagree that the proposed rule is technically unwarranted. The National Electric Safety Code, which is the safety standard used by electric companies, conducted a study demonstrating that a 12-inch separation is usually adequate. Municipal water systems often require a separation of up to 5 feet from other utilities. We do not believe that this rule will have a negative impact on joint trench construction. The expectation is that more attention will be paid to insuring that construction standards, already in place, will be adhered to.

		4) When installing plastic ~~pipelines~~ <u>mains</u> parallel…	We disagree with the suggested change.
15) WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	Upon further review, PSE believes the phrase "and general intent" should be deleted from this rule. This phrase adds unintended ambiguity to the rule and is unnecessary. PSE recommends the following revisions to WAC 480-93-180: 1) ….The manual must comply with the provisions ~~and general intent~~ of …	The language "and general intent" has been deleted.
16) WAC 480-93-186 Leakage classification and action criteria	Dan Meredith Senior Director, Safety & Engineering Cascade Natural Gas (CNG)	The term 'confined space' in subsection 2 should be replaced with 'enclosed space' or similar term. Due to the existing use and definitions of confined space in worker safety regulations, the definition of confined space was removed from these rules. This subsection should also be changed.	As discussed with stakeholders the proposed rule has been redrafted to change the term "confined space" to "enclosed space."
17) WAC 480-93-18601 Leak classification and action criteria—Grade-Definition—Priority of leak repair--Examples	Dan Meredith Senior Director, Safety & Engineering Cascade Natural Gas (CNG)	The term 'confined space' in subsections (2) (e) and (8) (d) should be replaced with 'enclosed space' or similar term. Due to the existing use and definitions of confined space in worker safety regulations, the definition of confined space was removed from these rules. This subsection should also be changed.	The proposed draft rule has been redrafted to change the term "confined space" to "enclosed space."
18) WAC 480-93-186 Leakage classification and action criteria	Kaaren Daugherty, PE Consulting Engineer, Standards and	PSE reiterates comments previously submitted on this section. The suggested changes are necessary for clarity, consistency and intent.	The proposed rule has been edited to delete some of the redundancy in WAC 480-93-186

WAC 480-93-18601 Leak classification and action criteria – Grade—Definition—Priority of leak repair	Compliance Puget Sound Energy (PSE)	In the proposed language, terms such as reinspect, reevaluate, and follow-up inspection are used inconsistently. "Follow-up inspection" is defined in –005 but is then not used where intended in this rule. In addition, some of the subsections contain a heading that seems to be a carryover from the existing rules but is inconsistent with the remaining sections within this chapter. This section and the following section, 480-93-18601, contain duplicate information. Namely, (4)(a), (b), and (c) of –186 are repeated in (10), (2) and (3) of –18601. The other information in –18601 specifically refers to action that an operator shall take in response to a certain leak grade. This is "action criteria" and fits right in with the existing title of section –186. Given this, PSE again recommends combining the information in –18601 into –186 for clarity, to eliminate redundancy of information, and for ease of use by operators. Staff's proposed change to the title of 480-93-18601 supports this suggestion and the existing title of 480-93-186 supports inclusion of the 'action criteria' from –18601 into this section. This change supports the mandate set forth in Executive Order 97-02 and significantly streamlines the rules without changing the content or intent. PSE believes that Staff would agree that rules should be written in a clear manner that promotes compliance.	and WAC 480-93-18601. In addition, the rule title for WAC 480-93-186 has been renamed to better reflect the intent of the rule, and the terms "follow-up inspection", "reevaluation" and "reinspect" have been made consistent with the definition and usage in other rules. In section (2) the first sentence "Gas leak classification and repair" and in section (3) "Follow-up inspections" have been deleted. Changes have been made to WAC 480-93-186 as noted above. We disagree with the suggestion to combine WAC 480-93-186 and WAC 480-93-18601 into one rule. WAC 480-93-186 is intended to address when a leak must be evaluated, how to identify a leak (grading system), establishment of procedures to evaluate, repair, reinspect leaks, and when a leak can be downgraded and how often. WAC 480-93-18601 is intended to define the grade leaks and identify what action is needed depending on the leak grade, what actions need to be taken depending on the grade of the

