

**JUN 9 2011**

Mr. David Goodwin  
Vice President Compliance and Operations Services  
Texas Gas Transmission, LLC  
9 Greenway Plaza, Suite 2800  
Houston, TX 77046

Mr. Rolf A. Gafvert  
Chief Executive Officer, President and Director  
Boardwalk Pipeline Partners, LP  
9 Greenway Plaza, Suite 2800  
Houston, TX 77046

**Re: CPF No. 2-2011-1001**

Dear Mr. Goodwin and Mr. Gafvert:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and assesses a civil penalty of \$19,600. This is to acknowledge receipt of payment of the full penalty amount, by wire transfer, dated February 28, 2011. This enforcement action is now closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese  
Associate Administrator  
for Pipeline Safety

Enclosure

cc: Mr. Alan Mayberry, Deputy Associate Administrator for Field Operations, Pipeline Safety  
Mr. Wayne T. Lemoi, Director, Southern Region, PHMSA  
Mr. Walter Bennett, Senior Vice President Operations, Texas Gas Transmission, LLC  
Mr. Jack Adams, Director, DOT Compliance and Security, Texas Gas Transmission, LLC  
Mr. Jeffrey McMaine, Director, Pipeline Assessments, Texas Gas Transmission, LLC  
P.O Box 20008, 3800 Frederica Street, Owensboro, KY 42304-0008

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED [7005 1160 0001 0075 9350]**

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

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<b>In the Matter of</b>	)	
	)	
<b>Texas Gas Transmission, LLC,</b>	)	<b>CPF No. 2-2011-1001</b>
<b>a subsidiary of Boardwalk Pipeline</b>	)	
<b>Partners, LP,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**FINAL ORDER**

On October 5, 2009, through November 20, 2009, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of Texas Gas Transmission, LLC (Texas Gas or Respondent) in Kentucky and Mississippi. Texas Gas is a wholly-owned subsidiary of Boardwalk Pipeline Partners, LP, which operates a 6,110-mile natural gas pipeline system that spans from Gulf Coast and Fayetteville Shale supply areas to markets in the Midwest and Northeast via interconnections with third-party pipelines.<sup>1</sup>

As a result of the inspection, the Director, Southern Region, OPS (Director), issued to Respondent, by letter dated January 19, 2011, a Notice of Probable Violation and Proposed Civil Penalty (Notice).<sup>2</sup> In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Texas Gas had violated 49 C.F.R. §§ 192.709(c) and proposed assessing a civil penalty of \$19,600 for the alleged violations.

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<sup>1</sup> Texas Gas Transmission LLC website, <http://www.txgt.com>; *see also* Boardwalk Pipeline Partners LP website, <http://www.bwpmlp.com>.

<sup>2</sup> Boardwalk Pipeline Partners LP is a master limited partnership engaged through its subsidiaries, Gulf South Pipeline Company LP, Texas Gas Transmission LLC, and Gulf Crossing Pipeline Company LLC, in the interstate transportation and storage of natural gas. *See* Boardwalk Pipeline Partners, LP website, <http://www.bwpmlp.com>. While the Violation Report was addressed to ‘Texas Gas Transmission LLC c/o Boardwalk Pipeline Partners LP,’ the Notice was incorrectly addressed to one of the other wholly-owned subsidiaries of Boardwalk Pipeline Partners, LP, ‘Gulf South Pipeline Co. LP.’ The named individual on the Notice, Mr. David Goodwin, Vice President Compliance and Operations Services, responded on behalf of Texas Gas Transmission LLC. In this Final Order, we have corrected the legal entity name to Texas Gas Transmission LLC, and included the parent entity, Boardwalk Pipeline Partners LP, for clarification and consistency.

Texas Gas responded to the Notice by letter dated February 25, 2011 (Response). The company did not contest the allegations of violation and paid the proposed civil penalty of \$19,600, as provided in 49 C.F.R. § 190.227. Payment of the penalty serves to close the case with prejudice to Respondent.

### **FINDINGS OF VIOLATION**

In its Response, Texas Gas did not contest the allegations in the Notice that it violated 49 C.F.R. Part 192, as follows:

**Item 1:** The Notice alleged that Respondent violated 49 C.F.R. § 192.709(c), which states:

**§ 192.709 Transmission lines: Record keeping.**

(a) . . . .

(c) A record of each patrol, survey, inspection, and test required by subparts L and M of this part must be retained for at least 5 years or until the next patrol, survey, inspection, or test is completed, whichever is longer.

The Notice alleged that Respondent violated 49 C.F.R. § 192.709(c) by failing to maintain records of the relief valve capacity determinations required by subparts L and M of Part 192 for at least 5 years or until the next capacity determination is completed, whichever is longer. Specifically, the Notice alleged that Texas Gas failed to maintain the records for its relief valve capacity determinations for the West Greenville District for the 2008 calendar year.

Section 192.743 requires that the capacity of relief devices be determined at intervals not exceeding 15 months, but at least once each calendar year. That determination must be made by either testing the devices in place, or by review and calculations. Section 192.709(c) further requires that these records of these tests be retained for at least 5 years or until the next patrol, survey, inspection, or test is completed, whichever is longer.

Texas Gas makes and keeps a record of its regulator valve, monitor, and relief valve inspections, including capacity reviews, on a *Regulatory Inventory Inspection Records with Capacity Review* sheet in its *Condensed Inventory Report*. The *Condensed Inventory Report* reviewed by PHMSA during the inspection contained relief valve capacity determination reviews for the 2006 and 2007 calendar years, as well as multiple capacity determination reviews for the 2009 calendar year. The *Condensed Inventory Report*, however, did not contain capacity determination reviews for a number of relief valves in its West Greenville District for the 2008 calendar year.<sup>3</sup>

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.709(c) by failing to maintain records of relief valve capacity determinations required by subparts L and M of Part 192 for at least 5 years or until the next capacity determination is completed, whichever is longer.

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<sup>3</sup> Pipeline Safety Violation Report, at 2.

**Item 2:** The Notice alleged that Respondent violated 49 C.F.R. § 192.709(c), which states:

**§ 192.709 Transmission lines: Record keeping.**

(a) . . . .

(c) A record of each patrol, survey, inspection, and test required by subparts L and M of this part must be retained for at least 5 years or until the next patrol, survey, inspection, or test is completed, whichever is longer.

The Notice alleged that Respondent violated 49 C.F.R. § 192.709(c) by failing to maintain records of each inspection required by subparts L and M of this part for at least 5 years or until the inspection is completed, whichever is longer. Specifically, the Notice alleged that Texas Gas did not have mainline valve inspection records for the 2008 calendar year.

Section 192.745 requires that “[e]ach transmission line valve that might be required during any emergency . . . be inspected and partially operated at intervals not exceeding 15 months, but at least once each calendar year.” Section 192.709(c) further requires that records of these inspections be retained for at least 5 years or until the next inspection is completed, whichever is longer.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.709(c) by failing to maintain records of each mainline valve inspection required by subparts L and M of Part 192 for at least 5 years or until the next inspection is completed, whichever is longer.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

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Jeffrey D. Wiese  
Associate Administrator  
for Pipeline Safety

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Date Issued