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November 21, 2005

Ms. Stacey Gerard
Associate Administrator for Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
400 Seventh Street, S.W., Room 2103
Washington, DC 20590

Re: CPF No. 1-2002-3003
CPF No. 1-2002-3004-M

Dear Ms. Gerard:

Enclosed for your consideration is the Petition for Limited Reconsideration of Distrigas of Massachusetts LLC, relating to the Final Order issued November 2, 2005, in the above-referenced case, pursuant to the provisions of 49 C.F.R. § 190.215.

Please contact me if there are any questions, at (617) 381-8512.

Sincerely,


Francis J. Katulak
Senior Vice President, Operations

Enclosures

cc: James Reynolds, Pipeline Compliance Registry, Office of Pipeline Safety ✓

DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY

In Re: Distrigas of Massachusetts LLC

CPF #1-2002-3003
CPF#1-2002-3004-M

PETITION FOR LIMITED RECONSIDERATION BY
DISTRIGAS OF MASSACHUSETTS LLC

Pursuant to 49 C.F.R. § 190.215, Distrigas of Massachusetts LLC ("Distrigas") hereby petitions the Associate Administrator for Pipeline Safety of the U.S. Department of Transportation (the "DOT") for limited reconsideration of the Final Order issued on November 2, 2005 in the above-captioned proceeding.

I.

Distrigas seeks reconsideration of the findings related to three contract security employees who ceased performing security duties at the Distrigas facility more than one year prior to the DOT's November 2001 inspection. There was no regulatory requirement to produce training records for those three persons, and therefore no violation of 49 C.F.R. § 193.2715. Accordingly, Distrigas respectfully requests a proportionate reduction in the civil penalty.

Specifically, the table of security personnel in the Final Order (p. 7) identified three people who left Distrigas more than one year before the November 2001 inspection date. As the table indicates, Basinisi ("M.B.") left in November 1999, Peterson ("J.P.") left in April 2000, and Deters ("T.D.") left in January 2000. There was no legal requirement for Distrigas to maintain records for more than one year

after these persons left. See 49 C.F.R. § 193.2719(b) (requiring records to be maintained for a period of "one year after personnel are no longer assigned duties at the LNG plant"). Accordingly, no penalty should be assessed for the failure to produce those records at the November 2001 inspection. Distrigas respectfully requests reconsideration of the Final Order's finding that a violation existed with respect to these three individuals, and a proportionate reduction in the penalty.

II.

Distrigas also seeks reconsideration of the findings with respect to five contract security personnel identified as W.D., P.L., E.N., J.B. and A.S., who were found to have had either no modular training or late modular training based upon the "Security Training Appendix Supplement, Reconciliation," when the training plan then in effect, the Everett Marine Terminal Manual of Security Procedures (Security Training Appendix, MSP), called for on-the-job training including instruction in the Everett Marine Terminal Personnel Training Program Modules (dated July 1, 1988) within nine months of each person's start date. See Final Order, p. 7.

Distrigas recognizes that the volume of materials submitted as part of its Response-2, including the Security Training Appendix, the Security Training Appendix Supplement (two volumes), and almost 20 pages of narrative discussion, makes sorting through the details extremely difficult. However, it was not Distrigas's intention that the spreadsheet identified as the "Reconciliation" would be relied upon without reference to the additional back-up and records contained in

the subsequent sections of the Security Training Appendix Supplement (two volumes), and Distrigas regrets any confusion arising from the use of the Reconciliation spreadsheet.

However, as noted on the Reconciliation, the five contract security personnel in question each received initial training shortly after each person's start date, documented in the record, as follows:

Initials of Respondent's Personnel	Start Date	Initial Training Date
W.D.	6/1/99	8/7/99
P.L.	9/1/99	9/6/99
E.N.	11/1/99	12/22/99 & 12/29/99
J.B.	2/1/00	2/8/00
A.S.	8/1/00	8/10/00

That training is identified on the Reconciliation as "Lobby Train" and "Gate 1," but that is only a shorthand way to identify the documentation date, as opposed to a description of the extent of the training.¹ As detailed in the subsequent sections of the two-volume Security Training Appendix Supplement, the "1999 Training" included instruction in the EMT modules.² Specifically, as the Training Agenda reveals, those employees were trained under the "1999 Training" program by Armand Santacrocce and John Clifford, and received "instruction" in the modules as required by the MSP training plan. This instruction included SE-1 "Recognizing

¹ It should be noted that the person who created the Reconciliation spreadsheet was not the same person who conducted the training in 1999-2000.

² The record-keeping style used as part of the "1999 Training" continued until 2001, when a different record-keeping style was introduced by the current person in charge of maintaining the records, but both training programs included instruction in the EMT modules.

Breaches of Security" (misspelled on the Training Agenda as "Recognizing Securing Breeches"); SE-2 "Security Procedures" (broken into subcategories on the Training Agenda to include Main Terminal and Ship Security, with further specific procedures covering the different locations); SE-3 "Operations and Maintenance Orientation" (the substance of which was detailed in Armand Santacroce's Affidavit and also included in the "1999 Training" section of the Security Training Appendix Supplement); and SE-4 "Security Assistance" (identified on the Training Agenda as the last item, "Security Contingency Plan"). Training for these five contract security guards was provided on various dates. The individuals documented completion of this training on the dates noted above (along with many other security personnel in their turn, as evidenced by the voluminous section in the Security Training Appendix Supplement labeled "Additional CSP Records").³

Again, Distrigas apologizes for any confusion raised by the different nomenclature used in the Reconciliation spreadsheet, but Distrigas wanted to distinguish the training records maintained pursuant to the "1999 Training" program, run by Armand Santacroce and John Clifford, from the records maintained by Mark Skordinski since 2001. Nevertheless, Distrigas respectfully submits that these records from the "1999 Training" and "Additional CSP Records," although different in form, confirm instruction in the modules to satisfy the requirements of the then-effective written training plan, the MSP, as described in the Final Order. Accordingly, Distrigas respectfully requests that the violations

³ Note that some of these records may have been inadvertently filed as part of the section labeled R. Messenger Affidavit, although all are included in the two-volume set.

noted in the table of security personnel (page 7 of the Final Order) be reconsidered, and a proportionate reduction in the penalty be awarded.

III.

Lastly, Distrigas appreciates the thoroughness of the DOT's review of its voluminous submittals, as well as the DOT's recognition that the Distrigas employees received quality training and were well qualified, even if there was a failure to strictly adhere to the written plan requiring specific modular training in certain select cases.

For all of the reasons stated above, Distrigas hereby requests that the civil penalty be reduced in a proportionate amount.

Respectfully submitted,

Distrigas of Massachusetts LLC


By:  Francis J. Katulak
Senior Vice President, Operations

Dated: November 21, 2005