			leak, identify the time frequency to revaluate a leak, and provides examples of leaks and their associated actions.
		The proposed language in subsection (4)(d) does not clearly convey Staff's intent as documented in Appendix A of the CR-102 notice filed in June 2004 and as discussed at the December 2003 stakeholder workshop. The intent was clearly noted as, "when a leak has been regraded and the same leak is later found at a more severe grade, the leak must be repaired".	Attachment A to the CR-102 identifies that changes were made to the rule but did not identify the particular language changes. These changes were identified in the proposed rules provided with and published with the CR-102 at WSR 04-15-141. The intent of the proposed rule is to eliminate the continual regrading of leaks without repair.
		In summary, PSE recommends that Staff combine WAC 480-93-186 and 480-93-18601 under one section, revise certain text for consistency, and that proposed subsection (4)(d) be renumbered as a separate subsection and revised to clarify the intent.	At this stage of the rulemaking we disagree with the suggestion to merge WAC 480-93-186 and WAC 480-93-18601. The redundancy in 480-93-186 has been deleted. We believe the intent of the rule is clear as stated above.
		1) … in subsections ~~(3)~~ (4) through (6) of this section, … ….leak grading ~~to reinspected~~ when reevaluating leaks. 2) ~~Gas leak classification and repair.~~ Each operator must... 3) ~~Follow-up inspections.~~ The adequacy of leak repairs shall be checked by acceptable methods while the	The suggested changes for section 1) through 5) have not been made.

		excavation is open. … … The operator must ~~reinspect~~ perform a follow up inspection on all leak~~s~~ repairs with … 4) ~~Leak grades.~~ ~~(a)~~ A Grade 1 ~~means a~~ leak is a leak that … (a) Prompt action in response to a Grade 1 leak may require one or more of the following: (i) Implementation of the operator's emergency plan pursuant to 49 CFR § 192.615; (ii) Evacuating the premises; (iii) Blocking off an area; (iv) Rerouting traffic; (v) Eliminating sources of ignition; (vi) Venting the area; (vii) Stopping the flow of gas by closing valves or other means; or (viii)(h) Notifying police and fire departments. b) Examples of Grade 1 leaks requiring prompt action include, but are not limited to: (i) Any leak, which in the judgment of	

		operating personnel at the scene, is regarded as an immediate hazard; (ii) Escaping gas that has ignited unintentionally; (iii) Any indication of gas that has migrated into or under a building or tunnel; (iv) Any reading at the outside wall of a building or where the gas could potentially migrate to the outside wall of a building; (v) Any reading of eighty percent LEL or greater in a confined space; (vi) Any reading of eighty percent LEL, or greater in small substructures not associated with gas facilities where the gas could potentially migrate to the outside wall of a building; or (vii) Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property. ~~b)~~(5) A Grade 2 ~~means a~~ leak is a leak that is recognized.. (a) Operators must repair or clear Grade 2 leaks within fifteen months from the date the leak is reported. If a Grade 2 leak occurs in a segment of pipeline that is under consideration for replacement, an additional six months may be added to the fifteen months maximum time for repair provided above. In determining the repair	

		priority, operators should consider the following criteria: (i) Amount and migration of gas; (ii) Proximity of gas to buildings and subsurface structures; (iii) Extent of pavement; and (iv) Soil type and conditions, such as frost cap, moisture and natural venting. (b) Operators must reevaluate Grade 2 leaks at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition. (c) Grade 2 leaks vary greatly in degree of potential hazard. Some Grade 2 leaks, when evaluated by the criteria, will require prompt scheduled repair within the next five working days. Others in (a) of this subsection require repair within thirty days. The operator must bring these situations to the attention of the individual responsible for scheduling leakage repair at the end of the working day. Many Grade 2 leaks, because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary. (d) When evaluating Grade 2 leaks, operators should consider leaks requiring action ahead of ground freezing or other adverse changes in venting	

