

MEMORANDUM

TO: Commissioners Clark, Cramer, and Kalk
Darrell Nitschke, Executive Secretary

FROM: Patrick Fahn and Bob Bachmeier
Compliance and Competitive Markets Division

DATE: February 15, 2011

RE: Federal/State 60105(a) Certification and Agreement for 2011 – GS-10-591

Attached for your review is a copy of the proposed 2011 federal/state 60105(a) Certification and Agreement. The filing deadline is February 28, 2011.

This agreement certifies the work performed in 2010 and contracts with the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), to administer the Intrastate Gas Safety Program for the year of 2011.

With Commissioner Kalk's consent, I will add this item to the February 23rd regular consent agenda for approval.

There will be two originals to sign, one for PHMSA and one for docketing. In addition, one unofficial copy was electronically submitted to Washington on February 15, 2011 (the electronic submittal is placed on file at PHMSA until the executed original is received).

PJF

c: Josh Gallion
Legal



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington DC 20590

Pipeline Safety

2011 Natural Gas Certification

for

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign and date the following pages:
 1. **Main application pages for Certification and/or Agreement, which follow this cover page**
 2. **Second to last page, Attachment 9**
3. Fasten all pages with a paper or binder clip - no staples please as this package will be scanned upon it's arrival at PHMSA.
4. Mail the entire document, including this cover page to the following:

**ATTN: Gwendolyn M. Hill
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Pipeline Safety, PHP-50
1200 New Jersey Avenue, SE Second Floor E22-321
Washington, D.C. 20590**

FedSTAR Information

Electronic Submission Date: 2/15/2011 5:09:59 PM



Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

NATURAL GAS PIPELINE SAFETY PROGRAM CERTIFICATION FOR CALENDAR YEAR 2011

This certificate (including attachments) is submitted by the NORTH DAKOTA PUBLIC SERVICE COMMISSION (the state agency) to the secretary of Transportation (the Secretary) under Section 60105 of Title 49, United States Code.)

Pursuant to Section 60105(a) of this Title, the state agency hereby certifies to the secretary that:

1. Except as set forth in Attachment 1, under the Constitution and laws of North Dakota it has regulatory jurisdiction over the safety standards and practices of all intrastate pipeline transportation within North Dakota as summarized on Attachment 1.
2. It has adopted, as of the date of this certification, each federal safety standard established under this Title that is applicable to the intrastate pipeline transportation under its jurisdiction as set forth in paragraph 1, or, with respect to each such federal safety standard established within 120 days before the date of the certification, is taking steps pursuant to state law to adopt such standard. (The adoption by a state agency of a safety standard that is additional to or more stringent than the applicable federal standard is compatible with the federal standards [see Section 60102(a)(1) of this Title] does not prohibit that state agency from certifying to the actions described in this paragraph.)
3. It is enforcing each standard referred to in paragraph 2.
4. It is encouraging and promoting programs designed to prevent damage to pipeline facilities as a consequence of demolition, excavation, tunneling, or construction activity.
5. It has authority to require each person who engages in the transportation of or who own or operates pipeline facilities subject to its jurisdiction as set forth in paragraph 1, to establish and maintain records, to make reports, and to provide information, and that this authority is substantially the same as the authority provided under Section 60117 of this Title.
6. It has authority to require each person who engages in the transportation of who owns or operates intrastate pipeline transportation facilities, subject to its jurisdiction as set forth in paragraph 1, to file with it for approval a plan for inspection and maintenance substantially as described under Section 60108(a) and (b) of this Title.
7. The laws of North Dakota provide for the enforcement of the safety standards referred to in paragraph 2 by injunctive and monetary sanctions substantially the same as those provided under Sections 60120 and 60122(a)(1) and (b)-(f) of this Title.

The state agency furthermore agrees to cooperate fully in a system of federal monitoring of the state program to assure the program is being carried out in compliance with this certification. The terms intrastate pipeline transportation, pipeline facilities, transportation of , and state, are used in certification as defined in this Title. This certification is subject to termination by the Secretary in accordance with Section 60105(f) of this Title if the Secretary Under Section 60105(f), the Secretary, on reasonable notice and after opportunity for hearing, may reject the certification or take such other action as deemed appropriate to achieve adequate enforcement including assertion of federal jurisdiction. Pipeline and Hazardous Materials Safety Administration, Pipeline Safety, 1200 New Jersey Ave, SE , Washington DC 20590.

