



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV - 2 2005

Francis J. Katulak
Senior Vice President Operations
Distrigas of Massachusetts Corporation
18 Rover Street
Everett, Massachusetts 02149

Re: CPF No. 1-2002-3003

Dear Mr. Katulak:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation and assesses a civil penalty of \$30,000. It further finds that you have completed the actions specified in the Notice required to comply with the pipeline safety regulations. When the civil penalty is paid, this enforcement action will be 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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590**

In the Matter of

Distrigas of Massachusetts LLC

Respondent.

CPF No. 1-2002-3003

FINAL ORDER

On November 26-30, 2001 and April 12, 2002, 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 at the Distrigas Everett Marine LNG Terminal in Everett, Massachusetts. As a result of the inspection, the Director, Eastern Region, OPS, issued to Respondent, by letter dated June 17, 2002, 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 violated 49 C.F.R. §§ 193.2635, 193.2713, 193.2715 and 193.2717 and proposed assessing a civil penalty of \$220,000 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 July 19, 2002. (Response) Respondent contested all the allegations and requested a hearing. The hearing was held on November 14, 2002 in Washington, DC. At the hearing, Respondent provided many boxes of materials supporting its arguments. After this hearing, Respondent provided additional information on December 13, 2002. (Response-2).

FINDINGS OF VIOLATION

Notice Item 1

Item 1 in the Notice alleged that Respondent had violated 49 C.F.R. §193.2635 for failing to inspect components protected from atmospheric corrosion within a three year interval. Specifically, the Notice stated that during the OPS inspection, the inspector discovered atmospheric corrosion at the interface of existing carrier pipes and their respective metal pipe supports. (Notice, p.2) The inspector noted that it appeared that the paint coating had degraded. Id. When the OPS inspector asked for evidence to demonstrate the last time that an atmospheric corrosion inspection was performed in that area; Respondent could not produce any evidence. Id.

Respondent, in its Response, asserted that the burden is on OPS to acquire sufficient evidence to prove the violation and that Respondent does not need to affirmatively prove that it satisfied the regulation. (Response-2, p.4) In support of Respondent's corrosion program, Respondent asserted that "its prior long-standing procedure for monitoring and addressing corrosion was safe and effective." and that it "operates a facility that is constantly manned and constantly inspected through visual inspection made by operations and maintenance personnel on regular rounds." *Id.* Respondent added that "these observations were not typically documented by written records" as indicated in its Maintenance Records procedure EMT-16M which states that "no written records will be kept of routine daily and weekly checks and observations" (Response-2, pp. 5-6) Respondent further indicated that in an extensive corrosion investigation that it conducted prior to the hearing, no serious corrosion problems were found. (Response-2, p. 6) Lastly, Respondent requested that, in light of this information and its efforts in resolving the proposed compliance order, this item be closed without an adverse finding.

With respect to Respondent's first point, yes – OPS does have the burden of ultimate persuasion. However, once OPS has presented a prima facie case showing that Respondent has violated a regulation, the burden then shifts to the Respondent who must present evidence to rebut the prima facie case.

In this case, OPS alleged in the Notice that Respondent failed to inspect components protected from atmospheric corrosion within a three year interval. OPS interviewed Respondent's Operations Manager who indicated that no records existed to show that the inspections for atmospheric corrosion were performed. (See Violation Report, p.3, ¶¶ 12 and 14a) The pipeline safety laws state, "To enable the Secretary to decide whether a person owning or operating a pipeline facility is complying with . . . standards prescribed . . . under this chapter [49 USCS §§ 60101 et seq.], the person shall - - (1) maintain records . . . and provide information . . . ; and (2) make the records, . . . and information available" (49 U.S.C.S. §60117(b)) Based on the above, OPS has presented a prima facie case and Respondent has not presented evidence to rebut that prima facie case. Therefore, I find Respondent in violation of 49.C.F.R. § 193.2635.

