



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

1200 New Jersey Avenue SE
Washington DC 20590

Pipeline Safety

2011 Natural Gas Base Grant Progress Report

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 page 2:
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:

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Public Service Commission



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

OFFICE OF PIPELINE SAFETY

2011 Natural Gas Base Grant Progress Report

Office: NORTH DAKOTA PUBLIC SERVICE COMMISSION

Patrick Fahn

Authorized Signature

Patrick Fahn

Printed Name

Director, Compliance and Competitive Markets

Title

march 8, 2012

Date



PROGRESS REPORT ATTACHMENTS (NATURAL GAS)

OMB Control No. PHMSA F 999-92

INSTRUCTIONS:

These attachments request information either for the entire calendar year (CY 2011: January 1 through December 31, 2011) or as of (or on) December 31, 2011. 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 1. 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 2011 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, 2011. Also indicate the operator type (e.g., intrastate transmission) consistent with the listing in Attachment 1 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 2011. If an employee has not been in the pipeline safety program the full year of 2011, 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, 2011. 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 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, 2011

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	5	5	100.0%	5	5	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			9	9	100.0%	13	13	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.

X/60105P = Yes, I have Section 60105 (Certification) over some of the operator type (meaning: I have 60105 authority over some, but not all of this operator type and do not have a 60106 agreement with PHMSA to inspect them). These operators are identified in the notes below.

X/IA - Yes I have Interstate Agent jurisdiction over this type of operator

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, 2011

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	61	11	0	0	10	0	0	0	82
Municipal	3	0	0	0	1	0	0	0	4
Master Meter	2	0	0	0	0	0	0	0	2
LPG	2	0	0	0	1	0	0	0	3
LNG	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
Transmission									
Intrastate	10	0	0	0	5	0	0	0	15
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	78	11	0	0	17	0	0	0	106

Drug and Alcohol

Total Count of Drug and Alcohol Inspections	0
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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, 2011

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)
Aux Sable Midstream 32641 6138 74th Ave. NW, Palermo, ND 58769	0	0	0	0	0	0	1	0	0	0	0
City of Granville 6601 Box 39, 0 Granville, ND 58741	0	1	0	0	0	0	0	0	0	0	0
Dakota Gasification Co. 515 420 County Road 26, Beulah, ND	0	0	0	0	0	0	1	0	0	0	0
Great Plains Natural Gas Co. 6690 Box 845, 213 Dakota Avenue Wahpeton, ND 58074-0845	1	0	0	0	0	0	0	0	0	0	0
Hiland Partners 31719 10370 88th Street NW, McGregor, ND 58755	0	0	0	0	0	0	1	0	0	0	0
Montana-Dakota Utilities Co. (MDU) 400 North 4th Street, Bismarck, ND 58501	2	0	1	1	0	0	0	0	0	0	0
Northern States Power Co. (NSP) 2302 Great Northern Drive, Box 2747 Fargo, ND 58102	1	0	1	0	0	0	0	0	0	0	0
Oneok Rockies Midstream, LLC 31582 HC 56 - Box 6070, Sidney, MT 59270	0	0	0	0	0	0	1	0	0	0	0
Whiting Oil Gas 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)
Inspection Unit totals by type	4	1	2	1	0	0	5	0	0	0	0

Total Operators

9

Attachment 3 Notes:

Bear Paw Energy, LLC is now known as Oneok Rockies Midstream, LLC.
Pecan Pipeline sold its assets to Aux Sable Midstream in July 2011.



Attachment 4 - Incidents/Accidents

SIGNIFICANT⁴ NATURAL GAS INCIDENTS/ACCIDENTS JANUARY 1, THROUGH DECEMBER 31, 2011

Date of Incident	Location - City/County/etc.	Injuries #	Fatalities #	Property Damage ³ \$	Cause Code ¹
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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 jurisdictional natural gas pipeline incidents reported in 2011.



Attachment 5 - Stats on Compliance Actions

STATE COMPLIANCE ACTIONS -- CALENDAR YEAR (CY) 2011

Probable Violation Categories	Intrastate	Interstate
Number Carried over from previous CY (including carryover and long term)	5	0
Number Found During CY	8	0
Number submitted for DOT action [60106 Agreement agent only]	0	0
Number corrected during CY (including carry over from previous year)	1	0
Number to be corrected at end of CY (including carry over and long-term)	12	0

Number of Compliance Actions Taken ¹
 (see definition) 2

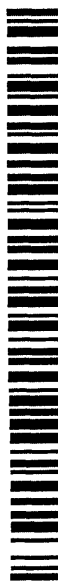
Civil Penalties

Number assessed during CY	1
Dollars assessed during CY	\$7,500.00
Number collected during CY	1
Dollars collected during CY	\$10,000.00