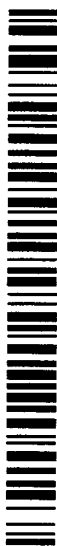
In witness whereof, the hand and seal of the NORTH DAKOTA PUBLIC SERVICE COMMISSION is hereby affixed on _____.

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Signature

Title

Date



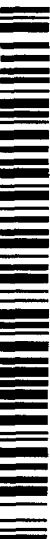
CERTIFICATION/AGREEMENT ATTACHMENTS (NATURAL GAS)

OMB Control No. PHMSA F 999-92

INSTRUCTIONS:

These attachments request information either for the entire calendar year (CY 2010: January 1 through December 31, 2010) or as of (or on) December 31, 2010. Please report actual as opposed to estimated numbers on the attachments. Be careful to provide complete and accurate information since the PHMSA State Programs will be validating the attachments during the state's next annual evaluation.

- **Attachment 1: State Jurisdiction and Agent Status Over Facilities.** Requires the state to indicate those pipeline operator types over which the state agency has jurisdiction under existing law. If the state does not have jurisdiction over an operator type, indicate why not in the column designated No, using the one alpha code (A or B) which best describes the reason. If the state agency has jurisdiction over an operator type, place an X in the column designated Yes and provide information on the number of operators, the number and percent of operators inspected, the number of inspection units, and the number and percent of inspection units inspected. If the jurisdiction over a type of operator is under a Section 60106 Agreement, indicate X/60106 in the column designated Yes. [If the same operator/inspection unit is visited more than once during the year, count only once under number of operators inspected/number of inspection units inspected on Attachment I. The multiple visits would, however, be reflected under total inspection person-days in Attachment 2.]
- **Attachment 2: Total State Field Inspection Activity.** Requires the state to indicate by operator type the number of inspection person-days spent during CY 2010 on inspections; standard comprehensive; design, testing, and construction; on-site operator training; integrity management; operator qualification; investigating incidents or accidents; damage prevention activities; and compliance follow-up. Attachment 2 should include drug and alcohol inspections. Counting In Office Inspection Time - An inspector may choose to review pipeline company procedure manuals or records away from the company facility in order to effectively use onsite inspection time. The amount of time spent reviewing procedures and records may be counted as part of the inspection process. It is important that an inspector only record time for activities that normally would be completed as part of an onsite inspection. For example, an inspector may attribute the three hours he or she spent reviewing a pipeline operator's procedure manual and records prior to an on site inspection towards the total inspection time. Each supervisor must carefully review the reported time to ensure the time attributed is consistent with the activity completed and is carefully delineated from normal office duties.
- **Attachment 3: Facility Subject to State Safety Jurisdiction.** States should only list the facilities that are jurisdictional under Part 192 of which the state has safety authority over. This attachment requires the business name and address of each person subject to the pipeline safety jurisdiction of the state agency as of December 31, 2010. Also indicate the operator type (e.g., intrastate transmission) consistent with the listing in Attachment I and include the number of inspection units in each operator's system.
- **Attachment 4: Pipeline Incidents.** Requires a list of incidents investigated by or reported to the state agency that involved personal injury requiring hospitalization, a fatality, property damage exceeding \$50,000, and other incidents otherwise considered significant by the state agency. Please also make an effort to clearly identify the cause of the incident using the one most appropriate alpha code footnoted in the attachment. We summarize this information for Congress by classifying the cause into one of eight categories: (A) corrosion failure; (B) natural force damage; (C) excavation damage; (D) other outside force damage; (E) material failure of pipe or weld; (F) equipment failure; (G) incorrect operation; (H) other accident cause. Please provide a summary of incident investigations.



