

(b) The age brackets referred to in (a) of this subdivision under the Social Security Act as amended by the Social Security Amendments of 1967 are as follows:

If the employee reaches age 65—	His covered compensation is—
Before 1969	\$4,800
After 1968 but before 1972	5,400
After 1971 but before 1979	6,000
After 1978 but before 1994	6,600
After 1993 but before 2001	7,200
After 2000	7,800

(v) In the case of an integrated plan providing benefits different from those described in subdivision (ii) or (iii) (whichever is applicable) of this subparagraph, or providing benefits related to years of service, or providing benefits purchasable by stated employer contributions, or under the terms of which the employees contribute, or providing a combination of any of the foregoing variations, the plan will be considered to be properly integrated only if, as determined by the Commissioner, the benefits provided thereunder by employer contributions cannot exceed in value the benefits described in subdivision (ii) or (iii) (whichever is applicable) of this subparagraph. Similar principles will govern in determining whether a plan is properly integrated if participation therein is limited to employees earning in excess of amounts other than those specified in subdivision (iv) of this subparagraph, or if it bases benefits or contributions on compensation in excess of such amounts, or if it provides for an offset of benefits otherwise payable under the plan on account of old-age and survivors insurance benefits. Similar principles will govern in determining whether a profit-sharing or stock bonus plan is properly integrated with the Social Security Act.

PAR. 2. Paragraph (c) (2) (i) of § 1.401-11 is amended by revising the seventh and eighth sentences thereof and as so amended reads as follows:

§ 1.401-11 General rules relating to plans covering self-employed individuals.

(c) *Requirements as to coverage.* * * * (2) (i) Section 401(a) (3) (B) provides that a plan may satisfy the coverage requirements for qualification if it covers such employees as qualify under a classification which is found not to discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees. Section 401(a) (5) sets forth certain classifications that will not in themselves be considered discriminatory. Under such section, a classification which excludes all employees whose entire remuneration constitutes "wages" under section 3121(a) (1), will not be considered discriminatory merely because of such exclusion. Similarly, a plan which includes all employees will not be considered discriminatory solely because the contributions or benefits based on that part of their remuneration

which is excluded from "wages" under section 3121(a) (1) differ from the contributions or benefits based on that part of their remuneration which is not so excluded. However, in determining if a classification is discriminatory under section 401(a) (3) (B), consideration will be given to whether the total benefits resulting to each employee under the plan and under the Social Security Act, or under the Social Security Act only, establish an integrated and correlated retirement system satisfying the tests of section 401(a). A plan which covers self-employed individuals, none of whom is an owner-employee, may also be integrated with the contributions or benefits under the Social Security Act. In such a case, the portion of the earned income (as defined in section 401(c) (2)) of such an individual which does not exceed the maximum amount which may be treated as self-employment income under section 1402(b) (1), and which is derived from the trade or business with respect to which the plan is established, shall be treated as "wages" under section 3121(a) (1) subject to the tax imposed by section 3111 (relating to the tax on employers) for purposes of applying the rules of paragraph (e) (2) of § 1.401-3, relating to the determination of whether a plan is properly integrated. However, if the plan covers an owner-employee, the rules relating to the integration of the plan with the contributions or benefits under the Social Security Act contained in paragraph (h) of § 1.401-12 apply.

PAR. 3. Paragraph (h) (3) of § 1.401-12 is amended to read as follows:

§ 1.401-12 Requirements for qualification of trusts and plans benefiting owner-employees.

