

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
COMMISSION SECRETARY  
COMMISSION STAFF**

**FROM: DON HOWELL**

**DATE: NOVEMBER 4, 2004**

**RE: UPDATING THE COMMISSION'S SAFETY AND ACCIDENT REPORTING  
RULE 201, IDAPA DOCKET NO. 31-1101-0401 (CASE NO. RUL-G-04-1)**

In July 2004, the Commission caused to be published in the Idaho Administrative Bulletin a Notice that it intended to amend its Safety and Accident Reporting Rule 201, IDAPA 31.11.01.201. In its Notice, the Commission proposed to adopt the updated edition of the Code of Federal Regulations (CFR) and specifically the U.S. Office of Pipeline Safety (OPS) amendments to the federal gas pipeline safety regulations. In December 2003, OPS amended its safety regulations to require each pipeline operator to develop "integrity management programs" for locations designated as "high consequence areas" where a pipeline leak or rupture could cause potential harm to the public. 49 C.F.R. § 192.95.

The Commission proposed to adopt these updated gas and pipeline safety regulations by adopting the 2004 edition of the CFR, dated October 1, 2004.

The Commission's Notice was published in the Administrative Bulletin on October 6, 2004. Public comments were to be submitted to the Commission no later than October 27, 2004. No public comments were received. In a letter dated August 23, 2004, the Legislative Services Office did indicate that the Senate and House Subcommittees for Review of Administrative Rules did examine the proposed changes. The letter stated that no "meeting will be held, and we are pleased to report that no objections will be filed [to the proposed rules]." The proposed amendment to Rule 201 is attached for your consideration.

**COMMISSION DECISION**

Does the Commission wish to adopt the proposed rule as a pending rule?

Does the Commission wish to issue a Notice of Pending Rule to be published in the Administrative Bulletin on January 5, 2005?

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Don Howell

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**IDAPA 31 TITLE 11 CHAPTER 01**

**31.11.01 - SAFETY AND ACCIDENT REPORTING RULES  
FOR UTILITIES REGULATED BY THE  
IDAHO PUBLIC UTILITIES COMMISSION**

**RULES 201 THROUGH 300 - TRANSPORTATION OF NATURAL  
GAS BY PIPELINES -- LIQUIFIED NATURAL GAS FACILITIES --  
TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE --  
~~NATIONAL~~ INTERNATIONAL FUEL GAS CODE --  
~~UNIFORM~~ INTERNATIONAL MECHANICAL CODE**

**201. FEDERAL REGULATIONS--49 C.F.R. PARTS 191, 192, 193, 195 AND 199 (RULE 201).**

The Commission adopts by reference Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2002~~4~~), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, available from the U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The incorporated CFR Parts are also available in electronic format at [www.access.gpo.gov/nara](http://www.access.gpo.gov/nara). All gas and pipeline corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference. (5-3-03)(\_\_\_\_\_)