

DECISION MEMORANDUM

**TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF**

RUL-6-10-01

**FROM: DON HOWELL
DEPUTY ATTORNEY GENERAL**

DATE: AUGUST 4, 2010

**SUBJECT: UPDATING THE COMMISSION'S SAFETY AND ACCIDENT
REPORTING RULES, DOCKET NO. 31-1101-1001**

The Commission's Safety and Accident Reporting Rules (IDAPA 31.11.01) adopt by reference various national safety codes and federal safety regulations applicable to electric, natural gas, and pipeline utilities. In particular, Rule 201 adopts the various parts of Title 49, Code of Federal Regulations (CFR) and 18 C.F.R. Part 260.9. The current rule adopted the 2009 edition of the CFRs. 18 C.F.R. § 260.9 sets out procedures for reporting service interruptions and damage to facilities.

Staff proposes that the Commission adopt the April 1, 2010 edition of 18 C.F.R. § 260.9 and the October 1, 2010 edition for 49 C.F.R. Parts 191-193, 195, and 199.

CFR CHANGES SINCE 2009

Since Rule 201 was last updated, the Pipeline and Hazardous Material Safety Administration (PHMSA) has made two changes (and two corrections) to its pipeline safety regulations. First, in December 2009, PHMSA amended 49 C.F.R. Parts 192 and 195 to address human factors and other aspects of control room management for pipeline where controllers use "supervisory control and data acquisition" (SCADA) systems. Among other things, pipeline operators were required to implement methods to prevent controller fatigue and procedures to manage SCADA alarms. These changes to the CFRs required pipeline operators to develop control room management procedures by August 1, 2011, and to implement the procedures by February 1, 2013. In February 2010, PHMSA corrected errors contained in the December 2009 changes.

Second, in December 2009, PHMSA amended its pipeline safety rules in 49 C.F.R. Part 192 to require operators of gas distribution pipelines to develop and implement integrity management (IM) programs similar to those required for gas transmission pipelines but tailored to reflect the differences in and among distribution pipelines. The federal regulations allow for risk-based adjustments of prescribed intervals for leak detection surveys and other fixed-interval requirements for gas distribution pipelines. To minimize regulatory burdens, the federal rules established simpler requirements for master meter and small liquefied petroleum gas (LPG) operators. The changes also requires pipeline operators to install excess flow valves on new and replaced residential service lines, subject to feasibility criteria outlined in the rule. These changes became effective February 12, 2010. In February 2010, PHMSA made minor corrections to terminology.

The Staff recommends the Commission update its Safety Rule 201 as described above and set out in the attached proposed amendment. Adoption of the current CFRs will make Rule 201 consistent with the federal safety regulations concerning gas and pipeline utilities.

COMMISSION DECISION

Should Rule 201 of the Commission's Safety and Accident Reporting Rules be updated by the adoption of the 2010 edition of the CFRs? Does the Commission wish to forward these proposed changes to the Administrative Rules Coordinator for publication in the next Administrative Bulletin?



Don Howell
Deputy Attorney General

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**IDAPA 31
TITLE 11
CHAPTER 01**

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

201. FEDERAL NATURAL GAS SAFETY REGULATIONS (RULE 201).

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 2009~~10~~) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2009~~10~~), 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 on the web from the U.S. Government Bookstore at <http://bookstore.gpo.gov> and click on "Code of Federal Regulations," or by calling toll-free 866-512-1800. ~~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.gpoaccess.gov/nara~~ www.gpoaccess.gov/cfr/index.html. 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. (3-29-10)()