(h) *Integration with social security.* * * *

(3) If a plan covering an owner-employee satisfies the requirement of subparagraph (1) of this paragraph, and if the employer wishes to integrate such plan with the contributions or benefits under the Social Security Act, then—

(i) The employer contributions under the plan on behalf of any owner-employee shall be reduced by an amount determined by multiplying the earned income of such owner-employee which is derived from the trade or business with respect to which the plan is established and which does not exceed the maximum amount which may be treated as self-employment income under section 1402(b) (1), by the rate of tax imposed under section 1401(a); and

(ii) The employer contributions under the plan on behalf of any employee other than an owner-employee may be reduced by an amount not in excess of the amount determined by multiplying the employee's wages under section 3121(a) (1) by the rate of tax imposed under section 3111(a). For purposes of this subdivision, the earned income of a self-employed individual which is derived from the trade or business with respect to which the plan is established and which is treated as self-employment income under

section 1402(b) (1), shall be treated as "wages" under section 3121(a) (1).

[F.R. Doc. 68-13721; Filed, Nov. 12, 1968; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

[Docket No. OPS-1]

PART 190—INTERIM MINIMUM FEDERAL SAFETY STANDARDS FOR THE TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

This regulation establishes interim minimum Federal safety standards for gas pipeline facilities and the transportation of natural and other gas throughout the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481) which became effective August 12, 1968, provides as follows:

As soon as practicable but not later than 3 months after the enactment of this Act, the Secretary shall, by order, adopt as interim minimum Federal safety standards for pipeline facilities and the transportation of gas in each State the State standards regulating pipeline facilities and the transportation of gas within such State on the date of enactment of this Act. In any State in which no such standards are in effect, the Secretary shall, by order, establish interim Federal safety standards for pipeline facilities and the transportation of gas in such State which shall be such standards as are common to a majority of States having safety standards for the transportation of gas and pipeline facilities on such date. Interim standards shall remain in effect until amended or revoked pursuant to this section. Any State agency may adopt such additional or more stringent standards for pipeline facilities and the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act as are not incompatible with the Federal minimum standards, but may not adopt or continue in force after the interim standards provided for above become effective any such standards applicable to interstate transmission facilities.

In accordance with this requirement the Department of Transportation has obtained from each of the 50 States the District of Columbia, and Puerto Rico detailed information concerning the safety standards in each of these jurisdictions applicable to the transportation of gas by pipeline. In addition to numerous written and telephonic communications with the related State agencies, the Department held a meeting in Washington on October 2, 1968, to which both State and industry representatives were invited. At that meeting the Department outlined its plans with respect to the interim regulations and also with respect to the long range requirements imposed on it by the Natural Gas Pipeline Safety Act of 1968. A copy of the transcript of that

meeting is included in the docket containing this rule-making action and is available for public inspection at the Office of Pipeline Safety, Room 806E, 300 Independence Avenue SW., Washington, D.C.

Interim Federal safety standards for States having no standards in effect on August 12, 1968. Based on the examination of relevant materials submitted by those jurisdictions, the Department has determined that of the 52 jurisdictions covered by the Natural Gas Pipeline Safety Act of 1968, only three had no standards in effect on August 12, 1968, the effective date of the Act. In accordance with section 3(a) of the Act, quoted above, and after examination of the standards in effect in all other jurisdictions covered by the Act, the Department has ascertained that the standards "common to a majority of States having safety standards for the transportation of gas and pipeline facilities" on August 12, 1968, are the standards contained in the 1968 edition of the United States of America Standards Institute "Standard Code for Pressure Piping—Gas Transmission and Distribution Piping System—USAS B31.8" (hereinafter referred to as USAS B31.8). Therefore, in accordance with section 3(a) of the Act, quoted above, section 4 of the regulation adopts that code as the interim minimum Federal safety standard for pipeline facilities and the transportation of gas within the States of Nebraska and South Dakota and the Commonwealth of Puerto Rico.

Interim Federal safety standards for States having standards in effect on August 12, 1968. As previously indicated, the Department has reviewed each State standard in effect on August 12, 1968, that applies to pipeline facilities and the transportation of gas. Most of the jurisdictions that have such standards in effect based their standards on the USAS B31.8 Code. Since a majority of the States adopted this code by incorporation by reference in a manner that automatically includes future changes, the majority are now using the 1968 edition of the Code.