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

Attachment 5 Notes

There were five NOPVs carried over from the previous CY, one for NSP and four for Granville. The NOPV for NSP resulted in a 12/2010 Commission order directing compliance and assessing a civil penalty of \$10,000. The NOPV was corrected and the civil penalty of \$10,000 was collected in 01/2011. The four NOPVs for Granville resulted in a 05/2011 Commission order directing compliance and assessing a civil penalty of \$7,500. The civil penalty of \$7,500 is suspended until May 7, 2012, subject to the special provisions in the order. The Commission did not issue an order in 2011 concerning the eight NOPVs found in 2011 for the Granville system. Staff will make a recommendation to the Commission, including recommended compliance action and civil penalty. An order will likely be issued in CY 2012.



Attachment 6 - List of Records Kept

NATURAL GAS STATE RECORD MAINTENANCE AND REPORTING DURING CY 2011

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 THE NATURAL GAS PIPELINE SAFETY PROGRAM DURING CY 2011

Name/Title	% Time	# Months	Qual. Cat.
Supervisor			
Patrick Fahn Director, Compliance and competitive Markets	13	12	III
Bob Bachmeier Inspector/Program Manager	4	12	II
Inspector/Investigator			
Bob Bachmeier Inspector/Program Manager	94	12	II
Damage Prevention/Technical			
Bob Bachmeier Inspector/Program Manager	2	12	II

Summary

<u>Employee Type</u>	<u>No. of Staff</u>	<u>Person-Years</u>
Supervisor	2	0.17
Inspectors/Investigators	1	0.94
Damage Prevention/Technical	1	0.02
Clerical/Administrative	0	
Total	4	1.13

Last Name	First Name	Course	Completion Date
BACHMEIER	BOB	PHMSA-PL3355 Safety Evaluation of Control Room Management Programs	8/26/2011 3:46:26 PM
BACHMEIER	BOB	PHMSA-PL1310 Plastic and Composite Materials Course	3/4/2011

BACHMEIER	BOB	PHMSA-PL3242 Welding and Welding Inspection of Pipeline Materials Course	3/4/2011
BACHMEIER	BOB	PHMSA-PL3365 Public Awareness Program Effectiveness Evaluation (PAPEE) Seminar	8/10/2011
BACHMEIER	BOB	PHMSA-PL3600 Root Cause/Incident Investigation Course	7/29/2011
BACHMEIER	BOB	PHMSA-PL1255 Gas Pressure Regulation and Overpressure Protection Course	4/21/2011
BACHMEIER	BOB	PHMSA-PL30Q Operator Qualification WBT Course	8/9/2010 1:57:42 PM
BACHMEIER	BOB	PHMSA-PL1250 Safety Evaluation of Gas Pipeline Systems Course	12/10/2010
BACHMEIER	BOB	PHMSA-PL3254 Joining of Pipeline Materials Course	3/4/2011
BACHMEIER	BOB	PHMSA-PL3256 Pipeline Failure Investigation Techniques Course	2/11/2011 9:40:15 PM
BACHMEIER	BOB	PHMSA-PL3257 Pipeline Safety Regulation Application and Compliance Procedures Course	3/25/2011 6:59:09 PM
BACHMEIER	BOB	PHMSA-PL3291 Fundamentals of (SCADA) System Technology and Operation Course	4/1/2011
BACHMEIER	BOB	PHMSA-PL3292 Safety Evaluation of Inline Inspection (ILI)/Pigging Programs Course	6/10/2011
BACHMEIER	BOB	PHMSA-PL3293 Corrosion Control of Pipeline Systems Course	6/17/2011 7:47:29 PM
BACHMEIER	BOB	PHMSA-PL1245 Safety Evaluation of Distribution Integrity Management Programs (DIMP) Course	6/29/2011
FAHN	PATRICK	PHMSA-PL3251 Safety Evaluation of Pipeline Corrosion Control Systems I	4/6/1979
FAHN	PATRICK	PHMSA-PL3600 Root Cause/Incident Investigation Course	3/12/2010
FAHN	PATRICK	PHMSA-PL3257 Pipeline Safety Regulation Application and Compliance Procedures Course	7/24/2009
FAHN	PATRICK	PHMSA-PL3256 Pipeline Failure Investigation Techniques Course	2/8/1991
FAHN	PATRICK	PHMSA-PL1250 Safety Evaluation of Gas Pipeline Systems Course	12/8/1978
FAHN	PATRICK	PHMSA-PL1255 Gas Pressure Regulation and Overpressure Protection Course	4/18/1980

