

## DECISION MEMORANDUM

**TO:** COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSIONER KEMPTON  
COMMISSION SECRETARY  
COMMISSION STAFF

**FROM:** DON HOWELL  
DEPUTY ATTORNEY GENERAL

**DATE:** SEPTEMBER 26, 2008

**SUBJECT:** UPDATING THE COMMISSION'S RULES REGARDING THE  
TRANSPORTATION OF HAZARDOUS MATERIALS BY RAIL, IDAPA  
DOCKET NO. 31-7103-0801 (CASE NO. RUL-R-08-01)

On September 3, 2008, the Commission caused to be published in the Administrative Bulletin a Notice of Proposed Rulemaking. In its Notice, the Commission proposed to adopt the updated federal safety regulations pertaining to the shipment of hazardous materials by rail found in the October 1, 2007 Code of Federal Regulations, Title 49. Comments concerning the Commission's proposal to update its Railroad Safety Rules were due no later than September 24, 2008.

No person filed comments regarding the Commission's proposed rulemaking. The Commission did receive a letter from Legislative Services dated August 21, 2008 indicating that the Senate and House Subcommittees for Review of Administrative Rules had no objections to the proposed update.

### COMMISSION DECISION

Given the lack of any adverse comments, does the Commission wish to adopt the proposed rule as its pending rule? Does the Commission desire to publish its Notice of Pending Rule in the November 5 edition of the Administrative Bulletin and submit the pending rule for legislative review in 2009?



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Don Howell  
Deputy Attorney General