While 49 of the 52 jurisdictions covered by the Natural Gas Pipeline Safety Act of 1968 had safety standards for "pipeline facilities" and the "transportation of gas" in effect on August 12, 1968, some of these State standards did not cover all of the facilities included within those terms as defined in the Act. For example, in many States the standards did not apply to interstate facilities and in some other States they did not apply to publicly owned facilities. The Department has concluded that the Congress did not intend that there would be any gaps in the applicability of the interim Federal safety standards even in those States in which the existing State standards, to be adopted as Federal standards, did not extend to interstate or publicly owned facilities. Both the Senate and House Committee Reports state that no vacuum should be permitted to exist during the period in which the Department is developing permanent standards. House

Committee Report No. 1390, 90th Cong., second sess., p. 20; Senate Committee Report 733, 90th Cong., first sess., p. 8. The Congress thereby intended that the standards to be adopted as interim Federal standards would extend to the full meaning of the words "transportation of gas" and "pipeline facilities" as they are defined in the Act so as to include interstate and publicly owned facilities and any other facilities that were not covered by existing State regulations. Therefore, in § 190.5 of the regulation the Department has, in adopting a State's standards that were in effect on August 12, 1968, applied those standards to all of the gas facilities within that State that fall within the terms "transportation of gas" and "pipeline facilities" as defined in the Act. For example, if a State had adopted the USAS B31.8 1968 edition as the State standard, except for interstate transmission facilities, the interim Federal standard adopted for all facilities in that State, including interstate transmission facilities would be the USAS B31.8 1968 edition. For another example, if a State had exempted municipally owned facilities from the coverage of its standards, the interim Federal standards would apply the existing State standards to the municipally owned facilities.

Federal preemption: Interstate transmission facilities. Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 states that, after the adoption of interim Federal safety standards, a State "may not adopt or continue in force * * * any such standard applicable to interstate transmission facilities". This Federal preemption relates only to State "safety standards" and does not prevent a State from continuing in effect, with respect to interstate transmission facilities, those requirements that may have served an incidental safety purpose in addition to a bona fide State purpose such as zoning or planning. For example, a State requirement that maps of planned construction of interstate transmission facilities must be filed with a State agency before construction may be commenced would continue in effect after adoption of the interim Federal standards; the State would have authority to rescind or amend the requirement.

The Department of Transportation is not yet staffed to enforce the Federal standards applicable to interstate transmission facilities. To provide for enforcement, the Department intends to authorize the States to inspect and oversee those facilities. Since the certifications and agreements provided for in section 5 (a) and (b) of the Act do not apply to such interstate facilities, § 190.6 of the regulation authorizes each State that is willing to perform the service to act as the agent of the Department for this purpose. This action will necessarily be voluntary on the part of each State and, since no funds are presently available, will be on a nonreimbursable basis until appropriations are made for that purpose.

State enforcement of interim Federal standards. Paragraphs (a) and (b) of section 5 of the Natural Gas Pipeline

Safety Act of 1968 provide two means by which States may perform the major portion of the supervision and enforcement of the federally adopted standards, except with respect to interstate transmission facilities.

Paragraph (a) of section 5 of the Act provides that where a State agency (including a municipality) certifies that certain minimum criteria are met, the Federal standards shall not apply in that State to those facilities covered by the certification. These criteria, as stated in that section, are that the State agency—

(1) Has regulatory jurisdiction over the safety standards and practices of such pipeline facilities and transportation of gas; (2) has adopted each Federal safety standard applicable to such pipeline facilities and transportation of gas established under this Act as of the date of the certification; (3) is enforcing each such standard; and (4) has the authority to require record maintenance, reporting, and inspection substantially the same as are provided under section 12 of the filing for of plans of inspection and maintenance described in section 11;

After August 12, 1970, the State agency must also certify "that the law of such State agency makes provision for the enforcement of the safety standards of such State agency by way of injunctive and monetary sanctions substantially the same as are provided under sections 9 and 10" of the Act.