Notice Item 2

Item 2 in the Notice alleged that Respondent had violated 49 C.F.R. § 193.2713 for failing to conduct initial training and continuing instruction for all operations personnel and all maintenance personnel within a two-year interval in accordance with its written plan. Specifically, Respondent's records revealed that for (a) Maintenance training - three employees had never received training and several others had either not received initial training or refresher training within the two-year interval; and (b) Operational training – that four employees did not receive initial training and several others had not received refresher training at any time or within the two-year interval.

In one of the Response documents entitled - Response of Distrigas of Massachusetts LLC. to Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order, and Notice of Amendment (Response-2) - Respondent allots 42 pages of the 98 page Response document to this issue. Furthermore, Respondent provided thirteen (13) volumes of materials

which contain various training records for operations and maintenance personnel. Respondent argues that the violation should be withdrawn because the "records confirm that DISTRIGAS provides and implements a comprehensive, written plan for initial and continuing training" (Response-2, p 7)

OPS based the proposed violation for Item 2 on its review of the Everett Marine Terminal Personnel Training Program (EMT PTP) and training records submitted by Respondent during the inspection. Those training records solely corresponded to the operations and the maintenance training modules. (Notice, pp. 2-4)

In its Response-2, Respondent asserts:

- (1) Modular training is only one part of a "more comprehensive program that includes 'coordinated training, education and career developments ... based on the needs of [DISTRIGAS] and all its employees.'" (Response-2, p.9 [citing Source Materials Appendix, SSPM-28, Training Guidelines, Policy, ¶ 1.1.1])
- (2) "Training is based on regulatory requirements, the needs of the employee's job description and the discretion of the employee's supervisor or Training Administrator." Id. (citing Source Materials Appendix, SSPM-28, Training Guidelines, Training Administrator and Manager, ¶ 3 and Training Plans ¶ 4)
- (3) "In addition to or in substitution for the written modular training sessions, an employee's training may include safety meetings, toolbox talks, videos, CD ROMs, policy specific training (hands on, in-house instruction), courses and programs at outside schools, on the job training with qualified supervisors and more." Id. (citing Source Materials Appendix, SSPM-28, Training Guidelines, ¶ 4)
- (4) "[T]he regulations do not specify how the continuing instruction is to be performed. That aspect is left to the company's discretion, provided that the O&M employees 'keep ...current on the knowledge and skills they gained in the program of initial instruction.'" Id. (citing §193.2713(b))

While Respondent did provide extensive documentation of training taken by the employees in question, the training regulations require a written plan of training. (49 C.F.R. § 193.2713) Respondent appears to rely on the Training Guidelines, SSPM-28, for its written plan. Respondent indicates that "[t]his written training program, SSPM-28, incorporates the EMT PTP modular training." (Response-2, p.10) Respondent asserts that it can use its discretion as to how the training can be performed. (See number 4 above) However, both the Operations Procedures Training Modules and the Maintenance Procedures Training Modules list as trainees – All permanent operations and maintenance personnel, respectively. (Source Materials Appendix, EMT PTP) These procedures do not leave room for a supervisor's discretion to substitute other training. Furthermore, SSPM-28 states that training must be completed satisfactorily and that satisfactory completion is defined for graded courses as a final grade of 80% or better. (Source Materials Appendix, SSPM-28, p.5) Taking together that all permanent operations and maintenance personnel are required to take the respective operations and maintenance modular training and that graded courses, such as the operations and maintenance modular training, must be completed satisfactorily, I find that in accordance with Respondent's written plan, the

modular training is required training for its personnel. Based on this analysis, the issue turns to whether Respondent's operations and maintenance personnel were trained in accordance with the written plan which requires completion of the sections regarding Operating and Maintenance procedures¹.

