



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

JAN 11 2006

RECEIVED JAN 10 2006

Mr. Tony Finneman  
Vice President - Operations  
Williston Basin Interstate Pipeline Company  
1250 West Century Avenue  
Bismark, ND 58503

Re: CPF No. 3-2004-1006

Dear Mr. Finneman:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It withdraws two of the allegations of violation, makes a finding of violation, and finds that you have completed the actions specified in the Notice required to comply with the pipeline safety regulations. This case is now closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

cc: Mr. Ivan Huntoon  
Director, Central Region, OPS

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

**In the Matter of** )

**Williston Basin Interstate  
Pipeline Company,** )

**Respondent.** )

**CPF No. 3-2004-1006**

**FINAL ORDER**

Between July 8 and 28, 2001, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), conducted an on-site pipeline safety inspection of Respondent's facilities and records in North and South Dakota. As a result of the inspection, the Director, Central Region, PHMSA, issued to Respondent, by letter dated March 31, 2004, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had committed violations of 49 C.F.R. Part 192 and proposed assessing a civil penalty of \$10,500 for the alleged violations. The Notice also proposed that Respondent take certain measures to correct the alleged violations.

Respondent responded to the Notice by letter dated May 3, 2004 (Response). Respondent contested some of the allegations, offered information to explain the allegations, described the corrective actions it had taken, and requested that the allegations and proposed civil penalties be withdrawn.

**FINDING OF VIOLATION**

Item 4 in the Notice alleged that Respondent had violated 49 C.F.R. § 192.751 by failing to take steps to minimize the danger of accidental ignition in structures where gas was present. Specifically, the Notice alleged that border station buildings at 25 locations utilized fuel gas regulating equipment that vented natural gas to the inside of these structures instead of being vented outside above the roofline. In its response, Respondent did not contest this allegation. Accordingly, I find that Respondent violated § 192.751 by failing to take steps to minimize the danger of accidental ignition in structures where gas was present.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

### WITHDRAWAL OF ALLEGATIONS

Item 1 in the Notice alleged that Respondent had violated 49 C.F.R. § 192.707 by failing to place line markers at certain locations. In its response, Respondent submitted information demonstrating that the locations specified in the Notice were adequately marked. Based on this information demonstrating compliance with the regulation, I am withdrawing this allegation of violation.

Item 3 in the Notice alleged that Respondent had violated 49 C.F.R. § 192.751 by failing to post "No Smoking" signs at certain locations to minimize the danger of accidental ignition. In its response, Respondent submitted information demonstrating that the locations specified in the Notice had adequate signage. Based on this information demonstrating compliance with the regulation, I am withdrawing this allegation of violation.

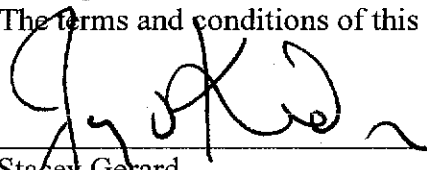
### COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 4. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The Regional Director has indicated that Respondent has completed a program to provide exterior venting to the specified structures as indicated in the Proposed Compliance Order. Accordingly, since compliance has been achieved with respect to this violation, it is unnecessary to include compliance terms in this Order.

### WARNING ITEM

The Notice did not propose a civil penalty or compliance order for Item 2 in the Notice. Therefore, this is considered to be a warning item. The warning was for Respondent's failure to protect a pressure regulating device at the Medina station from conditions that might prevent proper operation in accordance with § 192.739(d). Respondent presented information in its response showing that it has taken action to address this item. Respondent is warned that if this item is not fully addressed, enforcement action will be taken if a subsequent inspection reveals a violation.

Under 49 C.F.R. § 190.215, Respondent has a right to submit a petition for reconsideration of this Final Order. Should Respondent elect to do so, the petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The terms and conditions of this Final Order are effective on receipt.

  
Stacey Gerard  
Associate Administrator  
for Pipeline Safety

JAN 11 2006

Date Issued