Paragraph (b) of section 5 of the Act provides a means for State agencies (including municipalities) to perform a large portion of the supervision and inspection of gas pipeline facilities subject to the Federal standards (except for the interstate transmission facilities) for which they are unable to submit a certification under paragraph (a). This is accomplished by agreement between the Department and the State agency (including a municipality) authorizing the State agency to—

(1) Establish an adequate program for record maintenance reporting, and inspection designed to assist compliance with Federal safety standards;

(2) Establish procedures for approval of plans of inspection and maintenance substantially the same as are required under section 11;

(3) Implement a compliance program acceptable to the Secretary including provision for inspection of pipeline facilities used in such transportation of gas; and

(4) Cooperate fully in a system of Federal monitoring of such compliance program and reporting under regulations prescribed by the Secretary.

Both the certification and agreement procedures described above are applicable to the interim minimum Federal standards. Therefore, the Department has prepared and distributed to the State agencies forms to be used in making the authorized certification or agreement. Because of the limited time available, these are necessarily interim procedures which will be reviewed and revised in the light of operating experience.

In a State which does not regulate gas utilities within municipalities and where

a municipality regulates privately owned gas utilities, the municipality is eligible to make certifications under section 5(a) or to enter into agreements with the Department under section 5(b). Whether or not a municipality that operates a gas utility that is not State regulated will be able to take advantage of either of these methods of local implementation under section 5 will depend on an examination, in each case, of the extent to which the municipal officials who establish and enforce the applicable standards conduct these activities independently of the municipal officials who operate the utility. The Department intends in the near future to publish for public comment criteria for determining the circumstances under which a particular municipality that operates a gas utility may be eligible under sections 5 (a) and (b) of the Act.

Permanent Federal standards to replace interim standards. Section 3(b) of the Natural Gas Pipeline Safety Act of 1968 provides that "not later than twenty-four months after the enactment of this Act, and from time to time thereafter, the Secretary shall, by order, establish minimum Federal safety standards for the transportation of gas and pipeline facilities". Section 3(b) further provides that "Such standards may apply to the design, installation, inspection, testing, construction, extension, operations, replacement, and maintenance of pipeline facilities."

From our work to date, it is clear that the construction of a completely new set of standards to cover the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities, would take at least the allotted 2-year period. In the meantime the interim standards adopted by this amendment, amended if necessary to meet needs that may arise, would continue in effect. The Department realizes that as long as the interim standards are in effect, there can be substantial variation between the "Federal minimum safety standards" in two adjoining States and that these differences can exist with respect to interstate transmission lines traversing both States. To avoid the continuation of such an anomalous situation, the Department is considering the immediate establishment of USAS B31.8 as the Federal minimum standards under paragraph (b) of section 3 of the Act. This would achieve a uniform Federal code in less time than will be needed to establish the long range design and construction standards that both the Congress and this Department envision. While any proposal along these lines will be issued as a notice of proposed rule making for public comment before any final action, the Department would be interested at this time in any advance comments on this possible procedure.

In view of the requirement of section 3(a) of the Act that the Department adopt interim Federal standards not later than 3 months after the enactment of the Act, that the interim standards be those in effect on August 12, 1968, or

for States having no standards those common to a majority of the States, and since the adoption of these standards does not involve the exercise of discretion, notice and public procedure on this regulation are impractical and are not required. However, the Department has the authority under section 3(a) to amend these interim standards and would of course take any action shown to be necessary by interested commenters. Therefore, interested persons may submit written comments which should identify the docket number, to the Department of Transportation, Office of Pipeline Safety, 800 Independence Avenue SW., Washington, D.C. 20590.

In consideration of the foregoing, effective December 12, 1968, the interim minimum Federal safety standards for the transportation of natural and other gas are hereby adopted as set forth below.

This regulation is adopted under the authority of the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16448).

