

State of New Hampshire
Site Evaluation Committee

Martin P. Honigberg, Esquire
Chairman

Thomas S. Burack, Esquire
Vice-Chair

Pamela G. Monroe
SEC Administrator

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July 6, 2016

Scott F. Eaton, Director
Office of Legislative Services
Division of Administrative Rules
State House Annex, Room 219
25 Capitol Street
Concord, NH 03301

**RE: Notice No. 2016-77 – Final Proposal
Site 100, Definitions
SEC Docket No. 2016-01**

Dear Mr. Eaton:

On May 18, 2016, the Site Evaluation Committee (Committee) filed a rulemaking notice with your office that was published in the Rulemaking Register on May 26, 2016. A public hearing on the Initial Proposal was held on June 17, 2016, and written comments were accepted through June 22, 2016.

On June 30, 2016, the Committee considered the public comments received, and voted to adopt and establish the Final Proposal. The Committee requests that the Joint Legislative Committee on Administrative Rules consider this Final Proposal for approval. As required by the Rulemaking Manual, enclosed please find one copy of each of the following:

- A completed Appendix II-G, Cover Sheet for Final Proposal;
- The established text of the Final Proposed rule as the “Final Proposal – Fixed Text,” including the cross-reference table required by RSA 541-A:3-a, II, as Appendix A; and
- The established text of the Final Proposed rule as the “Final Proposal – Annotated.”

Thank you for your assistance with this matter. If you have any questions regarding this filing, please contact Pamela Monroe, Administrator, as the contact person for the Committee. She can be reached at 271-2435 or via e-mail at pamela.monroe@sec.nh.gov.

Sincerely,



Martin P. Honigberg
Chair
Site Evaluation Committee

Attachments

Ec: Service List

COVER SHEET FOR FINAL PROPOSAL

Notice Number **2016-77** Rule Number **Site 102.121, 102.161,
102.221**

<p>1. Agency Name & Address:</p> <p>Site Evaluation Committee Pamela G. Monroe, Administrator 21 South Fruit Street, Suite 10 Concord, NH 03301-2429</p>	<p>2. RSA Authority: RSA 162-H:10,VI; RSA 162-H:10-b, II; RSA 541-A:16, I (a)</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p><input checked="" type="checkbox"/> Adopt <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal <input type="checkbox"/> Readoption <input type="checkbox"/> Readoption w/amendment</p>
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5. Short Title: **High Pressure Natural Gas Pipeline Definitions**

6. Contact person for copies and questions:

Name:	Pamela G. Monroe	Title:	Administrator
Address:	21 South Fruit Street, Suite 10 Concord, NH 03301-2429	Phone #:	603-271-2435

7. Yes No Agency requests review by Committee legal staff in the Office of Legislative Services and delayed Committee review pursuant to RSA 541-A:12, I-a.

8. The rulemaking notice appeared in the Rulemaking Register on **May 26, 2016**

9. Yes N/A Agency notified policy committees, or House Speaker and Senate President, pursuant to RSA 541-A:10, I because this is the first time this rule or its amendments have been proposed to implement newly-enacted state authority.

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET
AND ONE COPY OF THE FOLLOWING:
(optional to number correspondingly)**

10. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

11. Yes N/A Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes N/A The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).

13. Yes N/A The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

INSTRUCTIONS FOR THE COVER SHEET FOR FINAL PROPOSAL

The first and second unnumbered items, and Items 1 through 5, shall be completed with the same information as appeared in the “Rulemaking Notice Form” (Appendix II-C) as published for the Initial Proposal in the Rulemaking Register. Item 6 shall identify the name, title, address, and telephone number of the person in the agency who can answer questions about the proposed rule and supply copies.

The agency shall then indicate, by checking the appropriate box on Item 7, whether it is requesting that it receive and respond to comments of the Committee legal staff prior to the Committee meeting that is at least 28 days, but not more than 60 days, after the proposal is filed. In effect, this would be a request for postponement of Committee action. See RSA 541-A:12, I-a and Section 2.14 of Chapter 3 in the Drafting and Procedure Manual for Administrative Rules (Manual).

