

June 15, 1995

Mr. Garry V. Laursen
General Manager, Engineering
Intermountain Gas Company
P. O. Box 7608
Boise, ID 83707

Dear Mr. Laursen:

This is in response to your June 15, 1995, petition to the Research and Special Programs Administration, Office of Pipeline Safety (OPS) for waiver from certain provisions of 49 CFR §193.2907(c)2. This rule requires operators to provide a protective enclosure at least seven feet in height, including approximately one foot of barbed or similar topping, for the entire perimeter of the LNG facility.

According to your petition, on February 7-8, 1995, representatives of OPS' Western Region Office conducted an onsite inspection of the facility and associated records of Nampa, Idaho. As a result of this inspection, Intermountain Gas Company (Intermountain) received a notice of Probable Violation and a Proposed Compliance Order on May 4, 1995.

Intermountain requests an exemption from section 193.2907(c)2, that would relieve the company from installing one foot of barbed wire atop the existing fence enclosure. In justification of the waiver, Intermountain states that:

1. the existing chain link fence has a total height of eight feet, which is the one foot more than required;
2. the fence is constructed with heavy, 6 gauge wire in lieu of the light, 11 gauge specified in the regulations;
3. the LNG plant is located on seven acres of land in a rural farming area, and is surrounded by 60 acres of Intermountain-owned property;
4. the LNG plant has never had a breach of security in the 20 years of operation;
5. the entire fenced perimeter is continually monitored by an electronic surveillance system, and;
6. the entire fenced perimeter has night security lighting.

Although your LNG plant meets nearly all the minimum requirements for security and protective enclosure construction, the requirement for one foot of barbed wire or similar fence topping is very important because it deters intruders from climbing over the fence and vandalizing the high-risk facility. OPS believes this requirement is simple to meet and universally followed by LNG plant operators.

Based on our review and evaluation of the information provided, OPS objects to the waiver. Please note that OPS does not grant waivers in order to provide an operator relief from an appropriate compliance action. Accordingly, the waiver is hereby denied.

Sincerely,

Richard B. Felder
Associate Administrator
for Pipeline Safety