- **Attachment 5: State Compliance Actions.** This requires a summary of state pipeline inspection and compliance actions. [In the Number of Compliance Actions Taken column, keep in mind one compliance action can cover multiple probable violations.]
- **Attachment 6: State Record Maintenance and Reporting.** Requires a list of records and reports maintained and required by the state agency.
- **Attachment 7: State Employees Directly Involved in the Pipeline Safety Program.** This attachment requires a list by name and title of each employee directly involved in the pipeline safety program. Be sure to include the percentage of time each employee has been involved in the pipeline safety program during 2010. If an employee has not been in the pipeline safety program the full year of 2010, please note the number of months working on the program. Indicate a Qualification Category for each of the state's inspectors (see Attachment 7a). The categories are shown in descending order of education and experience. Please enter the number of the highest description applicable to each inspector. For each inspector and supervisor, indicate the month and year he/she successfully completed the training courses at the Pipeline Safety Office of Training and Qualifications in Oklahoma City, OK. Finally, provide in summary form the number of all staff (supervisors, inspectors/investigator, damage prevention/technical and clerical/administrative) working on the pipeline safety program and the person-years devoted to pipeline safety. Person-years should be reported in hundreds (e.g., 3.25).
- **Attachment 8: State Compliance with Federal Requirements.** This requires the state to indicate whether it is in compliance with applicable federal requirements. If a particular requirement is not applicable to the state (e.g., offshore inspections), indicate NA in the column designated Y/N/NA. If a regulation has been adopted, indicate the date adopted (e.g., 05/01/04) in the appropriate column. If the regulation is applicable but has not been adopted, indicate N in the Y/N/NA column and explain why not in the appropriate column (e.g., requires legislative action). [If the state has not adopted the maximum please indicate civil penalty levels in effect in the state as of December 31, 2010. Note that at the end of Attachment 8 we are requesting each state to indicate the frequency its legislature meets in general session. This information will be taken into account when determining if applicable federal regulations have been adopted within 24 months of the effective date or two general sessions of the state legislature.
- **Attachment 9: Certification Regarding Drug-Free Workplace Requirements.** This requires each state to certify that it will maintain a drug-free workplace as a precondition to receiving a federal grant. The certification requires signature by an authorized official.
- **Attachment 10: Performance and Damage Prevention Questions.** This attachment requires a narrative of each states goals and accomplishments. In addition it requires a narrative on each states progress toward meeting the nine elements of an effective damage prevention program as described in the PIPES Act of 2006.



DEFINITIONS

- **Inspection Unit.** An inspection unit is all or part of an operator's pipeline facilities that are under the control of an administrative unit that provides sufficient communication and controls to ensure uniform design, construction, operation, and maintenance procedures for the facilities. (See Glossary of Terms in Guidelines for States Participating in the Pipeline Safety Program for application of the inspection unit concept to transmission and hazardous liquid pipeline systems, distribution systems, liquefied natural gas systems, municipality, master meter system, regulated gathering pipeline systems, and propane-air systems/petroleum gas systems.)
- **Inspection Person-Day.** An inspection person-day is all or part of a day spent by a state agency representative including travel in an on site examination or evaluation of an operator or his system to determine if the operator is in compliance with federal or state pipeline safety regulations, in an on site investigation of a pipeline incident, or in job-site training of an operator. Time expended on such activities should be reported as one inspection person-day for each day devoted to safety issues, regardless of the number of operators visited during that day.
- **Probable Violation.** A probable violation is a non-compliance with any section or, where a section is divided into subsections (a), (b), (c), etc., any subsection of federal or state pipeline regulations. Each numbered section should be counted separately. Multiple non-compliances of a numbered section discovered on the same inspection should be counted as one probable violation with multiple pieces of evidence.
- **Compliance Action.** A compliance action is an action or series of sequential actions taken to enforce federal or state pipeline regulations. One compliance action can cover multiple probable violations. A compliance action may take the form of a letter warning of future penalties for continued violation, an administratively imposed monetary sanction or order directing compliance with the regulations, an order directing corrective action under hazardous conditions, a show-cause order, a criminal sanction, a court injunction, or a similar formal action.



Attachment 1 - Stats on Operators

STATE JURISDICTION AND AGENT STATUS OVER NATURAL GAS FACILITIES AS OF DECEMBER 31, 2010

Operator Type	State Agency Jurisdiction/ Agent Status		No. of Operators	Operators Inspected		No. of Inspection Units	Units Inspected	
	No ¹	Yes		#	%		#	%
Distribution								
Private		X/60105	3	3	100.0%	7	7	100.0%
Municipal		X/60105	1	1	100.0%	1	1	100.0%
Master Meter		X/60105	0	0	N/A	0	0	N/A
LPG		X/60105	0	0	N/A	0	0	N/A
LNG		X/60105	0	0	N/A	0	0	N/A
Other		X/60105	0	0	N/A	0	0	N/A
Transmission								
Intrastate		X/60105	3	3	100.0%	3	3	100.0%
Interstate	B		0	0	N/A	0	0	N/A
Interstate LNG	B		0	0	N/A	0	0	N/A
Other								
Gathering Lines		X/60105	0	0	N/A	0	0	N/A
Offshore Facilities		X/60105	0	0	N/A	0	0	N/A
Total			7	7	100.0%	11	11	100.0%

¹Codes: A - None in state and does not have jurisdiction:

B - State does not have jurisdictional authority (Provide current status or action being taken to obtain authority in notes section below)

F - No, State is currently not an interstate agent.

