

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Licensing and Regulatory Affairs

**2. Bureau:**

Public Service Commission

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Gas Safety

**5. Rule numbers or rule set range of numbers:**

R 460.20101 - R 460.20606

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

Blair Renfro

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

The purpose of the amended rules is to adopt the most current federal standards for gas safety, and to require operators to file with the Public Service Commission their federally mandated procedure, program, or operation and maintenance manual.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

By authority conferred on the public service commission by section 2 of 1969 PA 165, MCL 483.152, and section 231 of the Executive organization act of 1965, 1965 PA 380, MCL 16.331, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2015-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 460.21.

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

MCL 483.152 provides that the MPSC shall promulgate rules and prescribe safety standards for gas pipeline facilities and transportation, and section 231 of the Executive organization act of 1965, 1965 PA 380, MCL 16.331, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2015-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 460.21.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

The amended rule is required by state and federal law if Michigan intends to continue to operate its own gas safety program. 49 USC 60105(b)(2); MCL 483.152. These amended rules adopt by reference the current federal gas safety standards as set forth in 49 CFR parts 191, 192, and 199. In addition, these rules adopt standards that apply to Michigan-specific circumstances.

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

Amending these rules adopts by reference the most current federal gas safety standards, and do not conflict with, exceed, or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

The subject matter of these rules is not contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

Yes

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The amended rules do not exceed any other rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

The rules do not incorporate recommendations from the public.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

The rule set was last amended in 2023 to adopt by reference the 2023 federal gas safety standards.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

No, there are no changes or developments negating the need for the associated rules.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No

**Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.**