		conditions, and any leak that could potentially migrate to the outside of a building, under frozen or other adverse soil conditions. (e) Examples of Grade 2 leaks requiring action within six months include, but are not limited to: (i) Any reading of forty percent LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak where gas could potentially migrate to the outside wall of a building; (ii) Any reading of one hundred percent LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak where gas could potentially migrate to the outside wall of a building; (iii) Any reading less than eighty percent LEL in small substructures not associated with gas facilities where gas could potentially migrate creating a probable future hazard; (iv) Any reading between twenty percent LEL and eighty percent LEL in a confined space; (v) Any reading on a pipeline operating at thirty percent specified minimum yield strength or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak; or (vi) Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.	

		~~(c)~~ (6) A Grade 3 ~~means a~~ leak is a leak … (a) Operators should reevaluate Grade 3 leaks during the next scheduled survey, or within fifteen months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading. (b) Examples of Grade 3 leaks requiring reevaluation at periodic intervals include, but are not limited to: (i) Any reading of less than eighty percent LEL in small gas associated substructures, such as small meter boxes or gas valve boxes; or (ii) Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building. ~~(d)~~ (7) … if the same leak is later regraded to a more severe grade, (~~5) Leakage classification and control requirements are provided in WAC 480-93-18601.~~	
19) WAC 480-93-187 Gas leak records	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy	PSE is confused by the latest draft of this rule. In previous discussions and response to comments, Staff indicated that they would maintain the term "repair" for the records requirements of this section to maintain the intent of the existing rule. The last draft included "repair" in the first	Your comment is inaccurate. The draft rules (Rule text published with the CR-102 Supplemental at WSR 05-02-096 published January,2005) removed

	(PSE)	sentence but not in the second. PSE requested that "repair" be repeated in the second. Staff's response to PSE comments were that the rule was redrafted. What PSE finds is that the word "repair" has been completely removed. In Appendix A to the CR-102 notice filed in June 2004, this rule was listed as being re-written for clarity. This proposed language in fact changes the rule intent. PSE requests that the language be revised to match the language of the existing rule.	the word "repair" from the first sentence. The intent of the rule is to require companies to maintain all leak records. These records provide the opportunity for the Commission to review the leak history of a company. If the proposed rule language includes the word "repair" then companies would only be required to maintain records of leaks that have been repaired.
		In addition, as previously noted, this rule refers to a follow-up inspection (defined in –005) as a recheck. "Recheck" should be replaced with the correct and defined term of "follow-up inspection".	Sections (2) through Section (4) of this rule have been deleted. The requirements have been incorporated in Section (1) (a).
		PSE recommended changes:	
		Each operator must prepare and maintain permanent gas leak repair records. The leak repair records…	We disagree with the suggested language change, and the intent is explained above.
		2) Date and time the leak was reevaluated before repair, and the name of the employee(s) ~~involved~~ performing the reevaluation;	Subsection (2) has been incorporated into subsection (1) (a).
		4) Date and time of any ~~rechecks~~ follow-up inspections performed, and the name of the employee(s) ~~involved~~performing the follow-up inspection;	Subsection (4) of the proposed rule is deleted. This requirement is incorporated in subsection (1).