Distribution "Other" - ie Co-ops, Public Utility Districts, etc.

States should explain any special circumstances

General Instructions - All above facilities should only include facilities as defined by federal pipeline regulations and should not include extended jurisdiction by state regulation.

Attachment 1 Notes:

Distribution Private Notes: See Below.

Distribution Municipal Notes: The City of Granville Municipal LP System is listed under this section. The City of Fargo Municipal Methane Distribution System has an O&M contract with MDU N.D. and is inspected as part of their Dakota Heartland Region inspection unit.

Distribution LP Notes: MDU LP System in Hettinger is listed as an inspection unit under MDU (private LDC).

Distribution Master Meter Notes: Palmer's Trailer Court Minot has an O&M contract with MDU ND and is listed as an inspection unit under MDU (private/distribution). NDSU Campus Housing Fargo has an O&M contract with NSP ND and is listed as an inspection unit under NSP(private/Distribution).

Transmission Intrastate Notes: MDU Bismarck Line and MDU Hankinson Line are shorter transmission lines which are inspected as part of MDU's Dakota Heartland Region LDC Unit and Great Plains Natural Gas Co.'s LDC system. Archer

Daniels Midland (ADM) has two lines, one serving Velva and one serving Enderlin. ADM has an O&M contract with MDU ND.s Dakota Heartland Region Unit and Badlands Region Unit. These lines are inspected as part of those LDC inspection units.

Gathering Lines Notes: Bear Paw Energy has both intrastate transmission lines and jurisdictional gathering lines both are counted once under intrastate transmission above.



Attachment 2 - State Inspection Activity

**TOTAL STATE FIELD INSPECTION ACTIVITY AS
OF DECEMBER 31, 2010**

Operator Type	Standard Comprehensive	Design, Testing and Construction	On-Site Operator Training	Integrity Management	Operator Qualification	Investigating Incidents or Accidents	Damage Prevention Activities	Compliance Follow-up	Total
Distribution									
Private	60	12	0	0	9	0	0	0	81
Municipal	2	0	0	0	1	0	0	0	3
Master Meter	3	0	0	0	0	0	0	0	3
LPG	1	0	0	0	0	0	0	0	1
LNG	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
Transmission									
Intrastate	5	0	0	0	3	0	0	0	8
Interstate	0	0	0	0	0	0	0	0	0
Interstate LNG	0	0	0	0	0	0	0	0	0
Other									
Gathering Lines	0	0	0	0	0	0	0	0	0
Offshore Facilities	0	0	0	0	0	0	0	0	0
Total	71	12	0	0	13	0	0	0	96
Drug and Alcohol									
Total Count of Drug and Alcohol Inspections									0

Attachment 2 Notes

During each NG distribution/transmission records audit, the inspector audits drug and alcohol activities for the previous year and make a record on the audit form.

Attachment 3 - List of Operators

NATURAL GAS FACILITIES SUBJECT TO STATE SAFETY JURISDICTION AS OF DECEMBER 31, 2010

Operator Business Name Operator ID Address	Distribution (Operator type & Inspection Units)			Transmission (Operator type & Inspection Units)			Other (Operator type & Inspection Units)				
	Private	Municipal	Master Meter	LPG	LNG	Other	Intrastate	Interstate	Interstate LNG	Gathering Lines (Juris- dictional)	Offshore Facilities (State Waters)
Bear Paw Energy Inc. 31582 11C 56 - Box 6070, Sidney, MT 59270	0	0	0	0	0	0	1	0	0	0	0
City of Granville 06601 Box 39, 0 Granville, ND 58741	0	1	0	0	0	0	0	0	0	0	0
Dakota Gasification Co. 00515 420 County Road 26, Beulah, ND 06690	0	0	0	0	0	0	1	0	0	0	0
Great Plains Natural Gas Co. Box 845, 213 Dakota Avenue Wahpeton, ND 58074-0845	1	0	0	0	0	0	0	0	0	0	0
Montana-Dakota Utilities Co. (MDU) 12684 400 North 4th Street, Bismarck, ND 58501	2	0	1	1	0	0	0	0	0	0	0
Northern States Power Co. (NSP) 31636 2302 Great Northern Drive, Box 2747 Fargo, ND 58102	1	0	1	0	0	0	0	0	0	0	0
Whiting Oil Gas 31352 Robinson Lake Gas Plant, 4498 Highway No. 8 New Town, ND 58763	0	0	0	0	0	0	1	0	0	0	0