Issued in Washington, D.C., on November 7, 1968.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

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| Sec. | |
| 190.1 | Scope. |
| 190.2 | Definitions. |
| 190.3 | Matter incorporated by reference. |
| 190.4 | Interim minimum Federal safety standards for States in which no standards were in effect on August 12, 1968. |
| 190.5 | Interim minimum Federal safety standards for pipeline facilities and the transportation of gas in States with standards in effect on August 12, 1968. |
| 190.6 | Action by States as agents of the Department of Transportation with respect to interstate transmission facilities. |

AUTHORITY: The provisions of this Part 190 issued under sec. 3(a) of Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481).

§ 190.1 Scope.

Pursuant to section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481) this part establishes interim minimum Federal safety standards for pipeline facilities, and the transportation of gas throughout the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 190.2 Definitions.

As used in this part—

(a) "Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

(b) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive;

(c) "Transportation of gas" means the gathering, transmission or distribution of gas by pipeline or its storage in or affecting interstate or foreign commerce; except that it shall not include the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the Secretary defines as a nonrural area;

(d) "Pipeline facilities" includes, without limitation, new and existing pipe, rights-of-way, and any equipment, facility, or building used in the transportation of gas or the treatment of gas during the course of transportation;

(e) "State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(f) "Municipality" means a city, county, or any other political subdivision of a State;

(g) "Interstate transmission facilities" means pipeline facilities used in the transportation of gas which are subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act;

(h) "Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned; and

(i) "USAS B31.8" means the United States of America Standard Code for Pressure Piping—Gas Transmission and Distribution Piping System published by the American Society of Mechanical Engineers.

§ 190.3 Matter incorporated by reference.

(a) *Incorporation.* There are hereby incorporated, by reference, into this part, the standards described and identified in §§ 190.4 and 190.5. These standards are thereby made part of this part. Standards subject to change are incorporated as they are in effect on August 12, 1968.

(b) *Availability.* The standards incorporated into this part by reference are available as set forth below. In addition all incorporated standards are available for inspection in the Office of Pipeline Safety, Department of Transportation, Room 806B, 800 Independence Avenue SW., Washington, D.C.

(1) USAS Standard Code for Pressure Piping—Gas Transmission and Distribution Piping Systems—B31.8—United States of America Standards Institute, 10 East 40th Street, New York, N.Y. 10016.

(2) State codes incorporated by reference at the addresses shown in § 190.5(c).

§ 190.4 Interim minimum Federal safety standards for States in which no standards were in effect on August 12, 1968.

(a) Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 requires the establishment as interim minimum Federal safety standards for pipeline facilities and the transportation of gas, in each State in which no such standards were in effect on August 12, 1968, standards

as are common to a majority of States having safety standards.

(b) Based on a review of the standards in the jurisdictions having such standards in effect on August 12, 1968, it is found that the standards common to a majority of the States having standards are the standards contained in the 1968 edition of the USAS B31.8.

(c) In accordance therewith, the interim minimum Federal safety standards for pipeline facilities and the transportation of gas in the States of Nebraska and South Dakota and the Commonwealth of Puerto Rico are the standards set forth in the 1968 edition of the USAS B31.8.

§ 190.5 Interim minimum Federal safety standards for pipeline facilities and the transportation of gas in States with standards in effect on August 12, 1968.

(a) Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 requires the Secretary to adopt as interim minimum safety standards for pipeline facilities and the transportation of gas in States with standards in effect on August 12, 1968, the State standards in effect on that date.

(b) In accordance with paragraph (a) of this section, the interim minimum Federal safety standards for pipeline facilities and the transportation of gas for the States and the District of Columbia listed in paragraph (c) of this section are those portions of the standards set forth in the document referenced following the name of that jurisdiction that are safety standards relating to the transportation of gas and pipeline facilities, as in effect on August 12, 1968. The incorporation by reference in this section of a regulation includes both the substantive and the procedural requirements of that regulation. Notwithstanding any exceptions (whether geographic, relating to kinds of facilities covered, or otherwise) contained in a regulation incorporated by reference in this section, the minimum Federal safety standards adopted apply as Federal standards to all pipeline facilities and to all transportation of gas in that State.