Attachment 7 Notes

Attachment 8 - Compliance with Federal Regulations

STATE COMPLIANCE WITH FEDERAL REQUIREMENTS AS OF DECEMBER 31, 2011

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

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	11/2011	Adopted
Note ¹				
112-74 FR 63310	12/3/2009	Control Room Management/Human Factors	11/2011	Adopted
Note ¹				
113-74 FR 63906	12/4/2009	Integrity Management Program for Gas Distribution Pipelines	11/2011	Adopted
Note ¹				
114 - 75 FR 48593	8/11/2010	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits	11/2011	Adopted
Note ¹				
115 - 75 FR 72878	11/26/2010	Updates to Pipeline and Liquefied Natural Gas Reporting Requirements	11/2011	Adopted
Note ¹				
116 - 76 FR 5494	4/4/2011	Mechanical Fitting Failure Reporting Requirements	11/2011	Adopted
Note ¹				

117-76 FR 35130	8/15/2011	Control Room Management/Human Factors		Taking Steps to Adopt
Note ¹				
4	Part 193 Amendments (applicable only where state has jurisdiction over LNG)			
01-17	Pre 2002	[All applicable amendments prior to and including 2002]		Not Adopted
Note ¹	No LNG in the State.			
18	4/9/2004	Updated LNG standards by section		Not Adopted
Note ¹	No LNG in the State.			
19	7/10/2006	Incorporate by Reference various Standards		Not Adopted
Note ¹	No LNG in the State.			
20-73 FR 16562	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)		Not Adopted
Note ¹	No LNG in the State.			
22 - 75 FR 48593	8/11/2010	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits		Not Adopted
Note ¹	No LNG in the State.			
23 - 75 FR 72878	11/26/2010	Updates to Pipeline and Liquefied Natural Gas Reporting Requirements		Not Adopted
Note ¹	No LNG in the State.			
21-74 FR 2889	1/16/2009	Administrative Procedures , Address Updates and Technical Amendments		Not Adopted
Note ¹	No LNG in the State.			
5	Part 199 - Drug Testing		03/1990	Adopted
Note ¹				
6	Part 199 Amendments			
01-19	Pre 2002	[All applicable amendments prior to and including 2002]	11/2003	Adopted
Note ¹	Adoption dates: 03/1990 to 11/2003			
20	3/12/2003	Definition of Administrator	11/2003	Adopted
Note ¹				

21 Note ¹	12/31/2003	Instructions for Single Use Form for MIS	01/2005	Adopted
22 Note ¹	7/14/2004	New address for reporting	01/2005	Adopted
23 Note ¹	3/8/2005	Administration name change	07/2006	Adopted
24-73 FR 16562 Note ¹	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)	12/2009	Adopted
7 State Adoption of Part 198 State One-Call Damage Prevention Program				
a. Note ¹		Mandatory coverage of areas having pipeline facilities	08/1995	Adopted
b. Note ¹		Qualification for operation of one-call system	08/1995	Adopted
c. Note ¹		Mandatory excavator notification of one-call center	08/1995	Adopted
d. Note ¹		State determination whether calls to center are toll free	08/1995	Adopted
e. Note ¹		Mandatory intrastate pipeline operator participation	08/1995	Adopted
f. Note ¹		Mandatory operator response to notification	08/1995	Adopted
g. Note ¹		Mandatory notification of excavators/public	08/1995	Adopted

h.	Civil penalties/injunctive relief substantially same as DOT	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 violatates the ND One Call Laws under Chapter 49, N.D.C.C. Maximum amount is \$5,000 for each violation.	

¹If Adoption Status is No, Please provide an explanation

State Attendance at 2011 NAPSRS Regional Meeting: Attended full time (Lead rep or alternative pipeline staff)
 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.

ND requires legislative action to adopt new regulations. The PSC will be presenting the new Federal Regulations to the legislative council for approval in 2013. ND Legislation only meets Bi-annually.

North Dakota has no LNG systems at this time.

The Commission has adopted amendments to 49 CFR 199 in effect as of November 1, 2011.



Attachment 10 - Performance and Damage Prevention Questions

CALENDAR YEAR (CY) 2011

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

The current North Dakota gas pipeline safety inspector/program manager has been recruited by the oil industry and has resigned the Commission position effective March 16th, 2012. The Commission will act quickly to advertise the vacant position and hire a new Inspector/Program manager. The Commission will schedule training with the Pipeline Safety Inspector Training and Qualifications Division and the new Gas Pipeline Safety Inspector/ Program Manager will complete, and/or be on a wait list for the required TQ courses throughout the next two to three years.

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 ensured that the Gas Pipeline Safety Inspector/ Program Manager completed the required TQ courses. The Commission ensured that the Gas Pipeline Safety Inspector attended the Central Region NAPS meeting in Ohio.

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