20) WAC 480-93-188 Gas leak surveys	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	Since the previous draft, Staff revised subsection (1)(c) of this section. PSE is concerned that this proposed language is unclear because of the inclusion of "area". PSE recommends deleting this for clarity. PSE believes the definition of "high occupancy structure or area" allows for separation of these terms in the rules where appropriate to do so (i.e. 'high occupancy structure' in –188 and 'high occupancy area' in -020).	Subsection (1)(c) has been deleted.
		PSE finds the requirements set forth in subsection (2) to be too restrictive for practical purposes and inconsistent with other rule sections that pertain to instrument calibration and accuracy checks. PSE believes it is appropriate for operators to determine a suitable frequency if none is specified by the manufacturer.	We disagree. The monthly requirement would generally apply to older equipment that has no manufacturer's recommendation and has the potential for unreliable operation. This type of equipment needs to be calibrated at least monthly. It has been found that most new equipment has a manufacturer's recommendation.
		In June 2004, RSPA/OPS amended 49 CFR § 192.723(b)(2) to allow up to 63 months for leakage surveys outside business districts (69 FR 32886, June 4, 2004). PSE previously discussed this with Staff and was of the understanding that if the federal rule granted a 'grace' period for leak survey frequency that Staff would incorporate this into this WAC rule. Therefore, PSE requests that subsection (3)(b) of this section be revised accordingly.	Section (3) (b) has been deleted. After reviewing the federal rule we believe that the proposed rule mirrors the federal language.

		Regarding subsections (4)(a) and (b), PSE agrees with Staff's proposal to change the language from the current requirement to perform special surveys if there is "substantial probability". However, PSE is concerned that if special surveys are required whenever there is any "potential" for damage that special surveys could be required every time any construction occurs regardless of how remote the potential for damage might be. PSE does not believe this is Staff's intent and requests that the language be modified such that special surveys are required when there is "reasonable potential" for damage. Based upon the above comments, PSE recommends the following revisions to 480-93-188: 1)(b) Through cracks in paving~~,~~ and sidewalks; 1)(c) Walls of businesses and high occupancy structures ~~or areas~~ that … 2) … for accuracy <u>at an appropriate schedule determined by the operator</u> ~~but at least monthly, but not to exceed forty-five days between testing, and include testing at least twelve times per year~~. … 3)(b) Residential areas - as frequently as necessary, but <u>at least once every 5 calendar years at intervals</u> not to	We disagree. Adding "reasonable" to the word potential does not clarify when a leak survey must be conducted. The language has been redrafted to remove the language "potential." The intent of the proposed rule establishes that a company must have a criteria in their O&M manual for conducting leak surveys following construction activity. We agree, the comma has been deleted. Subsection (1) (c) has been deleted. We disagree with the suggested language. The intent of the rule is to follow the manufacturer's recommendation and if there is no recommendation "…. instruments must be tested for accuracy at least monthly….. This will help ensure reliable operation. Subsection (3)(b) has been deleted.

		exceed 63 months ~~not to exceed five years~~ between surveys; 4)(a) … where there is reasonable potential … 4)b) … and there is reasonable potential …	 We disagree. Explanation is stated above. We disagree. Explanation is stated above.
21) WAC 480-93-200 Reports associated with operator facilities and operations	Dan Meredith Senior Director, Safety & Engineering Cascade Natural Gas (CNG)	The requirement of daily construction activity reports should be eliminated. This process is administratively and financially burdensome to pipeline operators with year-round construction obligations. The location and activity of any construction project or maintenance activity can be acquired by WUTC staff at any time and without prior notice to the operator. The frequency with which this information is routinely used does not appear to justify the substantial ongoing cost.	As stated before, the Commission disagrees that the issuance of daily reports is financially burdensome. These reports are typically issued electronically by e-mail both internally within the corporate structure, and by outside contractors doing work for the pipeline operator. Receipt of these reports allows the Commission to be more responsive to public inquiries, better utilize field inspection time and most importantly, verify through unannounced visits, that work is being performed in accordance with applicable rules.
	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	PSE previously noted that the title of this section is incorrect as printed in the docket. Staff disagreed with this comment. The table of contents is not included in the draft rules posted with the CR-102 notices. However, in previous drafts that included the table of contents, this section was titled as follows:	When the rules are filed for adoption the Code Reviser's Office will create the table of contents list directly from the rules.

