

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED COMPLIANCE ORDER**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

May 26, 2021

Mr. Kenneth Grubb  
Chief Operating Officer  
Tennessee Gas Pipeline Company  
1001 Louisiana Street, Suite 1000  
Houston, TX 77002

**CPF 2-2021-002-NOPV**

Dear Mr. Grubb

From April 27, 2020 through May 1, 2020, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) inspected Tennessee Gas Pipeline Company's (TGP) Control Room Management Program and records in Houston, Texas, pursuant to Chapter 601 of 49 United States Code.

As a result of the inspection, it is alleged that you have committed probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violation is:

1. **§ 192.631 - Control room management.**

(a) ...

**(d) *Fatigue mitigation.* Each operator must implement the following methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the roles and responsibilities the operator has defined:**

**(1) Establish shift lengths and schedule rotations that provide controllers off-duty time sufficient to achieve eight hours of continuous sleep;**

TGP failed to comply with the regulations because it did not take measures to ensure that it established shift lengths and schedule rotations that provide controllers off-duty time sufficient to achieve eight hour of continuous sleep.

During PHMSA's inspection, TGP personnel stated the average commute time from the controller's residence to and from the control room is only checked at the time of controller(s) hiring, and the commute time is not checked or reconfirmed subsequent to the initial hiring.

By establishing shift lengths and schedule rotations without verification of each controller's current or up-to-date commute time, TGP has no assurance that the shift lengths or schedule rotations assigned to its controllers provide adequate off-duty time to achieve eight hours of continuous sleep.

#### Proposed Compliance Order

With respect to Item 1 pursuant to 49 U.S.C. §60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Tennessee Gas Pipeline Company. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

#### Response to this Notice

Enclosed as part of this Notice is a document entitled Response Options for Pipeline Operators in Compliance Proceedings. Please refer to this document and note the response options. All material you submit in response to this enforcement action may be made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Following the receipt of this Notice, you have 30 days to submit written comments, or request a hearing under 49 CFR §190.211. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. This period may be extended by written request for good cause.

In your correspondence on this matter, please refer to **CPF 2-2021-002-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

James A. Urisko  
Director, Office of Pipeline Safety  
PHMSA Southern Region

Enclosures:

*Proposed Compliance Order*

*Response Options for Pipeline Operators in Enforcement Proceedings*

## PROPOSED COMPLIANCE ORDER

Pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Tennessee Gas Pipeline Company (TGP) a Compliance Order incorporating the following remedial requirements to ensure the compliance of TGP with the pipeline safety regulations:

- A. In regard to Item Number 1 of the Notice pertaining to TGP's failure to implement methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the defined roles and responsibilities, TGP must:
  - 1. Review its Control Room Management procedures to identify which procedures affect establishment of controller shift lengths and schedule rotations;
  - 2. Determine current typical commute times for TGP's controllers;
  - 3. Amend all procedures identified as a result of the review required by Item A.1 above to require the periodic review of the commute times of its controllers, and to factor in the commute times of its controllers in establishing shift length and schedule rotations, to ensure the controllers are provided off-duty time sufficient to achieve eight hours of continuous sleep; and
  - 4. If per A.2 above extended commute times are identified which do not provide a controller or controller(s) sufficient off-duty time to achieve eight hours of continuous sleep with the current shift length/rotation, TGP must reestablish the shift lengths and schedule rotations for the affected controller(s) to ensure the affected controllers are provided sufficient off-duty time to achieve eight hours of continuous sleep.
- B. In regard to Item Number 1 of the Notice, TGP must submit to Director, Office of Pipeline Safety, PHMSA Southern Region (Director), commute times determined under Item A.2 of the Compliance Order, procedures amended under Item A.3 of the Compliance Order, and documentation demonstrating, if required, shift length/rotations adjusted under Item A.4 of the Compliance Order within **90** days of receipt of the Final Order.
- C. It is requested (not mandated) that TGP maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Director, PHMSA Southern Region. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.