	Distribution (Operator type & Inspection Units)					Transmission (Operator type & Inspection Units)			Other (Operator type & Inspection Units)		
	Private	Municipal	Master Meter	LPG	LNG	Other	Intrastate	Interstate	Interstate LNG	Gathering Lines (Juris- dictional)	Offshore Facilities (State Waters)
4	1	2	1	0	0	3	0	0	0	0	0
Inspection Unit totals by type											

Total Operators

7

Attachment 3 Notes:



Attachment 4 - Incidents/Accidents

SIGNIFICANT⁴ NATURAL GAS INCIDENTS/ACCIDENTS JANUARY 1, THROUGH DECEMBER 31, 2010

Date of Incident	Location - City/County/etc.	Injuries #	Fatalities #	Property Damage ³ \$	Cause Code ¹
------------------	-----------------------------	------------	--------------	------------------------------------	-------------------------

Name of Operator:

Cause Reported by Operator (Describe)²

¹Cause Codes: A - Corrosion failure; B - Natural Force Damage; C - Excavation Damage; D - Other Outside Force Damage; E - Pipe, Weld or Joint Failure; F - Equipment Failure; G - Incorrect Operation; H - Other Incident Cause

²Please attach a summary or report of the state agency's investigation of each of the above incidents.

³Interstate agents should use the 191.3 Incident definition for listing incidents investigated on interstate facilities.

⁴Significant: Investigated by or reported to the state agency, involving personal injury requiring hospitalization, fatality, property damage exceeding \$50,000 and other incidents otherwise considered significant which involved jurisdictional facilities.

Attachment 4 Notes

There were no state jurisdictional incidents in 2010.



Attachment 5 - Stats on Compliance Actions

STATE COMPLIANCE ACTIONS -- CALENDAR YEAR (CY) 2010

Probable Violation Categories	Intrastate	Interstate
Number Carried over from previous CY (including carryover and long term)	1	0
Number Found During CY	7	0
Number submitted for DOT action [60106 Agreement agent only]	0	0
Number corrected during CY (including carry over from previous year)	3	0
Number to be corrected at end of CY (including carry over and long-term)	5	0

Number of Compliance Actions Taken ¹
 (see definition) 1

Civil Penalties

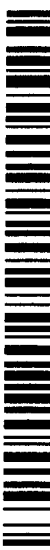
Number assessed during CY	1
Dollars assessed during CY	\$10,000.00
Number collected during CY	0
Dollars collected during CY	\$0.00

¹**Do not double count for a related series of actions.**

Attachment 5 Notes

-- There was one NOPV carried over from the previous CY (NSP) which resulted in a 12/2010 Commission order directing compliance and assessing a civil penalty of \$10,000. Since the civil penalty was collected in 01/2011, the probable violation was not corrected in 2010. There were 4 additional NOPVs (Granville) that will be carried over to CY 2011.

-- In 2010 there were 3 warnings of probable violations (MDU) that were corrected.



Attachment 6 - List of Records Kept

NATURAL GAS STATE RECORD MAINTENANCE AND REPORTING DURING CY 2010

Records Maintained by the State Agency

- Incoming and outgoing correspondence
- Inspection Reports and associated attachments
- Incident Reports and associated photos, correspondence, enforcement action, and field notes.
- Electronic tallies of gas safety inspections by operator by year
- Gas safety personnel and seminar TQ training Records
- Gas safety enforcement dockets containing NOPVs, transmittal letters, commission orders, motions, evidence, and final case dispositions.
- NAPSR/NARUC correspondence, Reports, etc.
- Copies of written warning letters and their responses from operators
- Gas Pipeline Safety Inspection Plan
- Damage Prevention Plan
- Electronic tallies of gas safety inspections by operator by year

Reports Required from Operators

- Copies of USDOT Safety Related Condition Reports
- Copies of USDOT Incident Reports
- Copies and updates of all operator plans (O&M, Emergency, Drug & Alcohol, IMP and OQ)
- Copies of USDOT Annual Reports