Before addressing those specifics, I must first address the statute of limitations that deals with these proceedings. Under 28 USC § 2462, cases must be "commenced" within 5 years of an alleged violation. In this instance, the case was commenced, with the issuance of the Notice, on June 17, 2002. Therefore, the only alleged violations that can be addressed as part of this action are those that occurred on or after June 17, 1997. Based on this date restriction, the only alleged violations that remain are:

Operations: H.C.G – Module 4 – exceeded biennial (Jan 98 – Nov 00)
B.Y – no modular training in 1998
P.M – all modules – exceeded biennial (Feb 96 – Nov 98)
J.S. – no modular training in 1998
L.B. – only received module 4 training in 2001
D.S. – no modular training in 2001
P.D. – no modular training in 2001

Maintenance: M.K – no modular training since assigned to maintenance in 1999
K.J. – no modular training since assigned to maintenance in 1999
J.C. – no modular training since assigned to maintenance in 1999
R.C. – no modular training in 2000
S.D. – no modular training in 2000
R.M. – no modular training in 1998 and 2000
C.D. – no modular training in 2001
A.D. – no modular training in 2001

After a thorough review of the evidence submitted, I find the following:

- (a) Maintenance Training (Maintenance Procedures) – Respondent has provided evidence that R.M., C.D. and A.D. were trained in accordance with the written training plan – both C.D. and A.D. fall into the probationary category, and R.M. was assigned to maintenance in 2001. As for the remaining personnel (M.K., K.J., J.C., R.C., and S.D.), Respondent has not provided evidence that they have completed the required maintenance modular training as indicated above.
- (b) Operations Training (Operating Procedures) – Respondent has provided evidence that the seven operations personnel have completed the required training, in the required time frame. Thus, Respondent was in compliance with 49.C.F.R. § 193.2713.

¹ The voluminous evidence submitted by Respondent appears more so to be directed at whether the personnel were qualified. That is not the issue in this case and my decision should not be read to imply that personnel were not qualified. The issue is whether they were trained in accordance with Respondent's training plan.

Therefore, based on the analysis above, I find Respondent to be in violation of 49 C.F.R. §193.2713 for failing to train several maintenance personnel in accordance with its written training plan. I also make no finding of violation with respect to the operations personnel.

Notice Item 3

Item 3 in the Notice alleged that Respondent had violated 49 C.F.R. § 193.2715 for failing to provide initial training for personnel responsible for security and subsequent continuing instruction at intervals of not more than two (2) years. Specifically, Respondent failed to provide initial training and continuing training to several contract security personnel.

In its Response-2, Respondent asserts that the regulations do not prescribe how many security personnel are appropriate, do not require facilities to hire professional security forces, and do not dictate when initial training must be completed or in what manner. (Response-2, p.49) Respondent also asserts that with respect to physical security, "nothing beyond fences, lights and warning signs are required." Respondent further asserts that the "extraordinary security measures" that it has "voluntarily implemented" are exemplary. (Response-2, p.49)

Respondent appears to be focusing on the quality of the training. While the quality of the training is important, it is not the issue. The regulation at issue – 49 C.F.R. § 193.2715 – states that "[p]ersonnel responsible for security . . . must be trained in accordance with a written plan . . ." 49 C.F.R. § 2715(a) The key words that Respondent is not focusing on is "in accordance with a written plan."

Respondent's security training plan is the Everett Marine Terminal Manual of Security Procedures. (Security Training Appendix, MSP) Respondent states with respect to the timing of security training that security personnel begin as probationary security officers with a probationary period that "can last up to six months." (Response-2, p.54, citing *Id.* at ¶ 3.5) A security officer is then assigned to "permanent" upon successful completion of the probationary period. *Id.* Therefore, by six months from the date of being hired, security personnel are either let go or become Permanent Security Officers.

