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VIA E-MAIL AND UPS OVERNIGHT

November 11, 2015

Ms. Lori Hutwagner
Acting Director, Southern Region, OPS
Pipeline and Hazardous Materials Safety Administration
233 Peachtree Street NE, Suite 602
Atlanta, GA 30303

**Re: Request for Hearing, Request for Documents and Statement of Issues
Texas Gas Transmission, LLC, CPF No. 2-2015-1006M**

Dear Ms. Hutwagner:

As provided under 49 C.F.R. §§ 190.206(a) and 190.211, Texas Gas Transmission, LLC (“Texas Gas” or “Company”) respectfully submits the attached Request for Hearing, Request for Documents and Preliminary Statement of Issues in response to the Notice of Amendment (“NOA”) that OPS issued to Texas Gas, on October 13, 2015, in the above-referenced case. The NOA alleges certain inadequacies in Texas Gas’s procedures for Operator Qualification. Texas Gas respectfully contests the alleged inadequacies.

On October 13, 2015, Texas Gas also received a Notice of Probable Violation and Proposed Compliance Order (“Notice”), CPF No. 2-2015-1005, related the Operator Qualification regulations at 49 C.F.R. § 192.805. Texas Gas has requested a hearing on the Notice under separate cover.

Texas Gas takes pipeline safety and any allegation of procedural inadequacy by OPS seriously. However, the Company believes that the alleged procedural inadequacy in this case is not supported by the facts or the regulations.

Texas Gas looks forward to discussing and resolving OPS’s concerns at or before the hearing.

Request for Hearing, Request for Documents and
Preliminary Statement of Issues
CPF No. 2-2015-1006M
November 11, 2015

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,



James B. Curry
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Counsel for Texas Gas Transmission, L.L.C.

CC: Mr. Benjamin Fred, Esq., Presiding Official, Office of Chief Counsel, PHMSA
Mr. Larry White, Esq., Presiding Official, Office of Chief Counsel, PHMSA
Ms. Alisa Chunephisal, Esq., Senior Attorney, Counsel for the Southern Region, OPS
Mr. Michael E. McMahon, Esq., Senior Vice President and General Counsel, Boardwalk Pipeline
Mr. David Goodwin, P.E., Vice President, Technical Services, Boardwalk Pipeline
Mr. Jeff McMaine, P.E., Manager, Codes and Standards, Boardwalk Pipeline

Attachment: Request for Hearing, Request for Documents and Preliminary Statement of Issues

**PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
WASHINGTON, DC 20590**

In the matter of	§	
	§	
Texas Gas Transmission, L.L.C.,	§	CPF 2-2015-1006M
	§	
Respondent.	§	
	§	

**REQUEST FOR HEARING, REQUEST FOR DOCUMENTS
AND PRELIMINARY STATEMENT OF ISSUES
OF
TEXAS GAS TRANSMISSION, L.L.C.
IN RESPONSE TO
NOTICE OF AMENDMENT**

A. Request for Hearing

Pursuant to 49 C.F.R. §§ 190.206(a) and 190.211(b), Texas Gas Transmission, LLC (“Texas Gas”) respectfully requests an in-person hearing on the alleged procedural inadequacy contained in the Notice of Amendment (“NOA”) issued by OPS on October 13, 2015.

On October 13, 2015, Texas Gas also received a Notice of Probable Violation and Proposed Compliance Order (“Notice”), CPF No. 2-2015-1005, related to its Operator Qualification procedures. Texas Gas has sought an in-person hearing in that matter under separate cover, and requests that the hearings in these two cases be consolidated. Texas Gas will be represented by counsel at the hearing.

B. Request for Documents

Pursuant to 49 C.F.R. § 190.209(b), Texas Gas requests a copy of OPS’s case file in this matter, including any evidence or other documents supporting the alleged procedural inadequacy.

C. Preliminary Statement of Issues

Texas Gas respectfully contests the allegation of procedural inadequacy contained in the NOA.

Allegation of Procedural Inadequacy in Notice Item 1 – 49 C.F.R. § 192.805

Whether Texas Gas's written Operator Qualification procedure contains the procedural inadequacy alleged in the Notice.

- a. Whether OPS's allegation is supported by the record in this case, the text of the regulations, PHMSA guidance materials, prior enforcement orders, and industry consensus standards, such as ASME B31Q.
- b. Whether OPS's allegation reflects a new interpretation of the regulations that differs from prior agency interpretations but without any reasoned explanation.
- c. Whether a span of control of 1:3 for the external corrosion control tasks listed in the NOA is appropriate, practicable and reasonable.
- d. Whether a 1:1 span of control for the corrosion control tasks reflects a change in policy that would have implications across the pipeline industry.
- e. Whether OPS has met its burden of proof that a procedural inadequacy exists.

At the hearing in this case, Texas Gas intends to present evidence and engage with OPS in discussion on these issues. Texas Gas reserves the right to revise and supplement this Preliminary Statement of Issues at or before the hearing based on a review of any evidence Texas Gas obtains in the course of this proceeding. Texas Gas also reserves the right to respond to any assertions and arguments introduced by OPS during the proceedings in this case, and to supplement the record accordingly.

Respectfully submitted, November 11, 2015.



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