Attachment 6 Notes



Attachment 7 - Staffing and TQ Training

STATE EMPLOYEES DIRECTLY INVOLVED IN HE NATURAL GAS PIPELINE SAFETY PROGRAM DURING CY 2010

Name/Title	% Time	# Months	Qual. Cat.	MM/YYYY Successfully Completed TQ Course											
				PL.1250	PL.4253	PL.3254	PL.1255	PL.3256	PL.3257	PL.2284	PL.3291	PL.3292	PL.3293	PL.300	PL.3306
Supervisor															
Moch Alan G. Division Director/ Inspector	2	9	III	10/1988		07/1990	08/1989	07/1989	08/1988					12/2003	
Patrick Fahn Director, Compliance and competitive Markets	10	7	III	12/1978			04/1980	09/1991							
Inspector/Investigator															
Moch Alan G. Director/Inspector	24	9	III	10/1988		07/1990	08/1989	07/1989	08/1988					12/2003	
Hanson Kevin J. Chief Inspector	36	3	II	01/2002		05/2002	06/2002	03/2002	09/2002			06/2009		12/2003	
Bob Bachmeier Inspector/ Program Manager	100	7	IV	12/2010				02/2011						08/2010	
Clerical and Administrative Support															
Moch Alan G. Director/Inspector	18	9	III	10/1988		07/1990	08/1989	07/1989	08/1988					12/2003	
Hanson Kevin J. Chief Inspector	6	3	II	01/2002		05/2002	06/2002	03/2002	09/2002			06/2009		12/2003	
Name/Title	% Time	# Months	Qual. Cat.	MM/YYYY Successfully Completed TQ Course											
				PL.3251	PL.3252	PL.2258	PL.3275	PL.2288	PL.2294	PL.3295	PL.3296	PL.1297	PL.00305	PL.31C	PL.00311
Supervisor															

Moch Alan G. Division Director/ Inspector	2	9	III	05/1989	05/1989	09/1999															
Patrick Fahn Director, Compliance and competitive Markets	10	7	III	04/1979																	
Inspector/Investigator																					
Moch Alan G. Director/Inspector	24	9	III	05/1989	05/1989	09/1999															
Hanson Kevin J. Chief Inspector	36	3	II	08/2002	08/2002	09/2009														01/2010	
Bob Bachmeier Inspector/ Program Manager	100	7	IV																		
Clerical and Administrative Support																					
Moch Alan G. Director/Inspector	18	9	III	05/1989	05/1989	09/1999															
Hanson Kevin J. Chief Inspector	6	3	II	08/2002	08/2002	08/2009															01/2010

Name/Title	% Time	# Months	Qual. Cat.	MM/YYYY Successfully Completed TQ Course																	
				PL3600																	
Supervisor																					
Moch Alan G. Division Director/ Inspector	2	9	III																		
Patrick Fahn Director, Compliance and competitive Markets	10	7	III	03/2010																	
Inspector/Investigator																					
Moch Alan G. Director/Inspector	24	9	III																		

Attachment 8 - Compliance with Federal Regulations

STATE COMPLIANCE WITH FEDERAL REQUIREMENTS AS OF DECEMBER 31, 2010

No.	Effective Date	Impact	Adoption Date	Adoption Status
1		Maximum Penalties Substantially Same as DOT (\$100,000/\$1,000,000); Indicate actual amount in note.	07/1990	Adopted but different Dollar amounts
Note ¹		\$10,000 /\$500,000		
2		191.23 and 191.25 Safety-Related Conditions(through current amendment 191-14)	01/1990	Adopted
Note ¹				
3		Part 192 Amendments		
01-90	Pre 2002	[All applicable amendments prior to and including 2002]	11/2003	Adopted
Note ¹		Adoption dates are: 01/1979, 11/1996, 12/1997, 06/2000, and 11/2003		
91	4/23/2004	Definition of high consequence areas for gas transmission lines	11/2003	Adopted
Note ¹				
92	9/4/2003	Procedures for Producer-operated outer continental shelf natural pipelines that cross directly into state waters	01/2005	Adopted
Note ¹				
93	10/15/2003	various changes to gas pipeline safety standards from NAPSR recommendations	01/2005	Adopted
Note ¹				
94	5/6/2005	Modification to the definition of a Transmission Line	01/2005	Adopted
Note ¹				
95	5/26/2004	Pipeline integrity management for transmission lines in HCAs	01/2005	Adopted
Note ¹				



