

**PUBLIC SERVICE COMMISSION**  
**TESTING AND SAFETY DIVISION**  
**MEMORANDUM**

**TO:** Commissioners Cramer, Clark and Kalk  
Darrell Nitschke, Executive Secretary  
Illona A. Jeffcoat-Sacco, Chief Counsel

**FROM:** Alan Moch, Director  
Testing and Safety Division

**DATE:** May 19,2009

**RE:** 2007/2009 GPS Proposed Rulemaking Documents – Case No. GS-09-67

Periodically, the federal government adopts final rules associated with gas pipeline safety. As a condition of our federal/state gas pipeline safety agreement, North Dakota must adopt, by reference, those final rules.

Attached for your review are the 2007/2009 proposed gas pipeline safety rule documents which contain the federal final rules. PHMSA'S Guidelines For the States requires federal rule "adoption" OR "taking steps to adopt" within 24 months of the date of the final rule. Our oldest final rule to be adopted is May 23, 2007. This rule making action began in March 2009 with the opening of this case. The final rules included in this rulemaking were reported to PHMSA as rules which this Commission is "taking steps to adopt".

Please refer to the rule summary which will provide you with a quick preview of the rule and the reasoning behind either its creation or amendment.

These documents have not been reviewed by Legal and, therefore, do not reflect possible changes which may result from that review. I will not schedule this item for Admin meeting discussion until after Legal has completed their review.

c: file

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