



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

NOV 29 2004

Mr. James P. Kane  
President  
Southwest Gas Corporation  
5421 Spring Mountain Road  
Las Vegas, NV 89102

Re: CPF No. 5-2002-0001

Dear Mr. Kane:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It withdraws the allegation of violation. This enforcement action is now closed.

Sincerely,

James Reynolds  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

cc: Craig R. Roecks  
Senior Counsel  
Southwest Gas Corporation

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, DC 20590

\_\_\_\_\_  
In the Matter of )  
 )  
Southwest Gas Corporation, )  
 )  
Respondent. )  
\_\_\_\_\_ )

CPF No. 5-2002-0001

FINAL ORDER

On December 26, 2001, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) initiated an investigation of Respondent's report of a release incident involving its pipeline system. As a result of the investigation, the Director, Western Region, OPS, issued to Respondent, by letter dated February 8, 2002, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. § 191.5 and proposed assessing a civil penalty of \$5,000 for the alleged violation.

Respondent responded to the Notice by letter dated March 7, 2002 (Response). Respondent contested the allegation, offered information in explanation of the allegation, and requested that the proposed penalty be withdrawn.

WITHDRAWAL OF ALLEGATION

The Notice alleged that Respondent violated 49 C.F.R. § 191.5 by failing to provide telephonic notice at the earliest practicable moment following discovery of a December 20, 2001 gas release incident involving a personal injury to one of Respondent's employees. In its response, Respondent correctly noted that the relevant criteria for reporting an incident involving a personal injury is an injury necessitating "in-patient" hospitalization. Respondent explained that while the employee did receive medical treatment on an in-patient basis about one week after the incident, on the day the incident occurred, he was initially treated and released by the attending physician. Respondent pointed out that under circumstances where an injured person is treated and released, it has no way to predict whether later medical treatments might involve in-patient hospitalization. Respondent also

noted that after becoming aware that the employee was receiving in-patient treatment several days later, it proceeded to telephonically report the incident. Based on this information demonstrating compliance with the regulation, I am withdrawing this allegation of violation.



Stacey Gerard  
Associate Administrator  
for Pipeline Safety

NOV 29 2004

Date Issued