96	9/14/2004	Pressure limiting and regulating stations	01/2005	Adopted
Note ¹				
97	7/28/2004	Passage of internal inspection devices on new and retrofitted transmission pipelines	01/2005	Adopted
Note ¹				
98	9/9/2004	Performance of periodic underwater inspections	07/2006	Adopted
Note ¹				
99	6/20/2005	API RP 1162 Public awareness campaign	07/2006	Adopted
Note ¹				
100	7/15/2005	PSIA Statutory changes to Operator Qualification Program	07/2006	Adopted
Note ¹				
101	11/25/2005	Adoption of NACE Standard as a direct assesment standard	12/2007	Adopted
Note ¹				
102	4/14/2006	Definition of a Gathering Line	12/2007	Adopted
Note ¹				
103	7/10/2006	Incorporate by Reference various Standards	12/2007	Adopted
Note ¹				
103a	2/1/2007	Update Incorporated by Reference and Correction	12/2007	Adopted
Note ¹				
72 FR 20055	4/23/2007	Design and Construction Standards to Reduce Internal Corrosion in Gas Transmission Pipelines	12/2009	Adopted
Note ¹				
104	5/23/2007	Integrity Management Program Modifications and Clarifications	12/2009	Adopted
Note ¹				
105	12/13/2007	Applicability of Public Awareness Regulations to Certain Gas Distribution Operators	12/2009	Adopted
Note ¹				

106-73 FR 16562	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)	12/2009	Adopted
Note ¹				
107-73 FR 62147	10/17/2008	Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines (73 FR 62147)	12/2009	Adopted
Note ¹				
108-73 FR 79002	12/24/2008	PA-11 Design Pressures (73 FR 79005)	12/2009	Adopted
Note ¹				
109-74 FR 2889	1/16/2009	Administrative Procedures, Address Updates , and Technical Amendments	12/2009	Adopted
Note ¹				
110-74 FR 17099	4/14/2009	Incorporation by Reference Update: American Petroleum Institute (API) Standards 5L and 1104	12/2009	Adopted
Note ¹				
111-74 FR 62503	11/30/2009	Editorial Amendments to Pipeline Safety Regulations		Taking Steps to Adopt
Note ¹				
112-74 FR 63310	12/3/2009	Control Room Management/Human Factors		Taking Steps to Adopt
Note ¹				
113-74 FR 63906	12/4/2009	Integrity Management Program for Gas Distribution Pipelines		Taking Steps to Adopt
Note ¹				
114 - 75 FR 48593	8/11/2010	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits		Taking Steps to Adopt
Note ¹				
115 - 75 FR 72878	11/26/2010	Updates to Pipeline and Liquefied Natural Gas Reporting Requirements		Taking Steps to Adopt
Note ¹				

4 Part 193 Amendments (applicable only where state has jurisdiction over LNG)



01-17 Note ¹	Pre 2002 No LNG in the State.	[All applicable amendments prior to and including 2002]	Not Adopted
18 Note ¹	4/9/2004 No LNG in the State.	Updated LNG standards by section	Not Adopted
19 Note ¹	7/10/2006 No LNG in the State.	Incorporate by Reference various Standards	Not Adopted
20-73 FR 16562 Note ¹	3/28/2008 No LNG in the State.	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)	Not Adopted
21-74 FR 2889 Note ¹	1/16/2009 No LNG in the State.	Administrative Procedures , Address Updates and Technical Amendments	Not Adopted
22 - 75 FR 48593 Note ¹	8/11/2010 No LNG in the State.	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits	Not Adopted
23 - 75 FR 72878 Note ¹	11/26/2010 No LNG in the State.	Updates to Pipeline and Liquefied Natural Gas Reporting Requirements	Not Adopted
5 Note ¹		Part 199 - Drug Testing	03/1990 Adopted
6		Part 199 Amendments	
01-19 Note ¹	Pre 2002 Adoption dates: 03/1990 to 11/2003	[All applicable amendments prior to and including 2002]	11/2003 Adopted
20 Note ¹	3/12/2003	Definition of Administrator	11/2003 Adopted
21 Note ¹	12/31/2003	Instructions for Single Use Form for MIS	01/2005 Adopted