		WAC 480-93-200 Reports associated with operator ~~gas company~~ facilities and operations. The title of this rule as printed in the docket in July 2004 and January 2005 is as follows: **WAC 480-93-200 Reports associated with operator gas company facilities and operations.** PSE continues to oppose certain provisions of this proposed rule. PSE believes the following requirements are contrary to the mandate set forth in Executive Order 97-02 for need, effectiveness and fairness in rules: 1. Reporting media coverage within 2 hours [(1)(g)];	PSE argues that the media does not base their coverage of incidents on the technical evaluation of the event. Staff agrees. Neither the existing nor the proposed rule suggests that an incident is "serious" merely because it has media coverage. This reporting requirement is designed to ensure there are clear communications regarding any incident reported on by the media. It is in the operators best interest to inform the Commission of such incidents before the Commission receives inquiries about the incident from the media. This requirement, which exists in the current rule, is not burdensome. This

			requirement is not contrary to Executive Order 97-02.
		2. The addition to the rule of reporting evacuations of dwellings [(1)(c)], and construction defects or material failures not causing an incident or hazardous condition [(2)(a)];	We agree with deleting the term "dwelling." Section (2)(a) has been moved to the annual reporting section of the proposed rules.
		3. Maintaining a reporting threshold of $5,000; and,	After further discussions, this proposed requirement is changed to mirror the Federal threshold of $50,000
		Regulating the submission of daily reports of construction and repair activities.	We disagree.
		The CR-102 summary for this rule states that telephonic incident reporting requirements for more serious incidents is changed from six to two hours. PSE strongly disagrees that news media coverage of some event that involves a gas facility is a serious incident. Staff's response to PSE's previous comments is that this requirement is not burdensome to operators and therefore should remain. PSE disagrees. Reporting media coverage to the Commission accounted for 55% of PSE's reportable 'incidents' in 2004. As stated previously, PSE believes the reporting requirement should be deleted from this rule altogether because a serious incident will be reported under other provisions of the rule. The choice by news media to cover an event is not based on any sound technical evaluation of the event, but rather on the whims of the media. The role of the WUTC and these WAC rules is to regulate gas pipeline operators. We have no control or influence over what news media does and monitoring	We discuss above the intent of reporting to the Commission when there has been media coverage.

		media for a large geographic area is burdensome and has no bearing on pipeline safety.	
		PSE and other operators agree that subsection (1)(c) regarding evacuation of dwellings should be deleted. As stated in previous comments, local emergency response officials frequently evacuate structures as a precautionary measure, even though the actual risk to occupants may be insignificant. A legitimate evacuation of a building due to an incident caused by the operation of the gas facilities is likely to trigger a separate requirement under this section, which then reduces or eliminates the importance of reporting all evacuations. Additional reporting requirements subject to how a third party (emergency responders and/or media) responds to an incident are not warranted since we agree with and will continue to report per the technical criteria for reportable incidents.	We disagree with the suggestion to delete subsection (1) (c) from the proposed rule. However, we propose to remove the term "dwelling" from (1)(c). We do not question decisions as to the legitimacy of why a structure was evacuated by First Responders or other emergency response officials. We also prefer not to make assumptions as to whether a "legitimate" evacuation will likely trigger other reporting requirements.
		PSE understands from Staff's response to PSE's comments regarding subsection (2)(a) that Staff considers incidents or hazardous conditions to include leaks. In accordance with WAC 480-93-186, operators must classify leaks according to severity. Not all leaks are hazardous and not all leaks warrant repair. If a construction defect or material failure causes a leak, this does not automatically constitute an incident or hazardous condition. Inclusion of this provision in the rule is contrary to Staff's intent of rewriting the rule for consistency with federal regulations as stated in the CR-102 notice.	Subsection (2)(a) of the proposed rule has been moved to the section of the rule that addresses annual reporting. We propose to make this an annual reporting requirement instead of a 24-hour reporting requirement.
		PSE requests clarification on Staff's disagreement for raising the reporting threshold to a dollar amount greater than $5,000. This threshold is not commensurate with	After further review and discussions we propose to reflect the Federal requirement.

