

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION**

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

**DOCKET NO. 31-1101-1001**

*RUL-5-10-01*

**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. This action is authorized pursuant to Sections 61-515 and 61-517, 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 20, 2010. 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 Commission's 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 Rule 201 currently adopts by incorporation the federal pipeline safety regulations issued by the Pipeline and Hazardous Material Safety Administration (PHMSA) in the 2009 edition of the Code of Federal Regulations (CFRs). Rule 201 applies to natural gas and pipeline utilities in Idaho. The Commission proposes to adopt the 2010 edition of the CFRs.

There are two major revisions included in the 2010 edition to the federal 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 pipelines 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 regulations 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.

Adoption of the 2010 edition of 49 C.F.R. Parts 192 and 195 will make Rule 201 consistent with the federal safety regulations concerning gas and pipeline utilities and avoid confusion. Updating Rule 201 is also necessary to maintain funding of the Commission's safety inspection program funded by PHMSA.

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

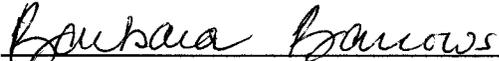
**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this proposed rule adopts updated federal safety regulations necessary for the safety of utility employees and the public during the installation, operation, or maintenance of natural gas pipelines.

**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 this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 27, 2010. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 28<sup>th</sup> day of August 2010.



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Commission Secretary  
Idaho Public Utilities Commission  
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Boise, ID 83720-0074  
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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](http://www.gpoaccess.gov/nara) [www.gpoaccess.gov/cfr/index.html](http://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)( )

# RULEMAKING CHECKLIST FORM

**Docket Number (Assigned by the Office of Administrative Rules):** 31-1101-1001  
(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 for Utilities

**Agency:** Idaho Public Utilities Commission

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

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

**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 have a negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year?**

If yes, include a descriptive summary of the fiscal impact involved.

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

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**HAVE YOU...**

- XX 1. Had your legal counsel review your rulemaking?
- XX 2. Received Director, Board or Commission approval for the rulemaking?

**HAVE YOU INCLUDED...**

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



State of Idaho

**DIVISION OF FINANCIAL MANAGEMENT**

Executive Office of the Governor

**Proposed/Temporary Administrative Rules Form**

**Section 1 (To be completed by Agency)**

Agency Name: Idaho Public Utilities Commission		STARS Agency Code: 900	Fax Number: 334-3762	Date: 8/4/2010
Contact Person: Don Howell/Ron Law	Title: Dep. Attorney General Exec. Administrator	Phone: 334-0312 334-0330	Email: Don.howell@puc.idaho.gov Ron.law@puc.idaho.gov	
Person Authorizing Rule: Jim Kempton	Title: President	Phone: 334-2898	Email: Jim.kempton@puc.idaho.gov	

**Section 2 (To be completed by Agency)**

Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):  
Idaho Code 61-515, 61-517

Title, Chapter, and Possible Docket (IDAPA) Number:  
Safety and Accident Reporting Rules 31-1101-1001

This Rule is:     Proposed     Temporary    Effective Date:  
End of 2011 Legislative Session

If Temporary Rule:  
 Necessary to protect the public health, safety, or welfare; or  
 Compliance with deadlines in amendments to governing law or federal programs; or  
 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:  
There is no effect on the general fund because the PUC is a non-general fund agency. The rulemaking costs are estimated to be about \$300.

Need for Proposed Rule Change:  
The proposed changes to the PUC Safety Rules are necessary to maintain consistency with the federal safety regulations for intrastate pipelines and to maintain the PUC's safety inspection program funded by Pipeline and Hazardous Material Safety Administration.

Proposed Rule Changes (Summary Only):  
The proposed amendments to the PUC's Safety Rules adopts updated changes to the CFR's concerning pipeline safety.

Interest Group(s) or Citizens Affected:  
Pipeline utilities and the public.

**Section 3 (DFM Use Only)**

DFM Analyst Comments:  
Proposed rule making to match federal regulation. No fiscal impact.

DFM Analyst Fiscal Impact Review:

DFM Analyst Signature & Date: D. Keith Reynolds 08/09/10	Recommend: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Gov Special Assistant Signature & Date: Mark Warbis 8-13-10	Recommend: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DFM Administrator Signature & Date: <i>W. [Signature]</i> 8/16/10	Approval: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Section 4 ( To Be Completed By DFM PARF Coordinator )		
	Date	Days
Received by DFM from Agency	8/9/2010	0
Received by DFM Analyst from Coordinator	8/9/2010	0
Received by Coordinator from Analyst	8/9/2010	0
Received by Governor's Special Assistant from Coordinator	8/9/2010	0
Received by Coordinator from Governor's Special Assistant	8/13/2010	4
Received by DFM Administrator		

Return via email to: [info@dfm.idaho.gov](mailto:info@dfm.idaho.gov)