22	7/14/2004	New address for reporting	01/2005	Adopted
Note ¹				
23	3/8/2005	Administration name change	07/2006	Adopted
Note ¹				
24-73 FR 16562	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)	12/2009	Adopted
Note ¹				
7		State Adoption of Part 198 State One-Call Damage Prevention Program		
a.		Mandatory coverage of areas having pipeline facilities	08/1995	Adopted
Note ¹				
b.		Qualification for operation of one-call system	08/1995	Adopted
Note ¹				
c.		Mandatory excavator notification of one-call center	08/1995	Adopted
Note ¹				
d.		State determination whether calls to center are toll free	08/1995	Adopted
Note ¹				
e.		Mandatory intrastate pipeline operator participation	08/1995	Adopted
Note ¹				
f.		Mandatory operator response to notification	08/1995	Adopted
Note ¹				
g.		Mandatory notification of excavators/public	08/1995	Adopted
Note ¹				
h.		Civil penalties/injunctive relief substantially same as DOT (\$25000/\$500000)	08/1995	Adopted
Note ¹		Legal experts have determined that the ND PSC did adopt this provision in 1985, and that it does have jurisdiction to impose civil penalties on any entity that violates the ND One Call Laws under Chapter 49, N.D.C.C. Maximum amount is \$5,000 for each violation.		



' If Adoption Status is No, Please provide an explanation

State Attendance at 2010 NAPSRS Regional Meeting:

No one attended

Frequency of General Legislative Session: Biennially

Attachment 8 Notes

Penalty established under North Dakota Century Code section 49-07-05.1

The Commission has adopted amendments to 49 CFR Part 191 in effect as of August 1, 2009.

North Dakota has no LNG systems at this time.

No one attended the 2010 NAPSRS Regional Meeting due to the lead pipeline safety staff member's illness and the resignation of the chief inspector. The new Gas Pipeline Safety Inspector/Program Manager was hired (June 6,2010) after the regional meeting was held.



Attachment 9 - Drug Free Workplace

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

INSTRUCTIONS FOR CERTIFICATION

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

A. The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantees workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing a drug-free awareness program to inform employees about—
 - (1)The danger of drug abuse in the workplace;
 - (2)The grantees policy of maintaining a drug-free workplace;
 - (3)Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4)The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - (1)Abide by the terms of the statement; and
 - (2)Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - (e) Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;
 - (f) Taking one of the following actions within 30 days of receiving notice under subparagraph (d) (2) with respect to any employee who is so convicted—
 - (1) Taking appropriate personnel action against such an employee up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance (street address, city, county, state, zip code).

SIGNATURE

TITLE

DATE

Attachment 9 Notes

Attachment 10 - Performance and Damage Prevention Questions

CALENDAR YEAR (CY) 2010

Planned Performance: What are your Planned Annual and Long-term goals for your Pipeline Safety Program?

The Commission will ensure that the Gas Pipeline Safety Inspector/ Program Manager will complete, and/or be on a wait list for the required TQ courses. The Gas Pipeline Safety Inspector/Program Manager will review and update the forms used to conduct gas safety inspections.

Past Performance: What did the Pipeline Safety Program accomplish during the subject year (to this document) to contribute toward the program's annual and long-term goals?

The Commission successfully transitioned the two part-time inspectors into one inspector/program manager that is 100% dedicated to gas pipeline safety and damage prevention. The Testing & Safety division which did house the gas pipeline safety program was dissolved and merged with the new Compliance and Competitive Markets Division with a new division director that will oversee the Gas Safety Program Inspector/ Program Manager.

1. Has the state or agency reviewed the Damage Prevention Assistance Program (DPAP) document in the last twelve months?

Yes

2. Has the state or agency developed or is in the process of developing a plan to address the nine elements contained in the PIPES Act of 2006 for an effective State Damage Prevention Program?

Yes

If yes to question 2, where does the state or agency stand on implementation of the nine elements contained in the PIPES Act of 2006? Please provide a description of how the state or agency has or will meet each element. If not, please provide a brief passage explaining the reasons why the state or agency has not.

The Commission's Damage Prevention Plan adopted in mid 2009 meets the minimum requirements of the PIPES Act of 2006. The new Gas Pipeline Safety Inspector/Program Manager will fully implement the damage prevention plan during safety inspections and through liaison with the North Dakota Pipeline Association, the North Dakota One Call Board, the Operators and other stakeholders.



Attachment 10 Notes