		today's dollars. PSE understands from Staff's response to PSE's comments regarding the requirements to send daily reports of construction and repair activities electronically to the commission that Staff believes inclusion of this requirement is warranted because it is not burdensome. Sending the reports is in fact burdensome, but this is not PSE's disagreement. Rather, it is the burden of additional, unwarranted, and non-safety related regulations that PSE opposes. Operators, including PSE, already submit these reports voluntarily and in fact are compelled to under other provisions of these rules. This subsection is not necessary and PSE requests it be deleted from this section. PSE understands from Staff's response to comments that there are two different reporting requirements due to exceeding an MAOP. One has a 2-hour reporting requirement (subsection (4)) and one has a 24-hour reporting requirement (subsection (2)(e)). In addition, a written report is required for incidents reported under subsection (4). The telephonic reporting time frame and the written report requirement stated in subsection (4) are identical to the requirements under subsection (1) and (5). For clarity, readability, and consistency, the proposed subsection (4) should be incorporated into subsection (1) because the 2-hour reporting requirements are covered under section (1) and the 30-day follow-up written report required under subsection (5) would also cover this. PSE also previously commented on subsection (7) because	We strongly disagree. Typically these reports are already generated internally by PSE and transmitted electronically via e-mail. Asking that the Commission e-mail address be added to an already populated address book hardly seems burdensome. With respect to being "unwarranted" and "non-safety" related, the Commission is capable of demonstrating through enforcement history, a need to monitor the quality of an operator's daily activities. We propose to move the reporting criteria found in subsection (4) to subsection (1). The follow-up written report requirement is covered in subsection (5). This section of the rule has been

		this subsection includes multiple, unrelated requirements. For clarity and readability, PSE requests that the damage prevention report be included under a separate subsection as noted previously and again below. In addition, PSE requests correction of the grammar as indicated.	redrafted to segregate the various annual reporting requirements.
		Finally, Staff indicated that subsection (5) would be re-written for clarity and subsection (1)(e) would be corrected to reflect a 25 customer reporting threshold in "the next version of the draft rules". PSE assumes that this is a version that will be printed after the January 28, 2005 deadline for filing written comments.	The error has been corrected. The proposed rules for adoption on March 31, 2005 will reflect the correction.
		PSE requests the following revisions to WAC 480-93-200:	
		~~1)(c) Results in the evacuation of a dwelling, building, or area of public assembly;~~	We disagree in part. We have deleted "dwelling", but disagree with deleting the remainder of the requirement. An explanation is noted above.
		~~(d)~~(c) Results …	This proposed renumbering has not been made because we disagree with deleting subsection (1) (c) of the proposed rule.
		~~(e)~~(d) Results in the unscheduled interruption of service furnished by any operator to twenty-five or more distribution customers;	The change has been made.
		(e) Results in a pipeline or system pressure exceeding the maximum allowable operating pressure plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020;	The change has been made.

		f) … of this subsection. ~~; or~~	We disagree with the suggested change.
		~~g) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (e) of this subsection.~~	The suggested change has not been made. We disagree with deleting section (g).
		~~2)(a) Results from construction defects or material failure;~~	This section has been moved to subsection (7) of the proposed rule which now encompasses annual reporting requirements.
		~~(b)~~(a) Results …	The change has been made.
		~~(c)~~(b) Results …	The change has been made.
		~~(d)~~(c) Results …	The change has been made.
		~~(e)~~(d) Results in ~~When~~ a pipeline or system pressure exceedings the …	The change has been made.
		3) … as noted in subsection ~~(1)~~ (2) of …	The proposed rule has been redrafted to remove the reference to subsection (1).
		~~4) When a pipeline or system pressure exceeds the maximum allowable operating pressure plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020, the operator must notify the commission by telephone within two hours, to be follow up the telephonic notification with a written explanation within thirty days;~~	This section has been moved to subsection (1) of the proposed rule.