(c) The State standards incorporated by reference are:

- Alabama—Commission Docket 15957—Special Gas Rules and Informal Docket U-2222. Alabama Public Service Commission, Post Office Box 991, State Office Building, Montgomery, Ala. 36102.
- Alaska—Chapter 95—Gas Utility Safety Regulations. Alaska Public Service Commission, 700 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501.
- Arizona—General Order U-47. Arizona Corporation Commission State Capitol Annex, Phoenix, Ariz. 85007.
- Arkansas—Arkansas Gas Pipeline Code as adopted in Administrative Order on April 11, 1967. Public Service Commission, Justice Building, Little Rock, Ark. 72201.
- California—General Order No. 94-A—Rules Governing the Design, Construction, Operation, Maintenance, and Inspection of Gas Holders and Liquid Hydrocarbon Vessels. General Order No. 112-B—Rules Governing Design, Construction, Testing, Maintenance, and Operation of California Utility Gas Transmission and Distribution Systems. Public Utilities Commission, State of California, California State Building, San Francisco, Calif. 94102.
- Colorado—Rules 4, 18, and 24 of Rules Regulating the Service of Gas Utilities, Public Utilities Commission of the State of Colorado Case No. 5321, Decision No. 68570. Public Utilities Commission, State of Colorado, 1845 Sherman Street, Denver, Colo. 80203.
- Connecticut—Docket No. 8950, sections 1.01 through 2.03, 3.05, 3.06, and 6.01 through 7.06 of Gas Distribution Companies Rules, Regulations and Standards and, Docket 10050—Regulations for High Pressure Natural Gas Transmission Pipelines. Public Utilities Commission, State Office Building, 165 Capitol Avenue, Hartford, Conn. 06115.
- Delaware—PSC Docket No. 496, Order No. 890. The Public Service Commission, Old State House, Dover, Del. 19901.
- Florida—Chapter 310-12 of the Rules of Florida Public Service Commission, as amended by Emergency Order No. 4369, Docket No. 5563. Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304.
- Georgia—Nondocket Order Dated April 23, 1968. In Re: Rules and Regulations for the Safe Installation and Operation of Natural Gas Transmission and Distribution Facilities. Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga. 30334.
- Hawaii—Standards for Gas Service, Calorimetry, Holders and Vessels—General Order No. 9, Chapter I, Parts I, II, V, VIII, and Chapter III. Public Utilities Commission, Department of Regulatory Agencies, Post Office Box 541, Honolulu, Hawaii 96809.
- Idaho—Safety Regulations and Service Standards, Sections I through III; General Order No. 98 issued August 1, 1955, as amended. Idaho Public Utilities Commission, Statehouse, Boise, Idaho 83707.
- Illinois—General Order No. 43—Rules Governing Reports of Accidents by Public Utilities Other Than Railroads and Street Railroads; General Order No. 185, Rules Relating to Underground Public Utility Facilities; and General Order No. 192, Revised, Rules for the Construction and Operation of Gas Transmission and Distribution Piping Systems. Illinois Commerce Commission, 401 South Spring Street, Springfield, Ill. 62706.
