



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

OVERNIGHT EXPRESS DELIVERY

May 30, 2013

John Pustulka
President
National Fuel Gas Supply Corporation
6363 Main Street
Williamsville, NY 14221

CPF 1-2013-1008M

Dear Mr. Pustulka:

From June 25 to 29, 2012, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected National Fuel Gas Supply Corporation's (National Fuel) procedures for Control Room Management in Buffalo, New York.¹

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

1. §192.631 Control room management.

(a) General.

(1) This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section, except that for each control room where an operator's activities are limited to either or both of:

¹ The deadlines for pipeline operators to implement certain control room management procedures are prescribed in §192.631(a)(2). At the time of this inspection, pipeline operators had to have implemented most procedures. Implementation of all related requirements was due no later than August 1, 2012.

National Fuel's written control room management procedures, *Control Room Management Plan* dated 7/29/2011, were inadequate because it did not have the requirement to test and verify the internal communication plan at least once each calendar year, but at intervals not to exceed 15 months, as prescribed in §192.631(c)(3).

2. §192.631 Control room management.

(a) General.

(1) This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section, except that for each control room where an operator's activities are limited to either or both of:

National Fuel's written control room management procedures, *Control Room Management Plan* dated 7/29/2011, were inadequate because it did not have the "status of scheduled and unscheduled maintenance activities" as part of the content of information to be exchanged when a different controller assumes responsibility, as prescribed in §192.631(c)(5).

3. §192.631 Control room management.

(a) General.

(1) This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section, except that for each control room where an operator's activities are limited to either or both of:

National Fuel's written control room management procedures, *Control Room Management Plan* dated 7/29/2011, were inadequate because there was a discrepancy between Section 6.1 and Appendix 17. The said procedures state different intervals for educating/training controllers and supervisors in accordance with §192.631(d)(2) and (d)(3). *Control Room Management Plan, Section 6.1*, states that "Controllers and Gas System Supervisors will be educated on fatigue mitigation strategies and recognition of the effects of fatigue once each calendar year. . . (see appendix 17)." (emphasis added) Yet, *Control Room Management Plan, Appendix 17* states that the "Annual Fatigue Training [is] (once per year not to exceed 15 months)." (emphasis added)

4. §192.631 Control room management.

(a) General.

(1) This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section, except that for each control room where an operator's activities are limited to either or both of:

National Fuel's written control room management procedures, *Control Room Management Plan* dated 7/29/2011, were inadequate because it did not specify that the documentation to demonstrate that any deviation from the procedure required by this section was necessary for the safe operation of the pipeline facility, as prescribed in §192.631(j)(2).

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 **45** 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 National Fuel maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to, as well as any correspondence relating to this Notice to: Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF 1-2013-1008M** on each document you submit, and please provide a (signed) copy in electronic format whenever possible. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original (signed) paper copy to the Eastern Region Office.

Sincerely,

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

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