		5) Operators must provide to the commission a written report ~~the reports required in subsection (1) of this section, verified in detail in writing~~ within thirty days of the initial telephonic report required under subsection (1)of this section.	The suggested language has been included in the proposed rule.
		(8) ~~In addition to the above required forms, o~~Operators must … The Damage Prevention Statistics report must include ~~in detail~~ the …	Section (7) of the proposed rule has been redrafted to separate out the annual reporting requirements.
		c) Cause of damage~~:~~, where cause of damage is classified as either:	The change has been made.
		(i) ~~A locate is not accurate~~ Inaccurate locate;	The change has been made.
		(ii) ~~The operator failed~~ Failure to use reasonable care; or …	The change has been made.
		~~(8)~~ (9) Operators …	We disagree with the suggested change. Section (6) proposes to include all annual reporting requirements. We do not propose to add a new section (9) for Damage Prevention Statistics. It remains in section (6).
		~~(9) Operators must send daily reports of construction and repair activities electronically to the commission. Operators may send reports either by facsimile or e-mail to the commission. The reports must be received no later than 10:00 a.m. each day of the scheduled work, and must include both operator and contractor construction and repair activities.~~	The Commission disagrees. See the explanation above.

		10) Operators must file with the commission a copy of every ~~When an operator is required to file a copy of a~~ RSPA …	The Commission disagrees with the suggested change and believes the proposed rule language is clear.
22) WAC 480-93-999 Adoption by reference	Kaaren Daugherty, PE Consulting Engineer, Standards and Compliance Puget Sound Energy (PSE)	49 CFR has been amended 10 times since October 1, 2003. PSE understands that Staff will incorporate the most recent version of 49 CFR Part 192 into this section and that this section will be updated as frequently as necessary to keep up with the numerous changes that occur in the federal rules. Staff disagreed with PSE's comment that the incorporation of the 18th edition of API 1104 is outdated. On June 4, 2004, RSPA/OPS amended 49 CFR Part 192 (69 FR 32886) to update the adoption by reference of industry consensus standards. In this amendment, RSPA/OPS adopted the 19th edition of API 1104. PSE continues to oppose the inclusion of new construction under the definition of covered task. PSE believes it is counter-productive to national pipeline safety improvement efforts for Washington State to ignore the collaborative efforts underway to develop comprehensive and effective rules at the federal level. Operator Qualification activity continues to move forward with the draft industry consensus standard (B31Q) scheduled for release in early February 2005. PSE understands from Staff's response that they believe including this provides additional safety to pipelines in Washington State. As such, PSE believes this requirement is inappropriately included in this section –999. In addition, this requirement could have significant impact on	The October 1, 2003, date has been updated to October 1, 2004. After further review, the 19th edition is now available to the Commission. The proposed rules are updated to reflect the 19th edition. ASME has released a draft copy of the proposed B31Q standard for comment only. A cost-benefit analysis on this standard has yet to be conducted by USDOT. It is estimated that any federal rulemaking adopting the B31Q standard will not occur for two or more years. We disagree with the statement that Washington State has "ignored" consensus efforts to improve OQ standards. Back in 2001 at the beginning of this

		operators and sufficient time for implementation of changes necessary to comply with this requirement should be granted. PSE recommends two years from the date of adoption of these rules.	rulemaking, staff proposed a change in the definition of a "covered task" to include new construction. This was approximately 2 years prior to the formation of the national committee. The Commission is pleased that the B31Q standard has proposed inclusion of construction as part of the covered task identification process. We continue to propose to include "covered task" as a requirement in this proposed rulemaking. It is not appropriate to wait two years for this requirement to become effective. A new rule (WAC 480-93-013) has been included in chapter 480-93 WAC, to provide an operator the opportunity to know that the commission rules are more stringent than the Federal rules pertaining to the definition of "covered task" and that the Commission rules include "new construction". In addition, rule WAC 480-93-999 (a) has been redrafted with reference to WAC 480-93-013.