

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

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

DOCKET NO. 31-1101-0501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 61-515 and 61-115, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005. The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission's Safety and Accident Reporting Rules currently adopt by incorporation several national safety codes. In particular, Rule 201 adopts the federal safety regulations applicable to natural gas utilities and pipelines. This year the Pipeline and Hazardous Materials Safety Administration (PHMSA) made two changes to the federal pipeline safety regulations found at 49 C.F.R. Parts 192 and 195. Both changes implement portions of the Pipeline Safety Improvement Act of 2002. First, PHMSA promulgated new requirements for individuals who perform certain safety-related tasks on pipelines. In particular, the new requirements address personnel training, notice of training program changes, government review and verification of such programs, and use of on-the-job training as a qualification method. Second, PHMSA amended its safety regulations to require pipelines to develop and implement public awareness programs to promote pipeline safety. The Commission proposes to adopt these amended federal safety regulations by incorporation.

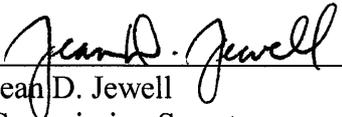
FEE SUMMARY: There are no fees associated with this proposed rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rule adopts federal safety regulations dealing with pipeline safety.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding these proposed rules. All written comments concerning the proposed rules must be delivered to the Commission Secretary at the address identified below or must be postmarked on or before October 26, 2005.

DATED at Boise, Idaho this 19th day of August 2005.



Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington
Boise, Idaho 83702-5983

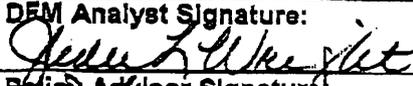
**IDAPA 31
TITLE 11
CHAPTER 01**

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

**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, 2004⁵), 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. 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. (4-6-05)(____)

Proposed/Temporary Administrative Rules Form

Agency Name: Idaho Public Utilities Commission	STARS Agency Code: 31	Phone Number: 334-0330
Contact Person: Ron Law		FAX Number: 334-3762
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): Idaho Code §61-515		
Title, Chapter, and Possible Docket (IDAPA) Number: Safety/Accident Reporting Rules 31-1101-0501		
This Rule Is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary Effective Date:		
If Temporary Rule: <input type="checkbox"/> Necessary to protect the public health, safety, or welfare; or <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or <input type="checkbox"/> Conferring a benefit.		
If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2): N/A		
Provide a fiscal impact statement, both positive and negative, by fund source for all programs affected: Publication costs about \$210 from PUC's dedicated fund.		
Need for Proposed Rule Change: The commission in administering the state's pipeline safety program adopted the federal pipeline safety regulations. These proposed rule changes reflect the recent changes to the federal rules and would keep the commission's rules concurrent with federal pipeline regulations.		
Proposed Rule Changes (Summary Only): The proposed rule change amends regulations that require operators of gas and hazardous liquid pipelines to conduct programs to evaluate the qualifications of individuals who perform certain safety-related tasks on pipelines. Codifies new program requirements concerning personnel training, notice of program changes, government review and verification of programs, and use of on-the-job performance as a qualification method. It also amends requirements for pipeline operators in 49 CFR parts 192 and 195 to develop and implement public awareness programs and incorporated by reference the guidelines of the American Petroleum Institute (API) Recommended Practice (RP) 1162.		
Interest Group(s) or Citizens Affected: Gas pipeline companies, ratepayers and the general public.		
<i>(DFM's Use Only)</i>		
DFM Analyst Comments:		
Received Date: 8-2-05	Internal Admin. Rule No. 129	
DFM Analyst Signature: 	Approved: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Reviewed Date: 8/3/05
Policy Advisor Signature: 	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No	Reviewed Date: 8/11/05

Please return to: Division of Financial Management, Statehouse Room 122
 PO Box 83720 Boise, Idaho 83720-0032
 E-Mail: info@dfm.state.id.us

RULEMAKING CHECKLIST FORM

Docket Number (Assigned by the Office of Administrative Rules): 31-1101-0501
(OAR will assign docket number to Negotiated, Proposed and Temporary rulemakings.)

IDAPA, Title, and Chapter Number and Chapter Name :
31.11.01 – Safety and Accident Reporting Rules

Agency: Idaho Public Utilities Commission

Agency Contact and Phone Number: Don Howell – 334-0312

Legal Authority for rulemaking - Idaho Code Section(s): 61-515 and 61-115

This rulemaking is a: (Check at least one; it may be necessary to check more than one.)

Negotiated Rulemaking Proposed Rulemaking Temporary/Proposed Rulemaking

Temporary Rulemaking Effective Date of Temporary Rule: _____

Temporary Rule Justification (See Idaho Code Section 67-5226):

- Protection of the public health, safety, or welfare; or
 Compliance with deadlines in amendments to governing law or federal programs; or
 Conferring a benefit.

Pending Rule Date Pending Rule Will Become Effective: _____

Amendment to Temporary Rule Rescission of Temporary Rule

Correction to Pending Rule Vacation of Rulemaking

Does any portion of this rulemaking impose or increase a fee or charge?

If yes, provide a specific description along with the citation of the statute authorizing the imposition or increase.
No.

Does this rulemaking necessitate changes in other rules?

If yes, please specify.
No.

Does this rulemaking incorporate by reference other documents?

Specify an exact description of document(s) incorporated by reference.

Yes. Code of Federal Regulations, Title 49, Parts 191, 192, 193, 195 and 199

HAVE YOU...

1. Had your legal counsel review your rulemaking?
 2. Received Director, Board or Commission approval for the rulemaking?
 3. Provided nine hard copies of the Notice of Rulemaking and the text of the rule changes to the Legislative Services Office? Provided one hard copy if Temporary only?

HAVE YOU INCLUDED ...

1. An approved Proposed/Temporary Administrative Rules Form (PARF)?
 2. An electronic version of the Notice and complete text of the rule changes in Microsoft Word?
 3. An 8 1/2 by 11 hard copy of the Notice and the complete text of the rule changes?