

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

September 16, 1996

NOTICE OF PROPOSED RULEMAKING

D.P.U. 96-89

Investigation by the Department of Public Utilities upon its own motion, pursuant to G.L. c. 164, §76C and 220 C.M.R. §§ 2.00 et seq., commencing a rulemaking to rescind 220 C.M.R. §§ 102.00, 103.00, 106.00 and 110.00, and to amend 220 C.M.R. §108.

On February 7, 1996, Governor Weld issued Executive Order 384 ("E.O. 384") to reduce unnecessary regulatory burden. E.O. 384 required the Department of Public Utilities ("Department"), and all other state agencies under Governor Weld's supervision, to review every regulation under its jurisdiction and to retain or modify only those regulations which are mandated by law or essential to the health, safety, environment or welfare of the Commonwealth's residents. The Department has conducted such a review and, pursuant to G.L. c. 164, §§ 66, 76, 76C, 104, 105A, and G.L. c. 30A, §§ 2-7, proposes to rescind the following Department regulations related to gas pipeline and safety:

220 C.M.R. § 102 - Design, construction, operation and maintenance of oil gas production plants. There has been no production from oil gas in this state in over 25 years.

220 C.M.R. § 103 - Design, construction and maintenance of meter, regulator and gate stations and related facilities. When this regulation was written, the federal and state jurisdictional boundary between transmission companies and intrastate operators within the enclosures of a meter station was unclear. There is now a separation point of facilities assignable to each of the above entities. In addition, many of the current Department maintenance functions (i.e., meter stripdown, test intervals) are too stringent or not applicable to modern equipment.

220 C.M.R. § 106 - Design, operation, maintenance and repair of Substitute Natural Gas plants. The only Substitute Natural Gas plant in Massachusetts has been disassembled. This regulation no longer applies and there is no anticipated need for further regulation in this area.

220 C.M.R. § 110 - Appendices to the Gas Distribution Code. The standards in these appendices are outdated and no longer necessary.

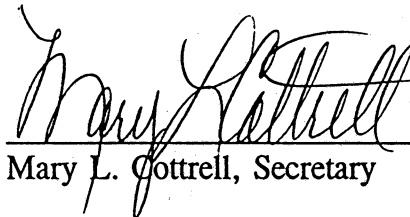
The Department proposes to modify the following regulations related to gas pipeline and safety:

220 C.M.R. § 108 - Control of Drug Use. This regulation needs to be amended to refer to the federal drug testing requirements contained in Title 49 Code of Federal Regulations Part 40.

In the near future, the Department intends to propose revisions to 220 C.M.R. §§ 101, 104, and 111. In addition to seeking comment on the above proposed changes, the Department invites interested persons to comment on whether any of the Department's other regulations related to gas pipeline and safety should be amended.

A copy of the Department's draft regulations in this proceeding may be obtained upon request from Mary L. Cottrell, Secretary, Department of Public Utilities, 100 Cambridge Street, Boston, Massachusetts 02202. Any interested person may submit an original and three (3) copies of written comments on any proposed changes to Department regulations related to gas pipeline and safety. These comments shall be addressed to the Department and sent to Mary Cottrell, Secretary, at the address noted above, no later than FRIDAY, OCTOBER 18, 1996. The Department will conduct a public hearing to receive oral comment on Department regulations related to gas pipeline and safety at 10 a.m on FRIDAY, OCTOBER 25, 1996, at the Department's offices, 100 Cambridge Street, Boston, Massachusetts.

By Order of the Department,



Mary L. Cottrell, Secretary

Consent Communication #18

S-472

Communication was received from Department
of Public Utilities transmitting notice to
rescind the regulations related to gas
pipeline and safety.

In City Council September 30, 1996

Referred to the City Manager