



U.S. Department
Of Transportation
**Pipeline and
Hazardous Materials
Safety Administration**

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.989.2171

NOTICE OF AMENDMENT

UPS OVERNIGHT DELIVERY

May 5, 2011

Jeffrey Barger, Senior V.P.
Dominion Transmission, Inc.
445 West Main St.
Clarksburg, WV 26301

CPF 1-2011-3002M

Dear Mr. Barger:

During the week of November 15, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Dominion Cove Point LNG, L.P.'s (DCPLNG), procedures pertaining to Personnel Qualifications and Training at the DCPLNG Plant in Lusby, Maryland.

On the basis of the inspection, PHMSA has identified the apparent inadequacy found within DCPLNG's plans or procedures, as described below:

1. 193.2711 Personnel health.

Each operator shall follow a written plan to verify that personnel assigned operating, maintenance, security, or fire protection duties at the LNG plant do not have any physical condition that would impair performance of their assigned duties. The plan must be designed to detect both readily observable disorders, such as physical handicaps or injury, and conditions requiring professional examination for discovery.

DCPLNG follows Written Plan Section 110, SOP 01, LNG Personal Physicals, to verify the fitness of personnel assigned to operating maintenance, security and fire protection duties at the Cove Point LNG Plant. This written plan employs the USDOT Medical Examination Report for Commercial Driver Fitness Determination (CDL Form) as the threshold level below which individuals would be excluded from applicable LNG plant assignments. Although the CDL Form is applicable to commercial motor vehicle drivers, there are duties in an LNG plant which may differ from those duties incumbent upon a motor vehicle operator. The physical examination must establish linkage to the specific job descriptions of personnel performing the above plant duties to determine observable disorders or those requiring professional examination for discovery.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. 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. Be advised that all material you submit in response to this enforcement action is subject to being 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). 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, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within thirty (30) days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that DCPLNG maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Byron Coy, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, 820 Bear Tavern Rd, Suite 103, W. Trenton, NJ, 08628. In correspondence concerning this matter, please refer to **CPF 1-2011-3002M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Byron Coy, PE
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*