

Mr. John Sette
Vice President/General Manager
AmeriGas Region 7
AmeriGas Partners, L.P.
5250 East US 36, Suite 710
Danville, Indiana 46122

Re: CPF No. 38002

Dear Mr. Sette:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It withdraws one of the allegations of violation, makes a finding of violation, and acknowledges completion of certain corrective action. If no petition for reconsideration is filed, this case closes automatically in 30 days. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

Gwendolyn M. Hill
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

cc: AmeriGas Corporate Office

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

In the Matter of)	
)	
AmeriGas Partners, L.P.)	CPF No. 38002
)	
Respondent.)	
)	

FINAL ORDER

On December 29-31, 1997, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Respondent's facilities and records in Flint Hill, Missouri. As a result of the inspection, the Director, Central Region, OPS, issued to Respondent, by letter dated March 6, 1998, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. §§ 192.619 and 192.743, and proposed that Respondent take certain measures to correct the alleged violations.

Respondent responded to the Notice by letter dated June 29, 1998 (Response). Respondent contested one of the allegations of violation, and provided information to explain the allegation and the corrective actions it has taken. Respondent has not requested a hearing and therefore, has waived its right to one.

FINDING OF VIOLATION

Respondent did not contest the alleged violation of 49 C.F.R. § 192.619, in the Notice. Accordingly, I find that Respondent violated 49 C.F.R. § 192.619 for failing to establish the maximum allowable operating pressure.

WITHDRAWAL OF ALLEGATION

The Notice Item 8 alleged that Respondent had violated 49 C.F.R. § 192.743, by failing to do calculations if testing of relief devices is not feasible. Specifically, Respondent did not have procedures in place for testing of the pressure regulating valves, therefore it was not conducting tests, and was not doing the required calculations. However, NFPA 58/59¹ only requires that these regulators be UL 144² approved and does not require further testing or calculations.

¹ NFPA 58/59 are technical standards for low pressure gas equipment.

² UL 144 is the standard for low pressure gas regulators.

According to 49 C.F.R. § 192.11(c), if there is a conflict between that part (Part 192) and ANSI/NFPA 58/59, ANSI/NFPA 58/59 will prevail. Since Part 192 requires testing or calculations and NFPA 58/59 does not, there exists a conflict therefore, the NFPA standard prevails. Respondent has complied with the NFPA standard. Therefore, this allegation of violation is withdrawn.

COMPLIANCE ORDER

The Notice proposed a compliance order for the violation of 49 C.F.R. § 192.619. In its Response, Respondent has demonstrated the corrective action proposed by establishing the maximum allowable operating pressure. The Director, Central Region, OPS has accepted this measure as adequately fulfilling the requirements of the regulations and no further action is needed with respect to a compliance order.

WARNING ITEMS

The Notice did not propose any penalty with respect to Notice Items 1-4 and 6-7; therefore, Respondent is warned that if it should not take appropriate corrective action and a violation come to the attention of OPS in a subsequent inspection, enforcement action will be taken.

Under 49 C.F.R. § 190.215, Respondent has a right to petition for reconsideration of this Final Order. 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 filing of the petition automatically stays the payment of any civil penalty assessed. All other terms of the order, including any required corrective action, shall remain in full effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective upon receipt.

Stacey Gerard
Associate Administrator
for Pipeline Safety

Date Issued