

## NOTICE OF PROBABLE VIOLATION

and

## PROPOSED CIVIL PENALTY

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 31, 2011

Mr. William G. Cope  
Vice President, Eastern Operations  
Tennessee Gas Pipeline  
569 Brookwood Village, Ste 501  
Birmingham, Alabama 35209

**CPF 2-2011-1005**

Dear Mr. Cope:

On October 4 through December 10, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected the natural gas transmission pipeline facilities and records of Tennessee Gas Pipeline (TGP) in Alabama, Mississippi, Tennessee, and Kentucky.

As a result of the inspection, it appears that TGP has committed a probable violation of the Pipeline Safety Regulations in Title 49 of the Code of Federal Regulations. The item inspected and the probable violation is:

1. **§192.605 Procedural manual for operations, maintenance, and emergencies.**
  - (a) **General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.**

TGP did not follow its manual of written operations and maintenance procedures with regards to securing Main Line Valve (MLV) 535-2 to prevent unauthorized operation.

During the field inspection, the PHMSA inspector observed, and took a photograph of, the valve hand-wheel lying up against the valve body. The hand-wheel was not chained, locked, or in any other way protected from unauthorized use.

TGP's Operating and Maintenance Procedures, Section 305 – Valve Maintenance (Revision Date 12/12/2009) pertains to “*transmission valves that might be required in an emergency*” including “*mainline block valves.*” MLV 535-2 is a mainline block valve. TGP's Operating and Maintenance Procedures, Section 305, Procedure 4.e. Security, required MLV 535-2 to “*have a locking device to prevent unauthorized operation, or be disabled (i.e. have the valves in a condition that would provide security equivalent to, or better than, a lock on the valve or valve operator), or be within a secured area.*” The unattended hand-wheel for MLV 535-2 was lying up against the valve body. It did not have a locking device to prevent unauthorized operation, it was not disabled, and it was not within a secured area as required by TGP's written procedures.

Proposed Civil Penalty

Under 49 United States Code, §60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation and has recommended that you be preliminarily assessed a civil penalty of \$25,000 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$25,000

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. 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.

In your correspondence on this matter, please refer to **CPF 2-2011-1005** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Wayne T. Lemoi  
Director, Office of Pipeline Safety  
PHMSA Southern Region

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