

LCB File No. R083-02

**PROPOSED REGULATION OF THE
PUBLIC UTILITIES COMMISSION OF NEVADA**

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re Petition of the REGULATORY OPERATIONS)
STAFF of the Public Utilities Commission of Nevada to)
amend NAC 704.460 to adopt the current effective federal) Docket No. 01-9010
pipeline safety regulations.)
_____)

At a general session of the Public Utilities
Commission of Nevada, held at its offices on
April 18, 2002.

PRESENT: Chairman Donald L. Soderberg
Commissioner Richard M. McIntire
Commissioner Adriana Escobar Chanos
Commission Secretary Crystal Jackson

ORDER AMENDING REGULATION

The Public Utilities Commission of Nevada (“Commission”) makes the following findings of fact and conclusions of law:

1. On September 20, 2001, the Regulatory Operations Staff (“Staff”) of the Commission filed a Petition to amend Nevada Administrative Code (“NAC”) 704.460. In the Petition, Staff stated that the Commission has previously adopted the regulations issued by the United States Department of Transportation (“DOT”) and codified in 49 C.F.R. Parts 191, 192, 193 and 199. Staff stated that, since the Commission last revised NAC 704.460, the DOT has adopted various amendments to the foregoing regulations. In order to ensure that pipeline operators are complying with current federal regulations, Staff recommended that the Commission revise NAC 704.460. This matter has been designated as Docket No. 01-9010.

2. Specifically, Staff recommended that **NAC 704.460 be amended as follows:**

Adoption of Federal Regulations. The commission hereby adopts by reference the regulations contained in 49 C.F.R. Parts 191, 192, 193 and 199 as those regulations existed on ~~October 26, 1999~~ **October 10, 2000**. Copies of those parts are available at no charge from the United States Department of Transportation, Research and Special Programs Administration, Washington D.C. 20590.

3. On November 1, 2001, the Commission issued a Notice of Intent to Amend/Adopt/Repeal Regulations, Notice of Workshop and Notice of Hearing in order to receive comments from all interested persons regarding Staff's proposed amendment.

4. Pursuant to NRS 233B.0608, before conducting the workshop, the Commission ordered the Regulatory Operations Staff ("Staff") of the Commission to investigate the impact of the proposed regulation on small business.

5. On February 25, 2002, the Commission voted to accept Staff's recommendation that the Commission find that the proposed regulation does not impose a direct and significant economic burden upon a small business.

6. A duly noticed workshop was held on February 25, 2002. A duly noticed hearing was held on March 25, 2002.

7. Appearances were made at the foregoing workshop and hearing by Staff.

8. The Commission finds that the proposed amendment to NAC 704.460, as described in paragraph 2 above and incorporated herein by reference, should be adopted.

THEREFORE, based upon the foregoing findings of fact and conclusions of law, it is hereby ORDERED that:

1. The Petition to Amend NAC 704.460 filed with the Commission by Staff is GRANTED.

2. The proposed amendment to NAC 704.460, as described in paragraph 2 above and incorporated herein by reference, is ADOPTED.

3. The Commission retains jurisdiction for the purpose of correcting any errors which may have occurred in the drafting or issuance of this Order.

By the Commission,

DONALD L. SODERBERG, Chairman

RICHARD M. MCINTIRE, Commissioner and
Presiding Officer

ADRIANA ESCOBAR CHANOS, Commissioner

Attest: _____
CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL)