



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

July 8, 2015

J. Andrew Drake
Vice President, Operations & EHS
Texas Eastern Transmission, LP (Spectra Energy Corp)
5400 Westheimer Court
Houston, TX 77056-5310

CPF 1-2015-1015M

Dear Mr. Drake:

On May 22 and 23, 2014, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code conducted an investigation into an incident that occurred on the Texas Eastern Transmission, LP (Spectra Energy Corp) (hereafter referred to as Spectra Energy) 30-inch diameter natural gas transmission pipeline known as Line 10. The incident occurred near Carmichael, Pennsylvania, on May 16, 2014 at 11:15 a.m., and it resulted in property damage of 186,437 dollars.

On the basis of the investigation, PHMSA has identified the apparent inadequacy found within Spectra Energy plans or procedures, as described below:

1. §199.202 Alcohol misuse plan.

Each operator must maintain and follow a written alcohol misuse plan that conforms to the requirements of this part and DOT Procedures concerning alcohol testing programs. The plan shall contain methods and procedures for compliance with all the requirements of this subpart, including required testing, recordkeeping, reporting, education and training elements.

Spectra Energy's written alcohol misuse plan, *Section VI. Alcohol Misuse Prevention Program*, was inadequate because it did not address all the requirements in §199.225(a)(2)(i)¹, as prescribed in §199.202. Specifically, *Section VI. Alcohol Misuse Prevention Program* did not contain the requirement to prepare and maintain a record that states the reasons why a post-accident alcohol test was not administered within 8 hours following an accident². Consequently, *Section VI. Alcohol*

¹ According to §199.225(a)(2)(i), an operator shall prepare and maintain on file a record stating the reasons the post-accident alcohol test was not promptly administered within two hours following the accident (§ 195.50) or incident (§ 191.3). If a post-accident alcohol test is not administered within eight hours following the accident (§ 195.50) or incident (§ 191.3), the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Misuse Prevention Program did not have guidelines on who must prepare this record and within what time frame must this record be prepared. Also, *Section VI. Alcohol Misuse Prevention Program* did not reference a form where the reasons must be recorded.

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 **60 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 Spectra Energy 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, PE, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 1-2015-1015M** 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*

² As defined in §199.3, an accident means an incident reportable under Part 191 of this chapter involving gas pipeline facilities or LNG facilities, or an accident reportable under Part 195 of this chapter involving hazardous liquid pipeline facilities.