- Indiana—Rules 1 through 5, 22, and 24 of the Rules and Standards of Service for the Gas Public Utilities of Indiana. Public Service Commission, 901 State Office Building, Indianapolis, Ind. 46204.
- Iowa—Iowa Departmental Rules (1966), Rule PL 94, and 103 through 109. Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50310.
- Kansas—Sections 1, 2, and 7 and so much of section 8 as applies to section 7 of the Rules and Regulations Relating to Standards of Quality, Pressure, Accuracy of Measurement, Safety and Service of Natural Gas in the State of Kansas, Docket 34, 856-U. State Corporation Commission, State Office Building, Fourth Floor, Topeka, Kans. 66612.
- Kentucky—Rules I through III and VI of PSC: Gas-1 and Rules I through VI of PSC: Gas, SP-1. Legislative Research Commission, Frankfort, Ky. 40601.
- Louisiana—Resolution of the Louisiana Public Service Commission relating to uniform Safety Standards for Pipeline Facilities and Transportation, Distribution, and Storage of Gas dated February 14, 1968. Louisiana Public Service Commission, Post Office Box 44035, Baton Rouge, La. 70804.
- Maine—Maine Public Utilities Commission General Order No. 27. Public Utilities Commission, Augusta, Maine 04330.
- Maryland—Sections 101 through 203, 501 through 504, and 801 through 807 of the Public Service Commission of Maryland Regulations Governing Service Supplied by Gas Companies, Case 5905. Public Service Commission, Engineering Department, 301 West Preston Street, Baltimore, Md. 21201.
- Massachusetts—D.P.U. 12769, June 21, 1960, D.P.U. 9734-B, January 23, 1963, D.P.U. 11725-C, February 15, 1967, D.P.U. 11725-D, July 31, 1968. Massachusetts Department of Public Utilities, Engineering Division, 100 Cambridge Street, Boston, Mass. 02202.
- Michigan—Michigan Administrative Code, R460.2804 through R460.2879. Michigan Public Service Commission, Fifth Floor, Lewis Cass Building, Lansing, Mich. 48913.
- Minnesota—Section (b) (6) of the Liquefied Petroleum Gas Code. State of Minnesota, Fire Marshall Department, St. Paul, Minn. 55101.
- Mississippi—Mississippi Public Service Commission Order U-1416, dated August 31, 1967. Mississippi Public Service Commission, 1105 Woolfolk Building, Post Office Box 1174, Jackson, Miss. 39201.
- Missouri—Public Service Commission General Order No. 45. Missouri Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo. 65101.
- Montana—Rules and Regulations for Implementation of USASI B31.8 Code adopted February 28, 1968, effective March 15, 1968. Public Service Commission of Montana, Helena, Mont. 59601.
- Nevada—Supplemental Order, Case No. 1269.2, September 9, 1963. Public Service Commission of Nevada, Nye Building, Carson City, Nev. 89701.
- New Hampshire—Sections I, II, and VI through VIII of the "Rules and Regulations Prescribing Standards for Gas Utilities". Public Utilities Commission, Concord, N.H. 03301.

