

Mr. Garry V. Laursen, P.E.
General Manager Engineering
Intermountain Gas Company
555 South Cole Road
P.O. Box 7608
Boise, ID 83707

Re: CPF 55002

Dear Mr. Laursen:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation, withdraws two of the allegations of violation, and recognizes the completion of certain corrective action and the revision of certain procedures. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Based on the recommendation of the Director, Western Region, this case is now closed and no further enforcement action is contemplated with respect to the matters involved in the case. Thank you for your cooperation in our joint effort to ensure pipeline safety.

Sincerely,

Gwendolyn M. Hill
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

REGISTERED MAIL - RETURN RECEIPT REQUESTED

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

_____)	
In the Matter of)	
)	
Intermountain Gas Company,)	CPF 55002
)	
Respondent.)	
_____)	

FINAL ORDER

On February 7–8, 1995, pursuant to 49 U.S.C. § 60117, representatives of the Office of Pipeline Safety (OPS) conducted an on-site safety inspection of Respondent's liquefied natural gas (LNG) facilities and records in Nampa, ID. As a result of the inspection, the Director, Western Region, OPS, issued to Respondent, by letter dated May 18, 1995, a Notice of Probable Violation, Notice of Amendment, 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. §§ 193.2017(a) and 193.2907(c)(2), and proposed that Respondent take certain corrective action. The Notice also proposed, in accordance with 49 C.F.R. § 190.237, that Respondent amend certain procedures.

Respondent responded to the Notice by letter dated June 20, 1995 (Response). Respondent contested some of the allegations, agreed to others, and submitted a petition for waiver for one allegation. Respondent did not request a hearing and therefore has waived its right to one.

FINDINGS OF VIOLATION

Item 1 in the Notice alleged that Respondent violated 49 C.F.R. § 193.2017. This provision requires each LNG operator to maintain the plans and procedures required by Part 193 at that plant. Specifically, the Notice alleged that Respondent's plans did not include provisions for sections 193.2509(b)(3), 193.2509(b)(4), 193.2603(c), 193.2603(d), and 193.2619(b). In addition, the Notice alleged Respondent's facility failed to comply with 193.2907(c)(2).

Item 1(b) in the Notice alleged that Respondent violated 49 C.F.R. § 193.2509(b)(4). This provision requires an operator to cooperate with appropriate local officials in evacuations and emergencies requiring mutual assistance, and to keep these officials advised of the LNG plant fire control equipment, potential hazards, communication and emergency control capabilities at the LNG plant, and the status of each emergency. Respondent agreed in part and objected in part to this provision in its Response. Respondent agreed to revise its procedures to include language to conduct fire training and cross training with the local fire department and other government

departments. Respondent asserted that its existing procedures meet the requirements of sections 193.2509(b)(4)(i) through (iv), which specify the information to be included in Respondent's plan and conveyed to the local departments, and objected to revising these procedures. It is noted that Items (i) through (iv), for the purposes of this Final Order, are not considered separate violations. The revised procedures submitted by Respondent, combined with the existing procedures, satisfy the concern raised by the compliance order. The record will reflect that Respondent violated 49 C.F.R. § 193.2509(b)(4).

Item 1(c) in the Notice alleged that Respondent violated 49 C.F.R. § 193.2603(c). This provision specifies that each component taken out of service for maintenance must be identified in the records kept under 193.2639. Respondent's records failed to follow this requirement, and Respondent, in its Response, submitted revised procedures to include this requirement in its procedures.

Item 1(d) in the Notice alleged that Respondent violated 49 C.F.R. § 193.2603(d). This provision specifies that if a safety device is taken out of service for maintenance, the component being served by the device must be taken out of service unless the same safety function is provided by an alternate means. Respondent's records failed to follow this requirement, and Respondent, in its Response, submitted revised procedures to include this requirement in its procedures.

Item 1(e) in the Notice alleged that Respondent violated 49 C.F.R. § 193.2619(b). This provision specifies that if a control system is out of service for 30 days or more, it must be inspected and tested for operational capability before being returning it to service. Respondent's records failed to follow this requirement, and Respondent, in its Response, submitted procedures to include this requirement in its procedures.

Accordingly, I find that Respondent violated 49 C.F.R. §§ 193.2509(b)(4), 193.2603(c), 193.2603(d), and 193.2619(b). These findings of violation will be considered as prior offenses in any subsequent enforcement action taken against Respondent.

WITHDRAWAL OF ALLEGATIONS

Item 1(a) in the Notice alleged that Respondent had violated 49 C.F.R. § 193.2509(b)(3), by failing to coordinate with appropriate local officials in preparing an emergency evacuation plan, including preparation for possible emergencies or failure of an LNG storage tank. Respondent submitted procedures to indicate that its existing procedures are adequate. This allegation is therefore withdrawn.

Item 4 in the Notice alleged that Respondent had violated 49 C.F.R. § 193.2907(c)(2), by failing to enclose its facility with a protective enclosure containing at least one foot of barbed or similar topping. Because this regulation has been amended and no longer contains this requirement, and because there is no evidence to indicate Respondent's current enclosure fails to meet the remaining requirements of this regulation, this allegation is withdrawn. There is no need to

address the petition for waiver filed by Respondent due to the withdrawal of this allegation.

COMPLIANCE ORDER

The Notice proposed a compliance order. Respondent has demonstrated corrective action and provided existing procedures addressing the items in the proposed compliance order. The Director, Western Region, OPS has accepted these measures as adequately fulfilling the requirements of the regulations and no further action is needed with respect to a compliance order.

AMENDMENT OF PROCEDURES

The Notice alleged inadequacies in Respondent's procedures and proposed to require amendment of Respondent's procedures to comply with the requirements of 49 C.F.R. §§ 193.2515(a) – (c) and 193.2705(b).

In its Response, Respondent submitted copies of its amended procedures, which the Director, Western Region, OPS has accepted as adequate to assure safe operation of Respondent's pipeline system. Accordingly, no need exists to issue an order directing amendment.

Under 49 U.S.C. § 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.

/s/ Richard B. Felder
Richard B. Felder
Associate Administrator
For Pipeline Safety

Date Issued: 05/01/98