



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

SEP 8 2008

1200 New Jersey Avenue, SE
Washington, D.C. 20590

RECEIVED

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Mr. Nathan D. Solem
Acting Pipeline Safety Program Manager
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. Solem:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) reviewed your letter of July 9, 2008, notifying us that the South Dakota Public Utilities Commission, granted NorthWestern Corporation d/b/a NorthWestern Energy a waiver of compliance from 49 CFR § 192.285(c), as adopted by South Dakota, for all NorthWestern Energy's South Dakota natural gas operations.

Under § 192.285(c) a person must be requalified to make plastic pipe joints using an applicable procedure if during any 12-month period that person has not made any joints using the procedure. A person must also be requalified if 3 joints or 3 percent of the joints, whichever is greater, made by such person using the procedure during any 12-month period are found to be unacceptable by testing under § 192.513.

The waiver requires NorthWestern Energy to requalify each person making plastic pipe joints at least once each calendar year, but not to exceed 15 months, regardless of whether or not the person has made a plastic pipe joint within the calendar year. The waiver also requires NorthWestern Energy to requalify each person who has made one joint found unacceptable by testing under § 192.513, regardless of when the joint was made.

PHMSA does not object to the waiver of § 192.285(c) if NorthWestern Energy establishes written alternative plastic pipe joining procedures for their employees as described in the previous paragraph.

If you wish to discuss this special permit or any other pipeline safety matter, my staff would be pleased to assist you. Please call John Gale, Director of Regulations (202-366-0434) for regulatory matters or Alan Mayberry, Director of Engineering and Emergency Support at (202-366-5124) for technical matters.

Sincerely,

William H. Gale
for

Jeffrey D. Wiese
Associate Administrator for Pipeline Safety