Once a security officer becomes a Permanent Security Officer, that person has 90 days to satisfactorily complete the training as outlined in the manual. (*Id.*, citing Security Training Appendix, MSP at ¶ 4.2) Respondent then states that "the 90 day period may be extended to 180 days at the discretion of the supervisor, *see id.* at ¶ 4.4" thus giving up to 12 months from initial start date to complete the modular training outlined in the training manual. (*Id.*, citing *Id.* at ¶ 4.4)

I do not accept Respondent's assertions. The training plan, section 4 – Training Standards for Security Personnel – deals with security personnel who have reached Permanent status. (Security Training Appendix, MSP at ¶ 4) Once they reach permanent status, they are required to, within 90 days, satisfactorily complete the outlined training program. (*Id.* at ¶ 4.2) That training "will include, but is not limited to" modules SE-1 through SE-4. (Security Training Appendix, MSP at ¶ 4.2) Section 4.4 Qualification Requirements, states "All Officers are

subject to a ninety (90) day probationary period. Such period may be extended, at the discretion of the Security Site Supervisor, for a period not to exceed an additional ninety (90) days.” (Id. at ¶ 4.4) Thus, according to the training plan, the probationary period of 90 days is not the same as the 90 days to successfully complete the training. The probationary 90-day period is a mechanism to ensure that personnel are performing their duties or they will be removed. (See Id. at ¶ 4.4) Once past this period, they have 90 days to meet the training requirements. Therefore, Respondent’s personnel have up to nine (9) months from initial state date (6 months to become Permanent + 90 days to complete training) to successfully complete the modular training, not one year.

Based on the analysis above, a review of the training records spreadsheet provided by Respondent at the hearing (See Security Training Appendix Supplement, Reconciliation) shows that the following personnel were not trained in accordance with Respondent’s written plan:

Initials of Respondent’s Personnel	Start Date	End Date as of last documentation received	Date Should Have Completed Modular Training (Start Date + 9 months)	Date Completed Modular Training as of last documentation received
R.M.	May 1995	None	February 1996	December 2001
J.D.	July 1995	September 2001	April 1996	No record of training
M.B.	December 1997	November 1999	September 1998	No record of training
J.P.	December 1998	April 2000	September 1999	No record of training
T.D.	December 1998	January 2000	September 1999	No record of training
W.D.	June 1999	September 2001	March 2000	No record of training
P.L.	September 1999	January 2002	June 2000	December 2001
E.N.	November 1999	None	August 2000	December 2001
J.B.	February 2000	September 2002	November 2000	December 2001
A.S.	August 2000	None	May 2001	December 2001

Even if we were to go by Respondent’s timing of its security plan training and use one year from start-date, these personnel were still not trained within that time frame.

The statute of limitations does not come into play in this case for R.M. and J.D. because the violation continues until the training is completed. In this case, the required training was not completed until well after June 17, 1997.

Accordingly, I find that Respondent violated § 193.2715 by failing to provide training for ten (10) security personnel in accordance with its written plan.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

WITHDRAWAL OF ALLEGATION

The Notice alleged that Respondent had violated 49 C.F.R. § 193.2717 by failing to conduct fire training and fire drills. At the hearing, OPS recognized that this regulation incorporates fire protection standards under 49 CFR Part 193, Subpart I, which have been revoked. Based on this information, I am withdrawing this allegation of violation.

ASSESSMENT OF PENALTY

Under 49 U.S.C. § 60122, Respondent is subject to a civil penalty not to exceed \$100,000 per violation for each day of the violation up to a maximum of \$1,000,000 for any related series of violations.

49 U.S.C. § 60122 and 49 C.F.R. § 190.225 require that, in determining the amount of the civil penalty, I consider the following criteria: nature, circumstances, and gravity of the violation, degree of Respondent's culpability, history of Respondent's prior offenses, Respondent's ability to pay the penalty, good faith by Respondent in attempting to achieve compliance, the effect on Respondent's ability to continue in business, and such other matters as justice may require.

The Notice proposed a total civil penalty of \$ 220,000 for violation of §§ 193.2713, 193.2715 and 193.2717.

The Notice proposed in Item 2 a civil penalty of \$50,000 for violations of 49 C.F.R. § 193.2713 for not training Operations personnel in accordance with Respondent's written training plan. Based on the evidence provided at the hearing and the statute of limitations, there is no violation and thus no civil penalty will be assessed.