- New Jersey—Board of Public Utility Commissioners Administrative Order 14:295. State of New Jersey, Department of Public Utilities, Board of Public Utilities, Regulations, Chapter IV, Sections 14:442-1, 14:442-1a, 14:442-2a, 14:443-4, 4a, 4b, and 4c.
- Board of Public Utility Commissioners, 1100 Raymond Boulevard, Newark, N.J. 07102.
- New Mexico—Rules and Regulations of the Corporation Commission of the State of New Mexico Relating to Gas Pipelines.
- New Mexico Public Service Commission, State Capitol Building, Santa Fe, N. Mex. 87501.
- New York—Parts 255, 256, and 257 of Title 16 of the Official Compilation of Codes, Rules, and Regulations of the State of New York.
- Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208.
- North Carolina—Articles 1, 2, 5, and 8 of Chapter 6 of the Rules and Regulations of the North Carolina Utilities Commission. Utilities Commission, Box 991, Raleigh, N.C. 27602.
- North Dakota—Public Service Commission Gas Piping Safety Code adopted February 13, 1968.
- Public Service Commission, State Capitol Building, Bismarck, N. Dak. 58501.
- Ohio—Administrative Order No. 200 Revised. Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio 43215.
- Oklahoma—Cause No. 23643, Order No. 66094. Corporation Commission of Oklahoma, Jim Thorpe Office Building, Oklahoma City, Okla. 73105.
- Oregon—Oregon Public Utility Commissioners, 1968, Division II, Rules and Regulations 24-005 through 24-015, and 24-340 through 24-400.
- Secretary of State, 121 State Capitol, Salem, Oreg. 97310.
- Pennsylvania—Section 201, and Rules 1, 21, 23, 24, and 25 of section 202 of the Pennsylvania Public Utility Commission Gas Regulations.
- Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pa. 17120.
- Rhode Island—Sections 20 through 28 of the Rules and Regulations Prescribing Standards for Gas Utilities.
- Department of Business Regulation, Division of Public Utilities, 49 Westminster Street, Providence, R.I. 02903.
- South Carolina—The Rules and Regulations Governing the Operation of Gas Utilities in South Carolina, except sections 301 through 406, sections 601 through 609.
- The Public Service Commission of South Carolina, 328 Wade Hampton Office Building, Columbia, S.C. 29201.
- Tennessee—Tennessee Public Service Commission Rule 57: Adoption of American Standard Code for Pressure Piping, Gas Transmission and Distribution Systems.
- Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219.
- Texas—Gas Utility Docket No. 377. Gas Utilities Division, Railroad Commission of Texas, Box EE, Capitol Station, Austin, Tex. 78711.
- Utah—Sections 1.01 through 1.08, 2.02, 3.05, and 6.01 through 7.05 of General Order No. 70 of the Public Service Commission of Utah.
- Public Service Commission of Utah, 330 East Fourth South Street, Salt Lake City, Utah 84111.
- Vermont—General Order No. 41, Rules and Regulations Applicable to Construction and Operation of Gas Transmission Pipelines.
- General Order No. 42, Rules and Regulations Applicable to Construction and Operation of Gas Distribution Systems. Section 16, 25, 26, and 27 of General Order No. 43, Rules and Regulations Prescribing Standards for Gas Utilities.
- State of Vermont, Public Service Board, 7 School Street, Montpelier, Vt. 05602.
- Virginia—Orders issued by the Virginia State Corporation Commission in Case No. 18151.
- State Corporation Commission, Engineering Division, Box 1197, Richmond, Va. 23209.
- Washington—Washington Utilities and Transportation Commission's Rules and Regulations Pertaining to Matters of Public Safety in the Construction and Operation of Facilities for the Transmission and Distribution of Gas.
- Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash. 98501.
- West Virginia—Rules 8, 9, 10, 45, and 46 of the West Virginia Public Service Commission's Rules and Regulations for the Government of Gas Utilities.
- West Virginia Public Service Commission, Charleston, W. Va. 25305.
- Wisconsin—Chapter PSC 135, Wisconsin Administrative Code. Department of Administration, Document Sales, Room B243, 1 West Wilson Street, Madison, Wis. 53702.
- Wyoming—Rules 44 and 64.1 of Part III of the Rules of the Public Service Commission of Wyoming.
- State of Wyoming, Public Service Commission, Cheyenne, Wyo. 82001.
- District of Columbia—Code of Rules and Regulations for the Construction and Maintenance of Gas Pipelines in the District of Columbia—P.S.C. No. G.A.-13.
- Public Service Commission, District of Columbia, Room 204 1625 Eye Street NW, Washington, D.C. 20006.

§ 190.6 Action by States as agents of the Department of Transportation with respect to interstate transmission facilities.

(a) Any State agency of any State having authority, under the laws of that State, to exercise safety jurisdiction over interstate transmission facilities and that desires to exercise that authority as an agent of the Secretary of Transportation, is hereby authorized to do so. Each State agency exercising that authority shall notify the Director, Office of Pipeline Safety, in writing, of its intention to exercise that authority.

(b) Whenever a State procedural requirement incorporated under § 190.5 would require, with respect to interstate transmission facilities, the submission of any plans or other data to a State agency that requirement continues in effect and that State agency is to act as an agent of the Department under paragraph (a) of this section in receiving those documents.

Incorporation by reference provisions approved by the Director of the Federal Register on November 12, 1968.

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