



March 20, 2009

**Re: Request for Hearing and  
Notice of Probable Violation and Proposed Civil Penalty and Proposed  
Compliance Order, CPF No. 2-2009-1001**

Linda Daugherty  
Director, Southern Region  
DOT/PHMSA – Office of Pipeline Safety  
233 Peachtree Street, Ste. 600  
Atlanta, GA 30303

Dear Ms. Daugherty

As provided under 49 C.F.R. §§ 190.209, 190.211, and 190.237, Gulf South Pipeline Company, LP (“Gulf South”) submits a Request for Hearing Notice of Probable Violation and Proposed Civil Penalty and Proposed Compliance Order (CPF No. 2-2009-1001 concerning incident NRC#879372) (“NOPV”) issued by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) on January 15, 2009 which was received by Gulf South on January 21, 2009.

Under §§ 190.209 and 192.237, a pipeline operator must respond to a notice of a probable violation within 30 days of receipt. PHMSA’s NOPV is dated January 15, 2009 and was received by Gulf South on January 21, 2009. Gulf South requested on February 10, 2009 and was granted an extension of the response deadline to March 22, 2009. Therefore, Gulf South’s request for hearing is submitted before expiration of the extension.

Gulf South is not contesting the NOPV’s alleged probable violation of PHMSA’s pipeline safety regulations and, therefore, is not part of the hearing request. However, Gulf South has responded to the NOPV’s alleged probable violation in the following manner:

1. Revised as necessary the Company “Construction and Design Manual” design and construction of vent gas piping in compressor, measurement, and pipeline facilities as applicable.
2. Edited existing procedures as applicable for electrical repairs or maintenance in hazardous electrical areas to include testing of atmosphere and interruption of power source prior to entry into electrical distributions panels, junction boxes, etc.

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**Gulf South Pipeline Company, LP**

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3. Trained all field personnel on high impact changes to lock out-tag out procedures for outside electrical hazardous areas.
4. Specified equipment and procedures for testing areas with potentially hazardous atmospheres.
5. Developed a Critical Human Action Profile (CHAP) to prevent reoccurrence of event.
6. Analyzed and developed standards, procedures, and administrative controls for accountability.

Gulf South will measure effectiveness of these actions through internal assessments and evaluations of standards, procedures, and administrative controls.

### **Request for Hearing**

Pursuant to §§ 190.209 (a) and (b) and 190.237, Gulf South requests a hearing of the NOPV's proposed civil penalties and proposed compliance order. Gulf South will be represented by counsel at the hearing and a phone conference hearing is acceptable if permitted by the applicable regulations. Gulf South intends to raise the following issues at the hearing:

1. Whether the proposed \$100,000 civil penalty is justified.
2. Request clarification of the requirements of the proposed compliance order.

Gulf South looks forward to addressing PHMSA concerns at the hearing.

Respectfully submitted,



David Goodwin  
Vice President, Compliance and Operations Services  
Boardwalk Pipeline Partners, LP