The Notice proposed in Item 2 a civil penalty of \$50,000 for violations of 49 C.F.R. § 193.2713 for not training Maintenance personnel in accordance with Respondent's written training plan. As mitigating factors, Respondent offered that the violations were minor and did not significantly increase the risk to the environment or public safety. (Response-2, p.68) Respondent also added that its personnel did receive extensive training that ensured that its personnel were knowledgeable. *Id.* at pp. 68 and 69. Therefore, Respondent requested that the civil penalty be "eliminated or at least vastly diminished" since OPS appeared to have based the civil penalty on the "gravity of offense." *Id.* at pp. 3 and 71.

The number of personnel that had not taken the required training within the regulatory time frame would justify the proposed civil penalty. The proposed civil penalty was based on 25 instances of non-compliance (missed training modules within the required time frames). However, I found only 5 instances of non-compliance. Therefore, I will reduce the civil penalty from \$50,000 to \$10,000.

The Notice proposed in Item 3 a civil penalty of \$100,000 for violations of 49 C.F.R. § 193.2715 for not training Security personnel in accordance with Respondent's written training plan. As mitigating factors, Respondent offered that its personnel did receive training that "meets or

exceeds the regulatory standards.” (Response-2, p.69) Respondent argued that OPS seemed to have based the amount of the civil penalty on the “gravity of offense” and, based on the evidence, the civil penalty should be “eliminated or at least vastly diminished.” Id. at pp. 3 and 71.

The proposed civil penalty reflected OPS’s concerns over the training of Respondent’s Security personnel. The proposed violation was based on 50 instances of alleged non-compliance (missed training within the required time frames). Based on the evidence presented by Respondent at the hearing, I found only 10 instances of non-compliance. Therefore, I will reduce the civil penalty from \$100,000 to \$20,000.

Respondent asserts various other mitigating factors that I did not find relevant for the following reasons:

1. The inspection was not reasonable in time and scope as required by 49 C.F.R. § 190.203(a).

Respondent asserts that the timing of the inspection was unreasonable because it was held “just two months after 9/11 and less than four weeks after the facility was back on line” when there was intense opposition from city government, a ban on LNG tankers from the Port of Boston and intense media scrutiny. (Response-2, pp.71 and 72) I do not find the timing to have prejudiced Respondent. Respondent was given the opportunity to present further evidence of its compliance at the hearing held in November 14, 2002 – over a year after 9/11. That evidence has been taken into account and this Order is a result.

Respondent also asserts that it did not receive fair notice about the scope of the inspection. (Response-2, p.72) Respondent states that it was “expecting a typical biennial review,” not the comprehensive inspection that it received. (Response-2, pp. 72 and 73). Respondent further states that it did not have the necessary advance notice that it needed to make the documents available, nor “the resources at the time to assist the inspector in interpreting and understanding the records.” (Response-2, p. 73)

I do not find the fact that Respondent was not aware of the scope of the inspection to have prejudiced it. As stated above, Respondent was given the opportunity to present further evidence of its compliance at the hearing held in November 14, 2002. That evidence has been taken into account and this Order is a result.

2. Distrigas’ culpability, if any, is inadvertence not intentional wrongdoing.

The regulations by which pipelines are held to, do not require culpability or intent. Pipelines are held to a strict liability standard. If OPS had any reason to believe that a violation was committed knowingly or intentionally, that operator would be subject to criminal penalties as indicated in 49 C.F.R. § 190.229.

3. Distrigas has an impeccable safety and security record. Respondent's safety record was acknowledged by OPS in the Notice. However, compliance with safety regulations in the past is not a reason to mitigate a civil penalty. Compliance is an operator's responsibility.
4. Distrigas' extraordinary efforts to ensure public safety after 9/11 demonstrate its good faith and justify a limited waiver of the standards allegedly violated.

All of the violations regarding security training occurred prior to 9/11. Therefore I see no reason to consider efforts taken after 9/11.

5. The proposed civil penalty contradicts the DOT's public testimony and offends traditional principles of justice and fair play.