In Item 8 the agency shall list the full date, by month, day, and year, on which the “Rulemaking Notice Form” was published in the Rulemaking Register.

In Item 9 the agency shall indicate, by checking either the “Yes” box or the “N/A” (not applicable) box, whether it had notified the House and Senate policy committees, or the House Speaker and Senate President, pursuant to RSA 541-A:10, I because the Initial Proposal was the first time the rule or its amendments had been proposed to implement newly-enacted state authority.

Items 10 through 13 all relate to required attachments to the “Final Proposal Cover Sheet”. PROVIDE ONE COPY OF EVERYTHING SUBMITTED. IT IS OPTIONAL TO NUMBER THEM ACCORDINGLY. Item 10 is required in every filing, and therefore is listed without a check-box. Items 11 through 13 will be required only under the circumstances set forth in the description of the items listed below. The agency shall determine whether such attachment is required and then check either the “Yes” box to indicate that the document is required and has been attached or the “N/A” box if the document is not required and therefore not applicable:

- Item 10. The “Final Proposal—Fixed Text,” required by RSA 541-A:12, II(b). See also Section 2.12 of Chapter 3 in the Manual. Include the cross-reference table required by RSA 541-A:3-a, II as was done for the Initial Proposal. See Section 2.4 of Chapter 3 in the Manual.
- Item 11. An “Incorporation by Reference Statement” (Appendix II-H) if the agency has incorporated a third-party document or Internet content by reference for which such a statement is required pursuant to RSA 541-A: 12, III. See Section 3.12 of Chapter 4 in the Manual.
- Item 12. The text of the final proposal annotated to reflect how the text of the Final Proposal differs from the text of the Initial Proposal, if the text has changed during the public hearing and comment process. See RSA 541-A:12, II(e) and Section 5.4 of Chapter 4 in the Manual.
- Item 13. The amended fiscal impact statement obtained from the Legislative Budget Assistant if, as a result of the public hearing and comment process, a change has been made to the rule which affects the original fiscal impact statement. See RSA 541-A:5, VI and Section 2.11 of Chapter 3 in the Manual.

Adopt Site 102.121, 102.161, and 102.221 to read as follows:

CHAPTER Site 100 ORGANIZATIONAL RULES

PART Site 102 DEFINITIONS

Site 102.121 “Blowdown event” means the automatic or manual venting of natural gas from a compressor or a section of pipeline taken off-line for maintenance or shutdown due to an emergency.

Site 102.161 “Compressor station” means a facility that mechanically re-pressurizes natural gas to keep the natural gas flowing continuously in a pipeline at a desired flow rate.

Site 102.221 “High pressure gas pipeline” means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies, at a pressure greater than required to operate a distribution pipeline.

APPENDIX

Proposed Rule	Statute
Site 102.121, 102.161, 102.221	RSA 162-H:7,IV and V; RSA 162-H:10,VI; RSA 162-H:10-b,II

Adopt Site 102.121, 102.161, and 102.221 to read as follows:

CHAPTER Site 100 ORGANIZATIONAL RULES

PART Site 102 DEFINITIONS

Site 102.121 “Blowdown event” means the automatic or manual venting of natural gas from a compressor or a section of pipeline taken off-line for maintenance or shutdown due to an emergency.

Site 102.161 “Compressor station” means a facility that mechanically re-pressurizes natural gas to keep the natural gas flowing continuously in a pipeline at a desired flow rate.

Site 102.221 “High pressure gas pipeline” means ~~a transmission pipeline that transports natural gas or other flammable gases to and from compressor stations, to a distribution center, to a storage center, or to a large industrial customer,~~ ***all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies,*** at a pressure greater than required to operate a distribution pipeline.