The issues in the Notice concerned a failure to conduct training in accordance with your written plan. As discussed above, whether Respondent's personnel were qualified to do their jobs was not an issue of the Notice. OPS expressed its concern regarding the risk that the lack of training could have on safety. It did not state that the facility was not safe.

6. OPS failed to consider all of the relevant factors required by statute.

Respondent asserts that the "civil penalty issued under 49 U.S.C. § 60122 is not valid" unless OPS can demonstrate that it considered all of the penalty considerations. (Response-2, p.2) Respondent acknowledges that the "OPS Case File does contain some references to each of the four statutory factors" however, Respondent asserts that the "references do not demonstrate that OPS has met the statutory requirements." (Id. at p.3)

I do not accept Respondent's assertions. Section 60122 states "[i]n determining the amount of a civil penalty, under this section - - (1) the Secretary shall consider - -" (49 U.S.C. § 60122(b)(1)) It then lists the factors to consider. Id. The factors are listed in the OPS Case File Violation Report. (Violation Report, p. 11) OPS made a notation under each factor.

Under the Compliance History section, OPS wrote "NONE." Id. OPS found that there were no previous violations for Respondent. If there had been, the proposed civil penalty would likely have been increased if the previous violations had been similar to the ones in this case. Under the Gravity of Offense section, OPS wrote about the potential safety concern presented by the violations. Id. Gravity was reflected in the number of occurrences. I mitigated the civil penalty when, the number of occurrences were reduced. Degree of Culpability was addressed by OPS. It wrote that Respondent had capable in-house staff that could prevent these types of violations. Id. Having capable staff is expected of every Operator. With respect to both the Ability to Continue in Business and the Ability to Pay, OPS wrote "No Impact." Id. This reflects that OPS determined that if Respondent had to pay the \$220,000 proposed civil penalty, doing so would not affect Respondent's ability to run its business; and OPS determined that Respondent has the ability to pay the proposed

civil penalty. Lastly, under the Good Faith in Attempting to Achieve Compliance section, OPS acknowledged Respondent's good faith. Id. If OPS had concerns that Respondent did not want to comply, this might have been reflected in the proposed civil penalty. Therefore, based on the above, I find that the notations show that each factor was "considered."

Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a total civil penalty of \$30,000.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require this payment be made by wire transfer, through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-120), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125; (405) 954-8893.

Failure to pay the \$30,000 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a United States District Court.

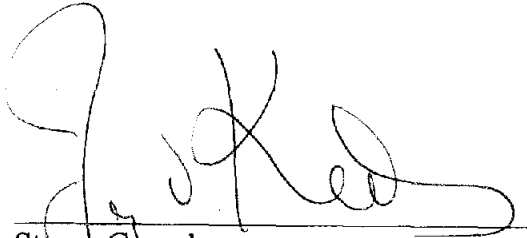
COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1, 2, 3 and 4 in the Notice for violations of 49 C.F.R. §§ 193.2635, 193.2713, 193.2715 and 193.2717. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of hazardous liquids 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 taken the following actions specified in the proposed compliance order:

1. With respect to Item 1, Respondent hired expert consultants to assist in conducting a thorough, comprehensive visual inspection of all appropriate system components that may be subject to atmospheric corrosion. This plan was reviewed by the OPS and found it to address the proposed compliance order.
2. With respect to Items 2 and 3, Respondent has assembled comprehensive training records and conducted a thorough review of present and historic training for all operations, maintenance and security personnel. The records were reviewed by the OPS and found to address the proposed compliance order.
3. With respect to Item 4, this allegation of violation was withdrawn.

Accordingly, since compliance has been achieved with respect to these violations, the compliance terms are not included in this Order.

Under 49 C.F.R. § 190.215, Respondent has a right to submit a 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. However if Respondent submits payment for the civil penalty, the Final Order becomes the final administrative decision and the right to petition for reconsideration is waived. The terms and conditions of this Final Order are effective on receipt.



for
Stacey Gerard
Associate Administrator
for Pipeline Safety

NOV - 2 2005

Date Issued